

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

VICTIMS AND PRISONERS BILL

First Sitting

Tuesday 20 June 2023

(Morning)

CONTENTS

Programme motion agreed to.
Written evidence (Reporting to the House) motion agreed to.
Motion to sit in private agreed to.
Examination of witnesses.
Adjourned till this day at Two o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Saturday 24 June 2023

© Parliamentary Copyright House of Commons 2023

This publication may be reproduced under the terms of the Open Parliament licence, which is published at www.parliament.uk/site-information/copyright/.

The Committee consisted of the following Members:

Chairs: † JULIE ELLIOTT, STEWART HOSIE, SIR EDWARD LEIGH, MRS SHERYLL MURRAY

Antoniazzi, Tonia (<i>Gower</i>) (Lab)	† Jones, Fay (<i>Brecon and Radnorshire</i>) (Con)
† Argar, Edward (<i>Minister of State, Ministry of Justice</i>)	Logan, Mark (<i>Bolton North East</i>) (Con)
† Baillie, Siobhan (<i>Stroud</i>) (Con)	† McMorris, Anna (<i>Cardiff North</i>) (Lab)
† Bell, Aaron (<i>Newcastle-under-Lyme</i>) (Con)	† Nici, Lia (<i>Great Grimsby</i>) (Con)
† Butler, Rob (<i>Aylesbury</i>) (Con)	† Phillips, Jess (<i>Birmingham, Yardley</i>) (Lab)
† Champion, Sarah (<i>Rotherham</i>) (Lab)	† Reeves, Ellie (<i>Lewisham West and Penge</i>) (Lab)
† Colburn, Elliot (<i>Carshalton and Wallington</i>) (Con)	† Throup, Maggie (<i>Erewash</i>) (Con)
† Daby, Janet (<i>Lewisham East</i>) (Lab)	Anne-Marie Griffiths, Bethan Harding, <i>Committee Clerks</i>
† Eagle, Maria (<i>Garston and Halewood</i>) (Lab)	
† Heald, Sir Oliver (<i>North East Hertfordshire</i>) (Con)	† attended the Committee

Witnesses

Nicole Jacobs, Domestic Abuse Commissioner

Jayne Butler, CEO, Rape Crisis England and Wales

Dr Hannana Siddiqui, Head of Policy and Research, Southall Black Sisters

Ellen Miller, Interim CEO, SafeLives

Dame Rachel de Souza, Children's Commissioner

Dame Vera Baird KC, Former Victims' Commissioner for England and Wales

Claire Waxman, Victims' Commissioner for London

Public Bill Committee

Tuesday 20 June 2023

(Morning)

[JULIE ELLIOTT *in the Chair*]

Victims and Prisoners Bill

9.25 am

The Chair: We are now sitting in public and the proceedings are being broadcast. Before we begin, I have a few preliminary announcements. First, it is very warm, even after the thunderstorm, so if people want to remove their jackets or cardigans, that is fine. *Hansard* colleagues would be grateful if Members could email their speaking notes to hansardnotes@parliament.uk. Please switch electronic devices to silent.

We will first consider the programme motion on the amendment paper. We will then consider a motion to enable the reporting of written evidence for publication and a motion to allow us to deliberate in private about questions before the oral evidence session. In view of the time available, I hope we can get through these matters quickly, as I am sure we will.

Ordered,

That—

1. the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 20 June) meet—
 - (a) at 2.00 pm on Tuesday 20 June;
 - (b) at 11.30 am and 2.00 pm on Thursday 22 June;
 - (c) at 9.25 am and 2.00 pm on Tuesday 27 June;
 - (d) at 11.30 am and 2.00 pm on Thursday 29 June;
 - (e) at 9.25 am and 2.00 pm on Tuesday 4 July;
 - (f) at 11.30 am and 2.00 pm on Thursday 6 July;
 - (g) at 9.25 am and 2.00 pm on Tuesday 11 July;
 - (h) at 11.30 am and 2.00 pm on Thursday 13 July.
2. the Committee shall hear oral evidence in accordance with the following Table:

Date	Time	Witness
Tuesday 20 June	Until no later than 9.55 am	Domestic Abuse Commissioner
Tuesday 20 June	Until no later than 10.40 am	Rape Crisis England & Wales; Southall Black Sisters; SafeLives
Tuesday 20 June	Until no later than 10.55 am	Children's Commissioner for England
Tuesday 20 June	Until no later than 11.25 am	Dame Vera Baird DBE KC; Victims' Commissioner for London
Tuesday 20 June	Until no later than 2.45 pm	Nottinghamshire Police and Crime Commissioner; Association of Police and Crime Commissioners; National Police Chiefs' Council
Tuesday 20 June	Until no later than 3.00 pm	Parole Board
Tuesday 20 June	Until no later than 3.30 pm	Crown Prosecution Service

Date	Time	Witness
Tuesday 20 June	Until no later than 4.00 pm	Local Government Association; NHS England
Tuesday 20 June	Until no later than 4.45 pm	National Association for People Abused in Childhood; Victim Support; We Are Survivors
Thursday 22 June	Until no later than 12.00 noon	The Right Reverend James Jones KBE; Ken Sutton
Thursday 22 June	Until no later than 12.15 pm	Lord Wills
Thursday 22 June	Until no later than 12.45 pm	Nick Hurd; Tim Suter
Thursday 22 June	Until no later than 1.00 pm	Refuge
Thursday 22 June	Until no later than 2.30 pm	Jenni Hicks
Thursday 22 June	Until no later than 2.45 pm	Dr Stuart Murray; Grenfell Next of Kin
Thursday 22 June	Until no later than 3.15 pm	Sophie Cartwright KC

3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 11; Clauses 16 to 21; Clauses 12 to 15; Clauses 22 to 33; Schedule; Clauses 34 to 55; new Clauses; new Schedules; remaining proceedings on the Bill.

4. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 13 July.

The Chair: The Committee will therefore proceed to line-by-line consideration of the Bill on Tuesday 27 June at 9.25 am.

Resolved,

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.—(*Edward Argar.*)

The Chair: Copies of written evidence that the Committee receives will be made available in the Committee Room and will be circulated to Members by email.

Resolved,

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.—(*Edward Argar.*)

The Chair: We will now go into private session for a few moments to discuss lines of questioning.

9.27 am

The Committee deliberated in private.

Examination of Witness

Nicole Jacobs gave evidence.

9.29 am

The Chair: We are now sitting in public again and the proceedings are being broadcast. Before we hear from the witness, do any Members wish to make declarations of interests in connection with the Bill?

Elliot Colburn (Carshalton and Wallington) (Con): I am chair of the all-party parliamentary group on restorative justice.

Rob Butler (Aylesbury) (Con): I would like to declare, in the interests of full transparency, that prior to my election I was a non-executive director of what was then Her Majesty's Prison and Probation Service and a member of the Sentencing Council. I was also a magistrate for 12 years and previously a member of the independent monitoring board of HMP Young Offenders' Institution Feltham. I hope that covers the full gambit.

Jess Phillips (Birmingham, Yardley) (Lab): In that case, I should probably declare that I have run sexual violence services, domestic abuse services, female offender services, human trafficking services and sexual exploitation services, as well as being the chair of the all-party parliamentary group on children at the centre of the family court and the vice chair of the all-party parliamentary group on domestic abuse. I think that is it.

The Chair: Thank you. I am happy to take declarations throughout proceedings if any Member thinks there is something they need to declare as we go through.

I welcome our first witness this morning, Nicole Jacobs, the Domestic Abuse Commissioner. We will now hear her oral evidence.

Before calling the first Member to ask a question, I remind all Members that questions should be limited to matters within the scope of the Bill and that we stick to the timings in the programme motion that the Committee has agreed. For this session, we have until 9.55 am. Could I ask Nicole Jacobs to introduce herself for the record, please?

Nicole Jacobs: Good morning, everyone. I am Nicole Jacobs. I am the Domestic Abuse Commissioner for England and Wales.

The Chair: Thank you. Jess Phillips will ask the first question.

Q1 Jess Phillips: Hello, Nicole. Thank you for coming in. First and foremost, can we have your overall feeling about the Bill? What is your overall assessment of the Bill and how it will or will not move things forward for victims?

Nicole Jacobs: Thanks for having me today. In general, I have huge hopes for this Bill. If amended and changed, which I am sure we will talk about, it could really produce momentous change for victims of domestic abuse. I am here to talk about victims of domestic abuse. You obviously have a wider scope of victims to consider, but victims of domestic abuse are highly prevalent; in my mind, that also includes and has a very strong link to so-called honour-based abuse, forced abuse, sexual violence, stalking and harassment, because, for the vast majority of people in those categories, you would find that their perpetrator is either a current or former partner.

It is hugely important to think about, in each and every part of the Bill, where we could improve and how we could go further to make it more meaningful on the ground. That is my interest. As things stand now, my

topline view is that there is a lot to work with here, particularly regarding the duty to collaborate. That has huge potential to transform services on the ground, if the provisions are implemented correctly, which is what we need to spend some time talking about.

Q2 Jess Phillips: How do you feel that the duty to collaborate in the Bill could be strengthened? You have said that it is a good base to start on. How do you feel that we could strengthen it as the Bill goes forward?

Nicole Jacobs: First, I hope you will consider the mapping report that my office produced; I will tell you a little about it. When I became commissioner, that was one of the responsibilities of my role, and last year we produced a mapping report of services for England and Wales. That is a very important document, partly because we have not had one before. It brought together information from commissioners, from domestic abuse services on the ground, and, really importantly, from thousands of victims who fed back about their experiences of seeking services in the last three years—on what they wanted, what they got, and what is actually out there. We have not had that information at our disposal before. We have a sense of what is out there and we have other types of reports, but this is pretty comprehensive.

The report showed how huge the gaps are. Part 4 of the Domestic Abuse Act 2021 brought us the accommodation-based duty, which of course was a huge step forward, but we have to appreciate that 70% of victims go to community-based services, which is what you are looking at in this duty to collaborate and how it is funded. We know that the vast majority of victims—over half—were not able to find services that they wanted or needed in that category. There are higher rates when it comes to services for children, and lots of variability regionally in services for children and domestic abuse. We are looking at huge gaps in mental health counselling and therapeutic support, and in services for perpetrators to change.

The stark reality that I want to get across to you—although you will know this, because you have constituents—is that there are huge gaps. We have come a long way in our thinking and our legislation about domestic abuse, but the services are not sustainably funded. That is simply the reality. I ran services myself, before I was in this role. To give you a sense of things, the charity I ran had about 34 different funding streams, which were always cutting off, with cliff edges at various points. It was a struggle to make ends meet and to keep services continuing. That is what the services are doing. They are not sitting in core budgets. Money is coming to them—and the good news is that, in particular in the past few years, we have had great money through the Ministry of Justice and other sources—but it comes to the local area in a not very coherent way for the services to plan and think about filling the gaps.

The duty to collaborate, therefore, is potentially truly transformational, but to be so it is not as simple as saying, “You must collaborate”, which is how I read some of the Bill as it stands. Services will have to plan for collaboration and bring partners together, while sometimes the geographical mix does not fit exactly and certainly the timescales do not fit. There has to be a joint strategic needs assessment, which sounds administrative, but it is the only way to make the best of such duties. That takes some time. Under part 4 of the

Domestic Abuse Act, money was set aside for the needs assessment of housing and accommodation-based planning, and we have seen that in other types of things, like our serious violence duty. A very practical way to make sure that the duty is implemented well is to have the joint strategic needs assessment.

Also, very importantly, when partners get together and look around the table, cobbling everything together and getting everything in line as perfectly as they can, inevitably they will find that they do not have funding for certain things that we would all agree that we need—services for children particularly, or for domestic abuse. They will then need some kind of mechanism to feed back to us here and to decision makers in Government to say, “We have this gap. How is it going to be filled?” There has to be some kind of responsibility back and forth. That is the only way we will move in any kind of meaningful way to fill the gaps.

Q3 Jess Phillips: Would you say that the Bill needs to be amended to be specific about strategic needs assessments in the case of the duty to collaborate?

Nicole Jacobs: Absolutely, and there needs to be some kind of language that creates a responsibility for when the gap remains and how it is dealt with at the national level.

One other quick thing to point out from the mapping is the need for “by and for” services. What I mean by that is services that are very specific to particular groups: deaf and disabled survivors; black and minoritised survivors; LGBTQ+ survivors. What we found in our mapping is good news—that they are, by any measure, the most effective services for victims. We can see that because in our survey we could compare people who got to those services and how they felt with people who did not. That is very unusual, because usually we hear from reports and surveys of all people who made it to a service; it is great to hear about that effect, but in this mapping we could compare the two groups, so we can see how effective the services are.

We can also imagine how those services could be not effectively funded at the local level, because their geographic footprint might be a little larger, so the planning needs to be more regional or national. Another thing that has to be recognised at this stage is that there is a need for a “by and for” pot, which would help to supplement what is then implemented locally.

Q4 Jess Phillips: I have three more quick points. Do you feel that the Bill in any way protects victims outside our criminal justice system—in some of the instances you just mentioned, for example? This is a justice Bill. What about in the family courts?

Nicole Jacobs: Certain parts of it could. Of course, that is highly dependent on what kinds of services are out there and what they are funded to do. On the definition of an independent domestic violence adviser and an independent sexual violence adviser, that work really needs refining, as does the duty to collaborate in terms of community-based services. You are absolutely right: most victims do not report to the police. The reality is that it is probably one in six. We published a report where we scoped specifically which community-based services are oriented to criminal and family court proceedings. For the family court, it is much less—around 18%. We can send that to the Committee.

Q5 Jess Phillips: Would you like to see something more specific in the Bill about support needed in the family court in cases of domestic violence?

Nicole Jacobs: I would, and I would go even further. You will spend a lot of time in this Committee hearing from people who will tell you about how to correct the criminal justice response as if it starts only with our statutory partners—the police, the Crown Prosecution Service and others. I beg you to realise—I have done this work myself—that the real meaningful work for a victim is when you have the community-based service, the IDVA or ISVA, in the mix and interacting with the police and those partners on a daily basis. That is where the problem solving is. You will get to a point where you will not have to worry as much about invoking the victims code because everything is taken care of.

Q6 Jess Phillips: On IDVAs and ISVAs, there are specific clauses in the Bill with regard to independent domestic violence advisers and independent sexual violence advocates, as we used to call them—call the “A” whatever you want. There has been some pushback from the sector with regard to the need to define an IDVA and an ISVA, and that it forgets all the other community-based support—floating support, housing support and everything else—and that putting everything under an IDVA umbrella is a dangerous thing to do. What is your view on that?

Nicole Jacobs: That is a really important point. Imagine that you are on a team at a local level—that was my reality before I came into this role. In central London, in the year before I was appointed, 4,000 victims were referred to the service. They cannot be supported by a team of IDVAs as if that is all that is needed. The most successful teams are ones that are surrounded by other types of role that recognise that not all people will interact with the police or the criminal justice system, but they will need help and very practical support. I do not know whether I am putting that in the right way.

These roles have huge caseloads, just like a lot of our frontline services. They cannot be everything to everyone. A big step forward in the process would be to carve out and be clear. I am not as concerned about what roles are called; it is about the skills and knowledge that one needs to be at the table advocating with and alongside victims in the criminal justice system and other systems—housing, health and children’s social care. What are the skills and knowledge, and what tables should they sit at? The best work that I have ever done was when I was in a working system where I knew that there was an operational group with the police, the CPS and others that was oriented to that work. You could problem-solve. You could bring issues to the table that everyone grappled with together. You cannot do that without the advocate for the victim being in the mix and being supported to do that.

There is another thing that, if it were in the statutory guidance or provisions, would allow a huge step forward. We have done a lot of funding of these roles, but not a lot of development of what that really means. What is the salary? What are the skills and knowledge? What is the practice development for this type of criminal justice advocacy or family court advocacy? That would move us substantially forward. Those are all possibilities that we can achieve in the Bill if we get the guidance, funding and language right.

Q7 Jess Phillips: Finally, you are an independent person, no doubt, but you work very closely alongside the Home Office, and I am sure that you have worked with the Ministry of Justice as well. What is your view of the sudden, last-minute—sorry, I should not put judgment into this. What is your view of the inclusion of part 3 of the draft Victims Bill in this Bill? As one of the nation's leading victims' advocates, were you aware that the Victims Bill was no longer going to be the Victims Bill and was going to be something else?

Nicole Jacobs: No. I had heard something along the lines of there being an interest in making sure that there were improvements to parole. I was surprised, and I understand the arguments made about the optics of it. On a practical level, I feel strongly that we really have to achieve the ambition of the Bill.

On the parole reforms, I talk to families, particularly bereaved families, and they often do not have a very good experience of the parole system, in terms of feeling informed and feeling that their concerns about release are being dealt with. One of the things that I am most curious about regarding the last-minute changes is how strong the parole provisions will be and how the family liaison care will be improved. I am very interested in what mental health assessments will be required when prisoners are released who have committed domestic abuse or murder. You are right: my thinking about this is probably less developed, because this was added on quite quickly.

Q8 Sir Oliver Heald (North East Hertfordshire) (Con): I have questions on two issues. The definition of victim in the Bill is quite broad in some ways. What do you make of that? Is that a good idea, because it wraps up categories of individual who previously would not have been included, or does it run the risk of widening the category so much that you have difficulty providing the core service that you were talking about?

Nicole Jacobs: I think broader is really positive. If you were to limit the definition to people who are accessing criminal justice remedies, then when it comes to domestic abuse, for example, that would narrow it way too much. Of course, the Domestic Abuse Act has a definition of children as victims in their own right. I am quite comfortable with the definition and feel good about what it is signalling, which is that in the victims code we want support for all victims, regardless of whether they engage with the police, for example. Services should be there.

One of my main concerns when it comes to genuinely providing services for all is that with domestic abuse, you are still leaving out migrant survivors and people who are in this country as students or with some other visa status; they have trouble accessing domestic abuse services. That could be fixed quite simply by allowing recourse to public funds for domestic abuse services for the period when a migrant is here—often victimised by a citizen here, let's keep in mind. Having the provision of care that any other victim has: that is the one key thing I would highlight.

Q9 Sir Oliver Heald: Do you think that there is any sort of risk to the core service from widening it out too much?

Nicole Jacobs: When I think of the impact of the victims code, the broadening of the victim definition impacts the fact that we want services for all in terms of

what they need. A victim of domestic abuse, for example, may not ever have talked to the police, but may need housing support or support for their children and all sorts of things. Having that in place is really important. When you are talking about the obligations in the code in relation to people being informed about their case and all those things, to some degree quite a lot of victims will not need that if they are not engaging. In other words, I do not think it adds a huge amount of pressure that does not already exist on the statutory services in that regard.

Q10 Sir Oliver Heald: In terms of the core service, you have described a set of skills and knowledge that is needed. I think you were saying, in effect, that for either of the roles—*independent domestic violence adviser* or *sexual violence adviser*—you would need those same skills. Do you want to amplify that and tell us a bit more about how you would see this profession or area of skills develop?

Nicole Jacobs: I would not want the Committee to believe that there are not existing ways of training. Earlier in my career, I myself was part of developing the core training for IDVAs and doing that initial training, so I am fairly familiar with that. It is an accredited training. A lot of commissioners at the local level will require that level of training when they are tendering for community-based domestic abuse services, for example. I think you will hear from some charity CEOs later who can give you some more detail. Where we are is that while that is often included in commissioning standards, we need something more specific, more uniform, so that we—and, frankly, all our statutory partners—are really clear on what skills and knowledge these roles bring. I feel that we have this ability and need to carve out very specifically for criminal justice work and family court work what the skills and knowledge are that you need in particular.

The Chair: You have three minutes left.

Nicole Jacobs: Sorry. This is my job—I could talk about it all day. I think there is real scope to better define what good looks like for that, and that will impact the victims code and compliance with it. It impacts the multi-agency working at the local level. That would be a huge step forward.

Q11 Sarah Champion (Rotherham) (Lab): I have some very quick questions, with hopefully very quick answers. On that particular point, is it more important to describe the skills or the job title?

Nicole Jacobs: The skills.

Q12 Sarah Champion: Thank you. Under duty to collaborate, you spoke about a joint strategic needs assessment. I like that a lot. Who would the responsibility for that sit with? Would it be your role or the Secretary of State's?

Nicole Jacobs: No, I see that a lot more as a role at the local level.

Q13 Sarah Champion: But who has oversight at a national level? Who enforces the gaps?

Nicole Jacobs: I would have thought the Secretary of State, but I don't know. You will be the best people to decide those kinds of things.

Q14 Sarah Champion: You said that 70% of the services are led by the voluntary sector. How do you compel them to fill the gaps?

Nicole Jacobs: Of the services that domestic abuse victims access, 70% are community-based services. Having worked at them, I can say that you do not need to compel them to fill the gaps. They exist only to provide those services, and they desperately want to provide more. They will engage with absolutely any process that would help fill gaps for the people they are working with.

Q15 Sarah Champion: So if there is a dearth in Redditch, you would expect an organisation from, say, Peterborough to go and fill that gap?

Nicole Jacobs: I would expect there to be a meaningful assessment at the local level—a joint strategic needs assessment—where the potential funders come together alongside service providers and experts in their area and think very critically about what opportunities they have. That will not be totally precise, because some of it would depend on bidding, so they would have to decide together.

Q16 Sarah Champion: How could the Bill support migrant victims and survivors better?

Nicole Jacobs: The Bill could open recourse to public funds to all survivors. It could also create a firewall between the police and immigration enforcement so that people who are desperately needing protection would not fear calling or talking to services because of negative repercussions. They would just know that they would be made safe. They would have safety before status.

Sarah Champion: Thank you.

The Chair: I am afraid that that brings us to the end of the time allotted for the Committee to ask questions. I thank the witness, on behalf of the Committee, for giving evidence this morning.

Examination of Witnesses

Jayne Butler, Ellen Miller and Dr Hannana Siddiqui gave evidence.

9.57 am

The Chair: There is a slight technical problem, so we will start with the witnesses who are here, and we will continue to try to get the other witness online as soon as possible.

We are now going to hear oral evidence from Jayne Butler, chief executive officer of Rape Crisis England and Wales; Dr Hannana Siddiqui, head of policy and research, Southall Black Sisters; and, if we manage to get the technology working, Ellen Miller, interim chief executive officer of SafeLives, via Zoom. Could the witnesses quickly introduce themselves for the record?

Jayne Butler: I am Jayne Butler, chief executive of Rape Crisis England and Wales.

Dr Siddiqui: I am Dr Hannana Siddiqui, head of policy, campaigns and research at Southall Black Sisters.

The Chair: Lovely. We now have Ellen joining us as well. Ellen, could you introduce yourself, please? *[Interruption.]* Ah. We will carry on, and hopefully Ellen will be able to join us as time progresses. Can I ask Anna McMorrin to ask the first question, please?

Q17 Anna McMorrin (Cardiff North) (Lab): Welcome, everybody. First, can I turn to Jayne Butler? Your report on what has changed since the Government's end-to-end rape review, "The Rape Review—Two Years On", has been published today. Do you think this Bill will tackle the historic low rates of rape prosecution?

Ellen Miller: I hope you can hear me okay. I am Ellen Miller, interim CEO at SafeLives.

The Chair: Thank you. We are very pleased that you can join us.

Anna McMorrin: Jayne, can you tell the Committee what you think the Bill will do to tackle the historic low rates of rape prosecutions? Can you set out what you have said in your report today?

Jayne Butler: We had a lot of hope that the Bill would really change things for victims, particularly given the commitments that were made two years ago in the rape review. While there has been some positive progress on some things, there has been nowhere near enough to make a difference to the figures, and to the people on the ground who experience sexual violence and go to court. We can see that in the stats. It is evident, and does not really need me to speak to it.

There are still huge issues to do with the charges, conviction rates and use of scorecards. We talked in our report about the lack of understanding of who is using the criminal justice system and how, and a range of other things to do with victims and the specific legislation. For example, currently we do not have protection for counselling notes when victims come to court, and the Bill will not solve that. We do not have the security that victims will get support throughout the process and beyond. We hear time and again from people who report through the criminal justice system, then get to the end of the process and feel discarded. Those are the ones who are coming in, which we know is a tiny proportion of those affected by these crimes.

We feel that there is no genuine legacy in the Bill for ISVA roles, which have been really prioritised by the Government and funded at a much higher level than they were previously. They are highly regarded roles, but we still do not see the impact of them on the ground, and there is nothing to change that in the Bill. We see lots of hints at rights in the Bill that will not necessarily result in a genuine change for victims on the ground, because they will not have a way to pursue them—for example, through having independent legal advice that would help victims to challenge decisions that are made on their behalf, and to deal with it when the interests of the criminal justice agencies do not necessarily align with their own. That needs to be there, too. There is a whole raft of things; I could be here all day.

Q18 Anna McMorrin: You have touched on several things there. Can you expand on the advice and support that are lacking as rape victims go through the process, and on what you would advise should be in that process?

Jayne Butler: We know that rights are effective only if they go with equivalent responsibilities and accountabilities for not being upheld. To really make the rights in the Bill meaningful, and to actually change things for anyone who is pursuing a sexual violence issue within the criminal justice system, we would need an independent legal advice model that supports victims in understanding what is happening to them and how to make challenges. The Bill provides rights to people, and the idea that you can make a challenge—but no funding, no support and no way of actually making those challenges.

We are in a system where the criminal justice agencies are failing victims. The Bill gives victims more rights, but what does it do to support those already failing agencies to change anything? Right now, the responsibility for doing that falls time and again to the voluntary sector—to services that are underfunded and that constantly need to do more, challenge more and pick up issues and failures that come from individual cases and from systemic issues. Without any funding or decent proposal to give victims advice, the Bill leaves victims with nothing, and the voluntary sector with not enough funding and massive demand to pick up.

Q19 Anna McMorris: Can you give a little more detail on independent legal advice for rape victims, and how you would see it working?

Jayne Butler: Sure. We would like to see a national hub provided for legal advice. We are not looking for that legal advice to give victims party status in legal proceedings; that is not what we are asking for. It is much more about ensuring that every time a victim has a problem to overcome, they can get some legal advice about how to challenge it. That might be a right to review; it might be a disclosure request for counselling notes or something else that is being asked for that they do not feel is relevant and that they feel is invasive and further traumatising them within the system.

We want it to be an independent service that will operate outside the current criminal justice agencies to ensure that victims feel that they have somebody who will act in their interests. A pilot has already been successful in Northumbria, and there is a strong evidence base that such models exist in other jurisdictions, including Australia, California and Ireland. We have put in a really detailed written submission to the Committee about this.

Q20 Anna McMorris: Just looking at the duty on specific authorities to collaborate with each other and commission victim support services, do you think that the duty will deliver a more effective service for victims of domestic abuse and serious sexual offences?

Jayne Butler: Not as it stands, no. Our concern is that it will not really deliver any improvements to victim services, partly because there is no funding attached to it. How do you ask people to collaborate around a massive demand without actually putting money in to provide those services? Often, we find in commissioning processes in this sector—and probably in others too—that as commissioners gain responsibilities, they pass some of the risk on to a provider, so we will start to see services being commissioned to deliver x within three working days for very small money. We have seen this across the board in other sectors before, and that is the real concern around this—that the duty to collaborate

is not strong enough to give victims' services, usually provided by the voluntary sector, a decent enough voice in talking about what is needed, demonstrating the demand and getting those services actually available for victims.

Q21 Anna McMorris: Should that duty include other victims of crime?

Jayne Butler: Potentially, yes. It is not necessarily my area.

Q22 Jess Phillips: Just to give a sense of the duty to collaborate, what currently does not exist and what, I suppose, the ambition is for what will exist in the future, can you tell me—you do not have to have the exact data—how many of your members of Rape Crisis across the country have any funding from mental health services to run specialist trauma-based services for victims of rape?

Jayne Butler: If it is one, I will be surprised. It is probably not—

Q23 Jess Phillips: I knew that was the answer; I just wanted to hear you say it. What about public health and sexual health services across the country?

Jayne Butler: Not that I am aware of.

Jess Phillips: Well, there is one.

Jayne Butler: Okay. Thanks Jess.

Q24 Jess Phillips: That is just to get a sense of what is currently not being commissioned.

Hannana, I will come on to you. My first question is: do you think that migrant victims of domestic abuse are currently included in the Bill?

Dr Siddiqui: Definitely not. The whole Bill is lacking, properly and in any meaningful way, any inclusion of protected characteristics. Black and minority women, for example, are not included, and migrant victims are definitely not included. The migrant victims should be central to the victims code, the definition of the victim and throughout the Bill. It is the only way that we can ensure all victims are provided for by the Bill.

Q25 Jess Phillips: Would a migrant victim on a student visa who has just been raped and beaten by her husband have the same access to the code as I would if it were to happen to me?

Dr Siddiqui: No. I think that most migrant victims do not approach the police or the criminal justice system to report domestic abuse and other forms of violence, primarily because they can be treated as an immigration offender and become criminalised, or they can be arrested, detained and deported. The fear of deportation is often the reason that prevents migrant victims coming forward. That is why a firewall, which is a total separation of the data sharing between the police and immigration enforcement, is absolutely necessary in order for them to come forward.

Q26 Jess Phillips: So in order for the statutory nature of the victims code in part 1 of the Bill to be able to be accessed by all victims in our country, regardless of their status, you would say that there needs to be a firewall that stops immigration enforcement being informed when somebody comes forward.

Dr Siddiqui: Yes, there has to be a firewall and other legal reforms—for example, around no recourse to public funds. That needs to be lifted, so that victims can go to statutory agencies such as the police for help and support without the fear that they will be destitute as well as deported.

Q27 Jess Phillips: More broadly, on the issue of ISVAs and IDVAs, as we discussed—I think you were here when Nicole was speaking—how do you feel about the Bill's focus on IDVAs and ISVAs? How many IDVAs and ISVAs work in “by and for” services?

Dr Siddiqui: There are hardly any. I mean, I would say that there should not be a statutory definition of IDVA and ISVA because it excludes most advocacy services that we have in community-based organisations, including “by and for” services. Southall Black Sisters, which is a pioneering organisation in advocacy services, does not fit the current MOJ model, which is very criminal-justice focused and largely looks at high-risk cases. We provide holistic services for victims of domestic abuse and a lot of that is advocacy work that sits outside the current definitions. You know, IDVAs and ISVAs also need development. They need guidance and improvement in pay and conditions. But I do not think that that needs to be done through a statutory definition. They definitely need more funding and you definitely need to give more funding for the “by and for” services with a wider definition of what an advocate is.

Jess Phillips: Ellen, can you hear me? I do not know whether I should make this declaration, but Ellen went to the same school as me. Ellen? Okay, I cede the floor if Ellen cannot hear me.

The Chair: If Ellen comes back online and we have time, I will bring you back in, Jess.

Q28 Elliot Colburn: Dr Siddiqui, at the beginning of your evidence to Jess you mentioned that there was no mention or support and nothing included in the Bill for women with protected characteristics. I should declare an interest as a member of the Women and Equalities Committee. Can you expand a little more on what you mean by that, and on what you would like to see included in the Bill to better support women—black and minoritised women, LGBT+ women and so on—that is not currently included?

Dr Siddiqui: There is a duty to collaborate, but there is actually a lot of collaboration at a local level with funding agencies at the moment, but unfortunately they do not support migrant victims or victims from black or minority communities sufficiently to provide adequate services. You cannot have a duty to collaborate without having a duty to fund community services. More specifically, you need to fund specialist “by and for” services that are at the frontline in the community, providing services to enable migrant and other minority women to access mainstream services, including the criminal justice system.

There is also a need to change the law. The Bill on its own will not do it. You need to be able to remove the no recourse to public funds requirement for victims of domestic abuse so that they are able to come forward to and present themselves at the police, social services and elsewhere for help and support. At the moment, they cannot do that because they are frightened of being destitute or being treated as immigration offenders and

deported. If you are going to look at protected characteristics, you have to look at migrants, at their specific experiences and at how they cannot use the criminal justice systems and local services. There is a need not only to improve funding for services, but to change the law.

Elliot Colburn: In the interest of time, I will cede the floor to my colleague.

Q29 Sarah Champion: Thank you. I have a couple of questions and the first is for Jayne. The Government have come forward with some guidelines on counselling records. Do you think they go far enough? What do you think could be in the Bill to strengthen the use of—or lack of use of—counselling records in such cases?

Jayne Butler: The announcement made in the Bill does not specifically mention counselling material. In our opinion, it does not bring about any new protections, but just effectively reinforces what already exists in law around the Data Protection Act.

Q30 Sarah Champion: What would you like to see?

Jayne Butler: What we would like to see is a model that changes the legal threshold for access to survivors' counselling records. This is not a blanket ban. What we are asking for is a test of substantive probative value. Again, we have seen this be successful in other jurisdictions. It would mean that CJS agencies have to make applications for access to a judge. There would be judicial scrutiny at two stages: a first one at the stage of access to the police, and a second one if it gets to the stage of being disclosed to the defence. It really protects that without, we believe, compromising any right to a fair trial or any rights that a defendant might hold in that circumstance. We have put a detailed written submission in to the Committee about this.

Q31 Sarah Champion: Dr Siddiqui, you contradicted yourself a little when you talked about ISVAs and IDVAs, because you started saying that there should be a statutory definition, and then you said that there should not be. Could you clarify that?

Dr Siddiqui: There should not be a statutory definition, because under the current meaning of ISVAs and IDVAs, they tend to be criminal justice-focused and only deal with high-risk cases. They do not deal with the wider forms of advocacy services we provide, which tend to be on the whole more holistic and do not just focus on the criminal justice system; they look at the family court, the health and welfare system and provide services over a long period of time to women. It also does intersectional advocacy, which is about looking at a whole range of different issues, but it also looks at equalities.

Not all of them fit into the current definitions, and I think that if you define it, it will narrow what the definition is of an ISVA or IDVA. That means that the local commissioning bodies may not fund those services. The current services, of which a lot are run as “by and for” services that do not fit the current definitions, will not get funding. Historically, they are underfunded anyway, so they could disappear as a result.

Q32 Sarah Champion: I look to the Minister at this point; I spent five years of my life trying to change positions of trust, because the definition of the people

who came under it was accurate, but specifics about the type of people were not future-proofed and were too narrow. Would you rather see a definition that is future-proofed about the services that are delivered?

Dr Siddiqui: Yes, I think that a range of services—holistic services—are what the IDVAs should be dealing with. That is not just for high-risk cases. I would include medium and standard-risk cases, because risk changes rapidly. The models that exist for the community that are provided by the “by and for” sector include a whole range of things, including support services, outreach services, helpline advice and advocates. They do not fit the current models. The current model has always been restricted, and we have said so. Defining it in law means we could lose the funding we currently have for the range of services we offer.

Q33 Sarah Champion: I have a broad question, Dr Siddiqui. We heard from the Domestic Abuse Commissioner about the map she has done for services. Historically, support for black and minority victims has been very low. What could the Bill practically include that would address that, so that we have a more equal service for access to justice as well as support services?

Dr Siddiqui: We would like a ringfenced fund that provides sustainable, multi-year funding to the “by and for” sector from central Government. There should be a duty to fund those services. I think the DA Commissioner estimates that there is about £300 million you need to give for the by and for sector. Imkaan, which is a voluntary umbrella organisation, estimates that £97 million is needed just for the “by and for” sector in black and minority communities. There needs to be sufficient funding that is long-term and provides holistic services that victims need in the community.

Q34 Sarah Champion: The victims code is good. We love it, and people need to know about it. What about in different languages and different formats? Is it accessible to everyone as it stands?

Dr Siddiqui: No, most of the women we help do not actually know about the victims code. There needs to be far greater awareness, and it needs to be more inclusive in terms of language. It needs to be very explicit about protected characteristics and around migrant victims in order for it to reach and include everyone.

Q35 Rob Butler: Dr Siddiqui, you just mentioned a total of £397 million specifically on the “by and for” sector. Do you have an estimate of the funding that would be required to achieve all the aims that you have described this morning and the places where you have said there needs to be additional funding?

Dr Siddiqui: I wish I had the time to do that. I do not have an estimate, but I know that others have done those calculations. The Domestic Abuse Commissioner has done a calculation, which is about £300 million. Women’s Aid, Rape Crisis and Imkaan are all organisations that have done an analysis of what is needed.

Rob Butler: But you do not have—

Dr Siddiqui: No, I do not.

Q36 Rob Butler: Ms Butler, you mentioned several times in your evidence that you wanted more funding for a variety of organisations. Do you have an estimate of how much that might cost?

Jayne Butler: I do not. There is a piece of academic work going on at the moment to estimate this. We all know that it is less than what these crimes cost society. What it costs to deal with victims and the long-term impact of these crimes in society is a lot less than victim support services. We would ask for more things. We have not talked about prevention. We want to see these crimes stop and that will cost money.

Rob Butler: Do you think we are talking tens of millions, hundreds of millions, or even more?

Jayne Butler: Hundreds of millions.

Q37 Rob Butler: There has been a programme of multi-year funding for victim support services. For smaller service providers I think it is a minimum of £460 million over three years. Do you think that that is at least a step in the right direction and gives more certainty to some of the smaller service providers?

Jayne Butler: We have definitely seen incremental funding increases and recognise that those have been made. I do not think it is yet enough. We still have this really patchy provision of services. There are long-term issues around organisations that have been funded in the past and therefore exist versus where there are gaps. A lot more is needed to fill some of those gaps. Our waiting list in Rape Crisis is some 14,000 a year and increases constantly. We have seen an increase in demand of about 38% in the last year. We are seeing huge demand for those services, but that funding never quite touches it.

We also need to acknowledge that some of the delays in the last few years in the criminal justice system have really exacerbated things and mean that sometimes that new funding is not about helping new people. It is about the cost that they sit in the system for so much longer. I would like to know more about to what extent it is really making a difference to help more people.

Q38 Rob Butler: Briefly on another topic, in the victims code there is a requirement to make sure that people understand what is happening as they go through the criminal justice system. I mentioned at the beginning that I was a magistrate for 12 years. Do people really understand the court process when they appear as a witness or if they have to give evidence in any way, shape or form? Is there scope in the court service to do more to help? I am trying not to put words into people’s mouths.

Jayne Butler: I don’t think that people do always understand. It depends on what access to support they have had along the journey and who they are, but there is definitely more work that could be done on that and also in terms of how their individual cases are communicated. We hear time and again from people who have found out at a day’s notice that their court case has been postponed for months, if not years. So it is not only about knowing what is going to happen, but about being told when there is a variance and when that is changing for them individually.

Rob Butler: Dr Siddiqui?

Dr Siddiqui: I think you need an advocate to help you navigate the system. The information provided by the criminal justice system or by the courts generally is

usually very little and victims do not really know what to expect. The fact that we are there as advocates and as a specialist service means we are able to give them the confidence to move forward. That is critical throughout the pre-trial, during trial and after trial. Nobody really cares about the aftermath except us. We are the ones who have to give them the ongoing support after the trial, so it is essential that the two work together.

Q39 Janet Daby (Lewisham East) (Lab): I have a question for both of you. First, are there any additional rights that should be included in the victims code? Secondly, Jayne Butler, you mentioned the preventive side of things to prevent somebody becoming a rape victim, and work needs to be done there. You also mentioned the gaps; it would be interesting to hear about that. Finally, are there any obstacles or challenges in terms of therapy for rape victims? Anything that you could say about that would be really helpful.

Dr Siddiqui: As I have said before, the victims code needs to be very clear about protected characteristics, particularly for migrant victims who lack the trust and confidence in the system to use it and to come forward. You need a wider definition of what a victim is. It needs to include witnesses. Also, a lot of our cases are transnational. When you are talking about what a victim is, you have to include families, friends and victims who have been dealing with international cases, which at the moment are not really being addressed. A lot of forced marriage cases and honour killings, for example, may take place overseas, but the families do not get any support in this country from the police and other agencies when they try to bring justice, even though the perpetrators may live in this country.

There is another thing that we need to include in the victims code when trying to define what a victim is. We know that a lot of women are falsely accused of perpetrating domestic abuse by their abuser, or defend themselves against abuse and may be treated as offenders as opposed to victims. It is really important that victims who defend themselves or who are falsely accused are seen as victims by the system. Groups such as the Centre for Women's Justice are even asking for a statutory defence when women are driven to kill a violent partner out of self-defence. There is a need to look at our defences, and how we should treat those people as victims, not perpetrators.

Jayne Butler: To double what Dr Siddiqui just said, in terms of prevention work, we clearly do not want people to keep becoming victims. A whole host of work has been done on that. I refer back to the recent report of the independent inquiry into child sexual abuse on the ongoing scale of such abuse. We also see huge numbers of adult rapes, with vast numbers of people affected, so it is obvious that we ought to be doing some prevention work. We had the Enough campaign through the Home Office, but we do not have a wholesale approach. Possibly some kind of public health approach is needed, because this is such a big issue, which continues to affect so many people.

In terms of gaps and counselling, the ISVA role gets a lot of focus. That is really important because support for victims of sexual violence who are going through the court process is invaluable, but people also need access to therapy. Often those services are not funded. Most of our waiting lists are for counselling as opposed

to ISVA support, because the funding has been put into the ISVA side of things, without the need. Charlie Webster wrote an open letter recently, which I think was mentioned on Second Reading, about her and Katie's experiences. They just did not get that kind of support.

Q40 Janet Daby: Can you say how long the waiting list is for therapy?

Jayne Butler: Our waiting list for therapy is about 12,000 people across services across England and Wales.

Janet Daby: Thank you. Ms Elliott, I should have declared that I am the chair of the all-party parliamentary group on children in police custody, and I sit on the Justice Committee.

Q41 Siobhan Baillie (Stroud) (Con): One of the worst parts of making changes in this place is the unintended consequences. Sometimes we do not scrutinise things enough and think them through. I am really interested in your comment, Dr Siddiqui, about having a complete firewall for migrant victims between the Home Office and the Ministry of Justice. What would be the potential unintended consequences of that policy? Where would you see potential abuses of it? I want to hear from the Minister on that as well, because it is important that we think it through.

Dr Siddiqui: I do not know how the firewall could be abused. It is important that, if there were a firewall, it would give victims the trust and confidence to come forward and seek help, and would ensure that the perpetrator was held accountable. At the moment, a lot of the victims—because they have insecure status—are told by the perpetrator that they have no rights in this country. Usually, that means that if they go to the police and are arrested for being an offender, or are reported to the Home Office, what the perpetrator has said is reinforced by the system. Basically, the perpetrator is able to weaponise victims' status to control and trap them. David Carrick is a high-profile example: he trapped a woman with an insecure status. He told her that if she went to the police, no one would help her. That is true for many cases we deal with.

Some of the evidence for how many people are being caught out by that is from *The Guardian*, which did some FOI research with the police. It found that in a period of two years, about 2,500 people facing serious crimes including domestic and sexual abuse, as well as trafficking, were being reported to the Home Office. A lot of women were in that: in one quarter, about 130 women who were victims of domestic abuse were served with an enforcement order. We are talking about a hostile environment for migrants, and we must remove all barriers to victims of abuse being able to access their rights to protection, safeguarding and justice by giving them the whole toolkit that they need to access those rights.

The firewall—where there is complete separation from sharing of data between the police and statutory agencies, and immigration enforcement—is one way of increasing trust and confidence among migrant victims. I do not see a problem. If they are referred to agencies like ourselves, usually we will help them to report the abuse, but we do it by being their support and being able to advise them, and dealing with any issues that might arise with the police when they report it.

After getting legal advice on their immigration status, migrant victims are able to think more clearly along the lines of, “Yes, I should report it, because I want safeguarding and some justice. I want to hold this perpetrator to account.” At the moment, perpetrators have impunity, because they know that the women will not get any help from the police, even if they turn to them.

Q42 Siobhan Baillie: How do you think removing the interaction with the Home Office would work if the victim has also committed a crime? We all know that there are a lot of chaotic lives and that there have been lots of problems—victims can be criminals, too. How do you see that working?

Dr Siddiqui: If the migrant victims have done a crime, the police do their normal duties to investigate crime. It depends what that crime is. If they are seen as immigration offenders first and foremost, rather than victims first and foremost, they will not get any of the help and support they need. They do not even have a chance to get legal advice on their immigration status before they are reported. They do not have a chance to go to a “by and for” organisation to get any support or advocacy, so it is essential that they have the chance to do that before there are any kinds of communication with the Home Office. Usually, that communication should be done through their legal representatives, rather than by the police.

A lot of police officers say to us that they do not agree with the fact that there is no firewall. A lot do not even realise that there could be negative consequences if they report migrants. There is some international work, and even some in the UK, on having good guidance or a firewall. For example, there has been work in Amsterdam and in Quebec showing that a firewall works. The potential for abuse is minimised. In Northumbria and Surrey, the police are all looking at ways for how to improve responses to migrant victims without reporting them to the Home Office as their first response.

Q43 Sarah Champion: May I push a little more on the siloing? You are not saying it is either/or: so if they were criminal, a criminal case could be going on for this person, but when looking at their domestic abuse, that would be protected. You could have the two things happening at the same time.

Dr Siddiqui: If they have committed a crime, of course they need to be investigated like anyone else.

Q44 Sarah Champion: But you are saying that if they came as a victim of crime, they would not necessarily share that with the Home Office.

Dr Siddiqui: Yes; there is no automatic sharing of data.

Q45 Sarah Champion: The Domestic Abuse Commissioner spoke very highly about specialist services and their outcomes. We are also talking about a proper geographical spread of services. Are there enough specialist services to fill the geographical need, and what would happen once we have identified gaps? Who would fill those gaps?

Dr Siddiqui: No, I think there is a postcode lottery. “By and for” services, in particular, are very thin on the ground. Even in areas where there is a high black and minority population, “by and for” services are not

necessarily commissioned locally. That is why I am saying that the duty to collaborate is not enough. You have got to have a duty to fund and you have got to have ringfenced funding, particularly for “by and for” services and specialist services, for that to work. At the moment, the system does not work and I do not think that this will necessarily improve it enough.

Q46 The Minister of State, Ministry of Justice (Edward Argar): I have a very brief question. I return to the point about funding, which you have both alluded to in different ways. Notwithstanding the very large funding increase—a quadrupling since 2010—you have both highlighted a gap between demand and supply, essentially, in this space. Although, funding and spending commitments should clearly not be made in individual Bills—that should be done in a public spending process in the round, because funding is finite and has to be set against other demands on the public purse—and without prejudice to your position on that, given that context do you see a potential value in the Domestic Abuse Commissioner’s point about a joint strategic needs assessment improving the efficacy of the existing funding spend and it being used in a less duplicative way, to plug gaps? Notwithstanding your position that you would like to see more funding, do you see a value in what the Domestic Abuse Commissioner is advocating—to better spend the money that is already allocated?

Dr Siddiqui: A joint SNA is important if you are going to have collaboration at a local level and it will help to highlight which gaps could be filled by which agency, but at the moment some of that work is being done locally and some of the gaps are still not being filled. For those with no recourse to public funds, there are hardly any services on the ground. For those from black and minority communities, or “by and for” services, there is hardly any funding in the local area—so even where a gap may have been identified, there is not the funding to fill it.

Jayne Butler: There has been a little bit of work done on this, in terms of the recommissioning of the rape support fund and thinking about how to share that geographically. The result, when you have the same pot overall, is that you end up reducing services in some areas. If we start to look at where the gaps are, but we do not put any more funding in, and we are just revisiting what is already there, the result will be that some services that are funded now, which have high demands, will be reduced. There is nobody sitting there who is seeing people within a week, or sometimes even a month or six months.

Q47 Edward Argar: To that point, since 2010 we have seen a quadrupling of funding for victim support services. Do you have any sense of what has happened to demand during that same 13-year period? If you do not, that is absolutely fine, because it is a detailed question; feel free to write subsequently if you want to. We are seeing a quadrupling across that period. What are we seeing with demand?

Dr Siddiqui: Our demand has really rocketed, particularly after the covid pandemic, and it has not really gone down. It has doubled in size. We deal with 20,000 cases and inquiries every year. Before, we had half that.

We must remember that the mapping report by the DA Commissioner has shown that only 6% of Government funding was being made available to the

“by and for” sector. Even though the demand has gone up, the funding has not gone up. In fact, a lot of “by and for” services are in crisis and are having to close down or reduce their services.

The cost of living crisis is adding to the problem. Services are not able to pay their staff enough. They have to find more resources for service users. We are having to find money to supplement the rent and subsistence of victims with no recourse to public funds. Although we have money from the support for migrant victims pilot project at the moment, that is temporary and it does not give us enough money. It does not give a universal credit rate. It does not give us enough money to pay rent for a refuge. It does not give enough to cover living expenses. We are having to find that extra money in the cost of living crisis situation. That is really not sustainable.

The Chair: Order. I am afraid that brings us to the end of the time allotted for this panel. I thank our witnesses, Dr Hannana Siddiqui and Jayne Butler, for answering questions in the room. I also place on record our thanks to Ellen Miller, who was on Zoom, intermittently without sound, and gave up her time this morning to try to give evidence.

Examination of Witness

Dame Rachel de Souza gave evidence.

10.40 am

The Chair: Could I ask you to introduce yourself for the Committee, Rachel?

Dame Rachel de Souza: I am Rachel de Souza, Children’s Commissioner for England. I am very grateful to be here.

The Chair: We are very pleased you can be.

Q48 Anna McMorrin: Rachel, do you believe that the duty to collaborate should include child victims of crime?

Dame Rachel de Souza: Absolutely. I have been a big supporter of the Bill. I have to say that the ministerial team’s civil servants have worked incredibly well with us throughout the Bill’s passage. One of the things we have been pressing them on is making sure that children’s voices and experiences as victims are at the centre of the Bill. That is obviously why I am here today. I am happy to see the duty to collaborate there, but I would like a bit more accountability around it, which goes the last person’s comments. I am really pleased that they are there, but if we are going to put children as victims in the Bill, we have to make sure that we recognise that they experience crime and being victims differently. What we need to put around them to make sure they are supported, and can process things and get justice, is different. I would almost like a duty of accountability as much as a duty to collaborate.

Q49 Anna McMorrin: We have seen part 3 come into the Bill at a late stage, so it includes victims and prisoners. In your view, does this detract from the main elements? Can you comment on what the prisoners element adds?

Dame Rachel de Souza: I had intended to reserve my comments to children as victims, because that is what I am here to talk about. I do not want to let perfection

be the enemy of good. I want a victims Bill that has children at the centre and understands children’s unique experiences. From what I saw yesterday, there is a lot of work to do. There is a lot of work to do in terms of defining children as victims, looking at the support they need and making sure that the victims code of practice is in the right place for children. That is what I want to focus on.

Q50 Anna McMorrin: Tell me about child criminal exploitation. Do you think that should be on statute?

Dame Rachel de Souza: Yes, absolutely. I was going to bring that up with the definition of children as victims. When I go around the country and talk to children, wherever they are—whether that is being held in police cells or children who are involved in drugs or whatever—I realise just how complex the situations are. You realise that these children are as much victim as perpetrator. Children tell me all the time that their experiences with the police make them feel like they are not victims but criminals. That is what we need to sort out.

Q51 Anna McMorrin: Do you think the services there are adequate for children?

Dame Rachel de Souza: I have seen some very diverse and excellent services. I would first point out The Lighthouse, which I am sure you are all familiar with and which is a superb example of services coalescing around children’s needs and understanding where children are. Some of the sexual assault referral centres for peer-on-peer sexual abuse are also fantastic, but we do not have a national network so that every child gets the same experience. Every child should get the best support, and it is just not there.

Q52 Anna McMorrin: Let us look at a specific type of abuse, fatal domestic abuse, and its impact on children. Fatal domestic abuse often follows coercive or violent abuse, and where there are children, it can result in the father retaining parental responsibility. Do you agree with that? The father was the perpetrator—I should clarify that. The father killed the mother.

Dame Rachel de Souza: I have made an initial examination of what has been proposed around Jade’s law. We have to protect children. Obviously we need to ensure that there are not unintended consequences and we need to look in detail, but I would say, on the face of it, that the protection of children must have primacy, so I support it.

Q53 Anna McMorrin: Great. When men kill the mothers of their children, what in your view is their motivation for exercising parental responsibility after that?

Dame Rachel de Souza: That is a deeply complex question, but I would be deeply concerned. Children in those situations are often the victims of abuse themselves, and we must protect them. I would not say that I can read the mind of any particular father, but we find time and again that everyone in the household has had that experience.

The Chair: We have less than eight minutes left and five Members are indicating that they wish to come in, so please keep questions brief.

Q54 Rob Butler: We have a distinct youth justice system. It has a different overarching aim from the adult system, a different police approach and different courts. Especially in the courts, there is a real focus on explanation in a way that young people can understand. Do you think that the victims code is suitably child friendly, both in its range and in its language?

Dame Rachel de Souza: I was pleased to see the victims code published yesterday. There is more work to do on it, particularly in relation to having a clear definition of children and ensuring that it is child friendly all the way through. We have been working with the team to try to do that, and there is a lot more work to do.

Q55 Rob Butler: Is there potentially a role for the Youth Justice Board and/or youth offending services in helping children who are victims?

Dame Rachel de Souza: I think there is, but it is wider than that. We also need to look at children with special educational needs and ensure that we take into account and make use of the expertise around working properly for those children.

Q56 Rob Butler: Is there anything obvious that we are missing in the way we look after children who are victims?

Dame Rachel de Souza: Yes. When you talk to children who are victims you very quickly discover that they do not necessarily understand or report their experience in the same way as adults. Often, there is often quite a lot of delay in their coming forward, and the kind of support they need is far more complex, which is why I am so keen on an approach like that of the Lighthouse, where the services really see the child as an individual and coalesce around them. Children talk to me a lot about having to tell their story lots of times. They experience the courts completely differently. I have pages and pages of testimony of young people who have had dreadful experiences in the courts, because the courts just do not understand that they are children.

Rob Butler: Some of us tried.

Dame Rachel de Souza: Yes, but kids say, “I gave them my texts, I gave them my statements, but look—they’re not taking it forward.” We need the advice around the child to recognise what it is to be a child; they do not necessarily have that step-back view.

We need to do more. I was pleased to see the mention of advocacy; we could develop that a lot more, rather than just say, “This public service needs to deal with it, or that one.” It is about the individual child advocate and the services coming together around the child. It does not necessarily have to be introduced at vast new expense. I think there is a question about how we can regroup services to work in a way that works.

Rob Butler: Okay. I am going to interrupt you, if you do not mind, because I know that so many colleagues want to pick up. But thank you very much.

Q57 Janet Daby: You said that experience with the police can make children feel like they are criminals. What needs to be changed or amended in the Bill, or added to it, to address that?

Dame Rachel de Souza: First off, and it is the point I made before, it is about recognising in the definition of victims children who have been criminally exploited; that comes up time and again. If I had more time, I could give you pages of quotes from children who, because of their experiences—whether it was being strip-searched or something else—have spent years feeling that they were in the wrong when they were actually the victims. That definition would be protective in itself, to start.

However, we also need to recognise that children get very worried if they have not come forward to the police to say they have been victims. We need to make sure that they are recognised in the victims code as well. I think that would help and I have some definitional changes and some word changes that I can write to the Committee about, which I think could help there. Often, it is about just two or three words, but it could make that work.

Q58 Elliot Colburn: Briefly, you said in relation to the duty to collaborate that there should also be a duty of accountability. Following on from my colleague Rob’s line of questioning about the distinct nature of youth justice and youth crime, who should be responsible for overseeing that duty of accountability? We heard from the Domestic Abuse Commissioner that it should be the Ministry of Justice, but in the case of children do you think that should be your office or another body, or should it be the MOJ?

Dame Rachel de Souza: We heard a lot from the people before me about how services really are not set up for children, and we have started to talk about how they can be set up to deliver for children. Ultimately, of course, Government and Government Departments have a responsibility, but I think it is about ensuring accountability at local level as well. It is always going to have to be multi-agency, because there are different strands of support for children, but we need to find a way, and with children it is probably in relation to the victims code. There is some value in focusing on youth justice holding that, but we need to try to go for the holy grail, which is to make multi-agency support work. I do not want to sound like a broken record, but I think that looking at how the Lighthouse has done it in Camden, where it has drawn together the different strands of health, social care, policing and youth justice, and actually made that work, can give us a blueprint for how to go forward.

Q59 Sarah Champion: Children of paedophiles really suffer adversely. Should they be regarded as victims in terms of the definition in the Bill, so that they can get the information and support services they need?

Dame Rachel de Souza: Yes. I was so delighted during the passage of the Bill that Daisy’s law was taken seriously; we worked with Daisy. I think that is a really important step forward, and I feel similarly about children of paedophiles, because it will be the same argument.

Q60 Siobhan Baillie: I did some work on reducing parental conflict programmes. We know that even when there is simmering resentment and low-level arguing around children, it is problematic. What does the Bill do to improve services and checking in with children even when there is no direct harm? The child may not have been in the room when a parent was harmed, but we

[*Siobhan Baillie*]

know it will still have an impact on them. How does the Bill improve those services—checking in, going through and making sure schools are involved?

Dame Rachel de Souza: We have good intentions, but what will be important is that that is in the VCO and that we operationalise it properly, because I absolutely agree with you that when these situations arise, the earliest possible intervention to deal with parental conflict is what needs to happen.

I think we have—

The Chair: Order. I am afraid that brings us to the end of the time allotted for the Committee to ask questions. On behalf of the Committee, I thank Rachel de Souza for her evidence this morning.

Examination of Witnesses

Dame Vera Baird and Claire Waxman gave evidence.

10.55 am

Q61 The Chair: We will now hear evidence from Dame Vera Baird, former Victims' Commissioner for England and Wales, and Claire Waxman, Victims' Commissioner for London. We have until 11.25 am for this part of the session. I ask the witnesses to introduce themselves for the record.

Dame Vera Baird: I am Dame Vera Baird KC.

Claire Waxman: I am Claire Waxman, independent Victims' Commissioner for London.

Q62 Anna McMorrin: May I start with you, Vera? Does the Bill cover all the definitions of victims?

Dame Vera Baird: No, it does not. First and most important for me, it does not deal with people who suffer from serious antisocial behaviour. Despite the fact that the behaviour is often criminal, it is not dealt with as criminal by the police, but is instead called antisocial behaviour. I am particularly worried about people who are persecuted at home. It is not about every bit of antisocial behaviour—if someone chucks a can into my garden, I do not expect to have victims code rights—but this Government legislated well to introduce something called the community trigger about seven years ago. It says that when it escalates to a particular level, you have a series of remedies to get all the agencies together to put it right. If it gets to that level, then it is seriously persecuting, and there are people who are suffering that.

I had cases when I was an MP years ago but they still came to me when I was the Victims' Commissioner. A woman is in her home; lads sit outside drinking beer and chuck the can into her garden. If she complains, they chuck something at her window. They stamp on her plants. They kick the ball against the gable end all the time. They shout abuse. They have just picked a place to mess around, but often the person affected is already vulnerable. That is very worrying, but it is not treated as criminality; it is treated as antisocial behaviour. But if we look at it, stamping on the plants in her garden is criminal damage; chucking something at her, if it might hurt her, is an assault; much of this behaviour is likely to cause a breach of the peace, but it is never dealt with like that. Since the key to the Bill appears to be that you are a victim of criminal behaviour, the question is: who makes that decision?

If I go to Victim Support and say, "Please help me. This is happening at home," does the fact that it is obvious that part of it is an assault make me a victim or not? I think that is a key question to answer in the Bill. Who decides what is criminal behaviour? Often, it is wrapped up exactly as I have described but dealt with quite differently by the police. If someone pinches a spade from my garden, I am entitled to my victims code rights, but if someone behaves like that to an older person, they have nothing. That is a very serious omission. It is very widespread and it is very scary for people.

Q63 Anna McMorrin: Moving on to your former role as Victims' Commissioner for England and Wales and looking at how this Bill is drafted, do you believe that it is important that a Victims' Commissioner is included in drafting and revising the code?

Dame Vera Baird: Yes, it is imperative. Of course it is. To be fair, the Government did consult us. It took about two years to get the victims code together. In fact, I am not sure if Mr Argar was not the Victims Minister when it started the first time around. It took a very long time. We wrote back four or five times, although I have to say we brought no change. There must be meaningful consultation, but the Victims' Commissioner has to be in there. Indeed, in all the provisions about drafting codes and making changes, where it says you should consult the Attorney General, you have to consult the Victims' Commissioner as well. This is about victims.

Q64 Anna McMorrin: Do you think the Bill gives the Victims' Commissioner suitable powers to scrutinise the code, to work with Government on it, and to hold them to account?

Dame Vera Baird: I feel that they should be elevated. The third duty of the Victims' Commissioner is to keep the code under review. They cannot do that unless they can bespeak data. That is not in the Bill. What happens to the data is that it is collected by police and crime commissioners, promoted locally—that is fine—and if it has failed locally, it is promoted to the Secretary of State. It needs to go to the Victims' Commissioner as well; otherwise the Victims' Commissioner cannot perform that bit of their statutory role unless the Secretary of State chooses to give them the data. That is obviously the wrong way around, because the commissioner will want to have a say in how it is collected, what the nature of it is, and what to do with it. I think that definitely needs elevating.

Q65 Anna McMorrin: In terms of the collaboration set out in the Bill, do you believe the Victims' Commissioner should be consulted by agencies on the strategy for collaboration in exercise of any victim support services?

Dame Vera Baird: You are talking about the duty to collaborate?

Anna McMorrin: Yes, the duty to collaborate in the Bill.

Dame Vera Baird: I think the main deficit in that duty is that it needs to be a joint needs assessment, rather than a duty to collaborate in some way after each individual organisation has decided what its needs are. There is a role for a victims' champion in every police and crime commissioner area. We have a fabulous example

of a Victims' Commissioner who is a victims' champion here, but we do not need a full-time person in a little place like Durham, or a relatively minor place like Northumbria. You need somebody charged with the task, however, so locally they can pursue the interests of the victim.

Q66 Anna McMorris: In terms of oversight, do you think the Bill goes far enough in promoting the victims code?

Dame Vera Baird: It will do nothing to bring change—if that is really your question. I am happy that there will be a duty to promote it to the public and to victims. Actually, it is a very odd, one-sided duty to promote it to everybody except the agencies that have to deliver it. There is no duty to promote it within the agencies themselves, and they do not know much about it.

There is a statistic—from 2020, I think—that 70% of people who have been through the criminal justice system as victims have never heard of the victims code. We used Office for National Statistics data in 2021 and showed that 80% of victims who had gone through the entire criminal justice system had never heard of the victims code. The first code was in 2006, so it has been completely ignored for 18 years. The agencies that are obliged to deliver it have no duty in the Bill to promote it themselves. They have no budget to train their staff, because, as I understand the Bill, there is absolutely no funding of any kind behind it—I think it is called financially neutral. Any training, development or promotion has all got to be done out of somebody's back pocket.

Q67 Anna McMorris: Claire, what is your view of the Bill? Does it meet the ambition that it needs to?

Claire Waxman: Sadly, no, not in its current form. I spearheaded the campaign nearly 12 years ago for a victims' law; the ambition was to give victims legally enforceable rights to justice and support. We have had the code in place since 2006. Compliance with the code has always been low, and even though the Government have reformed the code four or five times now, that has not driven better compliance. This Bill is the legislative opportunity to improve that. I remind everyone that even delivering the code is a minimum level of service to victims. Even if agencies are complying and delivering it, it is still a minimum level.

The Bill is a legislative opportunity to transform the way that victims in this country are treated once they report and come into the criminal justice system. It is an opportunity to help them easily access support services to help them through recovery and their justice journey. Unfortunately, the Bill in its current form, when it is translated into practice, will not have any meaningful impact for victims who are going through the criminal justice system or trying to access support services.

Q68 Anna McMorris: What is your opinion on the relatively late addition of part 3 on prisoners? How in your view does that affect the Bill?

Claire Waxman: I think it has a huge impact on the Bill. As I said, the original ambition was to give victims legally enforceable rights. Part 1, which is where it should be addressing that, is very thin, weak and insufficient. A lot more focus has now been put on to part 3. A huge amount of funding has been allocated to Parole Board

measures—more than the entire Parole Board budget, I think—and what has been put forward in the measures is not what victims or families have called for.

I work directly with bereaved families in London and the agencies that support them, and not one bereaved family has actually called for these measures. The Government have said that it is about public safety, but if it really is about public safety then where is the reform on probation, which is underfunded and understaffed? That is a public safety issue that needs tackling, but that is not in the Bill.

Part 3, I am sorry to say, is a vanity project. I think it is a power grab by our previous Justice Secretary. We have a Parole Board in place who are the right people to make the decision on release. I am with families who have been eight years in the process; it comes around for them every four or five months. They can barely recover. They are in this process and it is relentless. Putting these measures in gives them a false sense of hope. We are telling them that there is a chance that the Justice Secretary can veto the Parole Board decision and that the prisoners will not be released.

What will actually happen in reality is that, yes, the Justice Secretary might veto, but that prisoner will then have legal aid to appeal the decision. They will appeal every decision, pulling the bereaved families into even more distress and trauma. When I asked the officials in the Ministry of Justice what allocation had been given to provide extra support to the families during this process, no support had been given—only to the prisoners to appeal. I have to say very strongly that part 3 is nothing short of shameful.

Anna McMorris: Thank you. That is pretty strong.

Claire Waxman: Yes, because this is a victims Bill and we are here for victims.

Q69 Anna McMorris: Absolutely. Turning to the victims element, do you believe that victims of domestic abuse going through the family court should be defined within the Bill?

Claire Waxman: Absolutely. Sadly, I work with too many victims of domestic abuse, rape and stalking who have tried to leave abusive relationships. Many will not have the courage to report to the police, so they just want to flee and leave the abusive relationship. If children are involved, unfortunately those victims are then pulled into family court proceedings, which are retraumatising and place them and their children at further risk because there is no support provision in the family court to identify who the real victims are and what support is in place to protect them.

If they do report to the police, the two jurisdictions do not work together. You can be a victim in the criminal court but be accused of parental alienation in family court, and your victimisation has been dismissed. I see far too many victims who are victims of crime, may not have had the confidence to come forward to the police, and are being treated very poorly in family court. Unfortunately, this Bill will not address anything for those victims.

Q70 Anna McMorris: Finally, I have a quick question on the use of counselling notes for victims during trials. Can you talk to the fact that that is in use at the moment and how the Bill should address that?

Claire Waxman: I have published two London rape reviews and heard from many, many rape victims in London. One of the biggest issues that comes up for them is the request for their personal records, especially their counselling records. Many victims will decide to withdraw from the process and feel pushed out because they have to make a decision as to whether they are going to pursue justice or hand over their counselling records, which are about their thoughts and feelings and trying to recover from the crime.

I know the Government have brought forward some measures now, but those measures are already in place. The police and CPS should be requesting these personal records only if absolutely necessary. We need to have judicial oversight, and that is where the Bill needs to go further. We need to ensure that therapy notes are only requested and that the judge makes a decision around that. Yesterday the Government announced that the CPS would meet rape victims before going to court, to raise confidence, but that is not going to work if we are requesting therapy notes from rape victims. That alone—just requesting those notes—is a deterrent and will push many rape victims out of the justice system, and then we will be allowing serious offenders to act with impunity.

Anna McMorris: Vera, may I invite you to comment on that issue?

Dame Vera Baird: I think back to being a barrister more than a decade ago, when there was no pursuit whatever of this kind of material. It simply was not done. Very occasionally, if it came up in evidence that there was some issue about someone's medical records, for instance, they would be sought, because it was directly relevant. There would be an occasional case, but none of this was ever looked for.

What the issue is about is what Operation Soteria, the new way of policing rape, talks about—there not being investigation departments for rape in police stations, but there being credibility investigation departments for complainants. Before the tendency to want to question the credibility by looking at the most intimate details about the complainant emerged, the conviction rate was actually better, very considerably better, than it is now. It dropped catastrophically in about 2016, and that was about the time when this started to emerge. So if we can do fair trials without that material, we do not need to get it.

In order to deal with this now, there can be no complete ban, clearly. After a decade or more in which the police and the CPS have treated it as axiomatic that you take these documents from a complainant, we must make someone else take that decision. It has to go to the court, so that a provisional hearing can decide whether the material should be accessed by the Crown and whether it should go to the defence. And of course the complainant needs to be represented fully at that hearing.

What is badly missing from this Bill—well, a whole range of things are. I completely concur with Claire that it is not going to make any difference to the ordinary victim, because there is no means of enforcing their code rights. But for victims of rape, the announcement that Alex Chalk made recently will make not a jot of difference as long as it is the same police and CPS that are using the test and it is the test that has been there throughout.

Independent legal advice is missing. You need to just put that counselling stuff into the court, and that is that: you need a good reason for accessing it, and the court will decide. As for the need for representation in that court, there is a need for representation at an earlier stage so that, if possible, we can avoid the cumbersome court. If you have, as we piloted in Northumbria a couple of years ago, independent legal advice when the material is requested by the police in the first place, you can often negotiate it away by just asking forceful questions about what is necessary about it. Independent legal advice could serve that purpose, but then would offer representation if there was a serious demand for the material.

This has been happening in New South Wales, with an identical jurisdiction to ours, since 1998 and is in every other state in Australia, save for Queensland, which is taking it on. Claire has been to Canada, and I believe it is very effectively run in Canada, too. In the end, of course, it deters people from pursuing this kind of material, because they take a second look at whether they need it. And that might put us back where we ought to be.

In short—never a ban; always judicial oversight. We do need to get rid of this massive deterrent. I think that according to some figures that possibly you, Anna, or someone else in the Labour party produced, 70% of those who accuse people of rape now withdraw. A huge factor—a huge factor—is when they realise that their most intimate secrets are going to be disclosed to a CPS and police force that, for quite understandable reasons, they do not see as their allies. And then, perhaps, the material goes on to—even worse—the defendant, who caused them their trauma in the first place.

Q71 Anna McMorris: I have one tiny question on the proposed Jade's law. Let us say that a man kills a woman and there are children involved. What is your opinion, Claire, of the man, if he has children, having parental responsibility?

Claire Waxman: I very much support Jade's law. I worked with a family many years ago whose daughter was murdered, and they tried to adopt the grandchild. The prisoner—the murderer—had the right from prison to stop that adoption, and to cross-examine the bereaved family as well. He got legal aid. They did not get anything. At that point there is a presumption of no contact—of course he did not get contact—but they were still pulled into the most inhumane proceedings after their daughter had been killed. We need to stop that and to ensure that those convicted of murder do not have parental rights to access those children for the duration of the prison sentence. That needs to be reviewed very carefully to ensure that the family are well protected from engaging with the prisoner.

Q72 Edward Argar: It is always nice to see you, Claire—we spoke previously—and Vera, it is lovely to see you again. It has been a little while since we last spoke. You are right: I think it was during your time, and during my last stint, that we started to look at some of these things with respect to the victims code, and even this.

I will ask a couple of questions if I may. One might be specifically for you, Vera, and I think the other will be broader. Adding to what you have already said, are

there any other aspects of the role of Victims' Commissioner, in the context of the legislation, that you would wish to see elevated? I know we used to talk about, for example, your report being put before Parliament and similar. There is a lot more here than that, but what other aspects would you wish to see elevated in terms of the role?

Dame Vera Baird: It is nice to see that the Victims' Commissioner must lay their report before Parliament; we have done that for the past two years. We had to crusade our way in, but it seemed important to me that victims' rights were elevated to a parliamentary responsibility, and that the report did not just go to the Secretary of State. That is already being done, and it is good that it is in the legislation.

The most critical thing is to get data in the way I have already explained, but a big gap—make no mistake, you do need to put this right—is that there is no means to enforce any of the rights under the victims code: not one. It is not even expressed in terms of rights.

Let me give one quick example; I am a nerd on this, even though I have tried to forget in the last couple of months. Right 8.5 allows you as a victim to have a separate entrance and a separate place to wait from the defendant at court. That could not be more important. If my child had been run down by some driver, the last person I would want to meet when I walked through the door of the Crown court would be him—still less with his posse round him, which often does happen.

That is a very good right, and the right continues, but most courts do not have separate entrances and waiting areas. If you let the court know you are worried, it will do its best, but this is supposed to be a right. Many, many times—I am sure Claire will confirm this from an up-to-date perspective—people do come face to face with the defendant as they walk into court, and it is quite terrifying. You have to put the victims code in terms of rights in the first place, but you also have to be able to enforce it. If in default that ultimately must come to the Victims' Commissioner, so be it.

I have a completely different plan for how we should enforce the code, but there is a statutory rule stopping the Victims' Commissioner from being involved in individual cases. We still have 70 or 80 cases a month individually sent to us, so there would be a lot if that were done centrally. My notion is that we should have a local victims' commissioner in the PCC's office. That need not be a draconian imposition on a PCC; it could be someone who was there for two days. Truly, in Durham, where there are about 1,000 police officers, you do not need a Claire. You need a much smaller status of person.

That person could be the recipient of the complaint, but their working practice ought to be that they have a duty to promote, which needs to be put into the legislation, with respect to victim support services and the use of the code, which is not there properly either. Obviously, you have to have a duty to promote the code internally, so the CPS, the police and the court know they have to deliver it. Then, the victims' services commissioned by the PCC could argue that a certain person needed an interpreter, or ask whether they had been guaranteed a separate entrance to court. If that was not happening, you could go to the PCC's office with a working practice of trying to put the problem right in the case. I would

not want to meet the person and be able to complain afterwards that I had met him by accident. I would never want to see him.

If you have that local resolution, ultimately for complaints but in the first place to try and intervene through local tentacles—PCCs are quite powerful people now—then you could stop a lot of this damaging material. If you do not, the recipient of the complaint in the first place could be that Victims' Commissioner champion, who would then take on dealing with that on a local basis.

In the end, I think there have to be penalties. I think police officers should be docked pay; I think the CPS should have something done to them. The first code was in 2006. Now it is 2023 and 80% of people have never heard of it, even though they have gone right through. It is not just that there is nothing to impel it; there is a culture of disregard built on there. You need to change that. If you started there, then somebody has got to take a complaint that is not reconcilable locally up higher and that could go to the Victims' Commissioner, if that were an appropriate route.

Q73 Edward Argar: Thank you. A very quick subsequent question to you both. I do not want to prejudice what, in due course, the Clerk may deem to be in scope or not of this Bill—whether Jane's law or whatever—but on the basis that we have not had any such rulings yet, I am going to test my luck a little here.

One of the things you have both talked about is the need for people to be able to understand their rights, access them and know what they are, particularly in the context of the legal advice point for victims and complainants. I would be interested to hear both your perspectives. I know, Vera, that you ran a pilot programme on this up in Northumbria when you were PCC, which was done through you as the PCC. Were that to happen, what would be the right model for it? Would it be PCCs doing that, a national service or a regional service? To both of you: how do you think that might look were such a provision to be made, whether on a pilot basis and then extended or otherwise?

Dame Vera Baird: Two sentences. We could only do it the way we did it by recruiting solicitors from solicitors' firms because we could not offer people contracts beyond the time of the pilot. So that is how we did it. However, the best way, in my view, is to have a lawyer in a place where independent sexual violence advisers—ISVAs—are also working so that the lawyer is steeped in the ethics and culture of what is going on and has that to draw on for cases coming through. Claire, you probably have more to say.

Claire Waxman: Looking at how this role has worked in London gives us a really good example and evidence of what should be changing. Some of the key issues that we see with victims is that, while the Bill is putting a duty on partners to promote the code to victims, we are still leaving the onus on victims to try and claim their rights. Victims who are just recovering or trying to get over a crime and go through the criminal justice system are not going to be in any state to claim those rights. We need someone to help them navigate that system.

On Vera's points, first, there is no enforceability; the code is not even really defined as legally enforceable in the Bill and that is an issue. Secondly, there is no

enforcement mechanism either. Most victims want to see some redress on their cases. They do not want to go through a lengthy complaints process. What is missing is having that separate entity or agency that works alongside the police and the CPS, so that the moment the victim reports to the police, there is someone supporting all the agencies to ensure that those rights and entitlements are being delivered to victims at the right time. We take the onus off victims to try and battle their way through the criminal justice system and claim those rights.

We also pick up problems if rights are not being delivered, as to how we tackle it there and then in order to keep the case moving all the way through the justice system. That is missing and those are really important mechanisms if we want victims to access their rights

and we want to see better justice and recovery outcomes for victims. It is critical that we look at the Bill and how we can use this legislative opportunity to really transform the way victims are treated through the criminal justice system.

The Chair: Order. We have 15 seconds left, so that brings us to the end of this morning's allotted time for asking questions. I thank the witnesses on behalf of the Committee for their evidence.

11.25 am

The Chair adjourned the Committee with Question put (Standing Order No. 88).

Adjourned till this day at Two o'clock.