

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

## Public Bill Committee

### VICTIMS AND PRISONERS BILL

*Second Sitting*

*Tuesday 20 June 2023*

*(Afternoon)*

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Examination of witnesses.

Adjourned till Thursday 22 June at half-past Eleven o'clock.

Written evidence reported to the House.

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**Saturday 24 June 2023**

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**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)     | † <b>attended the Committee</b>                               |

**Witnesses**

Caroline Henry, Police and Crime Commissioner for Nottinghamshire

Sophie Linden, Deputy Mayor for Policing and Crime in London and Joint Lead for Victims, Association of Police and Crime Commissioners

Deputy Chief Constable Emma Barnett, NPCC lead for victims & witnesses, National Police Chiefs' Council

Martin Jones CBE, Chief Executive, Parole Board

Jan Lamping, Chief Crown Prosecutor for Yorkshire and Humberside, Crown Prosecution Service (CPS)

Councillor Jeanie Bell, Member of the LGA Safer & Stronger Communities Board, Local Government Association

Kate Davies CBE, Director of Health and Justice, Armed Forces and Sexual Assault Services Commissioning, NHS England

Catherine Hinwood OBE, Senior Lead on Domestic Abuse and Sexual Violence, NHS England

Gabrielle Shaw, Chief Executive, NAPAC (National Association for People Abused in Childhood)

Rachel Almeida, Assistant Director for Knowledge and Insight, Victim Support

Duncan Craig OBE, CEO, We Are Survivors

## Public Bill Committee

Tuesday 20 June 2023

(Afternoon)

[JULIE ELLIOTT *in the Chair*]

### Victims and Prisoners Bill

#### Examination of Witnesses

*Caroline Henry, Sophie Linden and DCC Emma Barnett gave evidence.*

2 pm

**The Chair:** We are now sitting in public again, and proceedings are being broadcast. Before we start, I am happy for people to take off jackets, cardigans or whatever; it is very hot today, particularly in this room.

We will now hear oral evidence from Caroline Henry, Emma Barnett and Sophie Linden. I ask the witnesses to introduce themselves for the record.

**Caroline Henry:** Good afternoon. I am the police and crime commissioner for Nottinghamshire, and because of that I would just like to take a moment to mention the terrible events in Nottingham last week. I repeat again to the families and friends of those affected: you are in our thoughts.

This Bill proposes to introduce a requirement to collaborate. Partners are already working together to support victims in Nottingham, and in many other parts of the country.

**Sophie Linden:** Good afternoon. I am deputy Mayor for policing and crime in London, but I am joint lead on victims for the Association of Police and Crime Commissioners.

**DCC Barnett:** Good afternoon. I am the deputy chief constable of Staffordshire police, but I am the National Police Chiefs' Council lead for victims and witnesses under the criminal justice co-ordination committee.

**The Chair:** Thank you. I ask people to speak up, because the acoustics in this room are dreadful.

**Q74 Jess Phillips** (Birmingham, Yardley) (Lab): Hello all. I going to speak loudly, because it is quite hard to hear. The Bill obviously creates quite a lot of new responsibilities for police and crime commissioners. I want a little bit from each of you about how you see that operating in practice.

**Caroline Henry:** We, as PCCs, absolutely welcome the duty requiring agencies to share data and to collaborate. PCCs take a big role in that. As police and crime commissioner for Nottinghamshire, I started a local criminal justice board, and I see those boards as an excellent forum where agencies can meet and collaborate.

**Sophie Linden:** You might get on to some of the points that I wanted to raise. We obviously welcome the Bill, but how it will work in practice will depend on what else happens in terms of strengthening the Bill, what the data collection is, what duties there are on other criminal justice agencies to provide the data to police and crime commissioners, and what the mechanisms are for when that data is not provided or for non-compliance

with the code. If those mechanisms are not strengthened, there will be no step change in practice and in how victims are supported.

**Q75 Jess Phillips:** Specifically on data collection, the Bill outlines the new duty on PCCs to collect information. Do you believe it is worth outlining in the Bill the scope of such information to focus on reporting compliance with the victims code, for example, and making it easier to identify the data for the purpose of reporting?

**Sophie Linden:** I do think that, but the Bill could also look at other things. For example, police forces have a duty to provide data to police and crime commissioners, but the other criminal justice agencies do not have that duty. You could look at something like that—each of the different agencies having that duty. Then there has to be the guidance that sits underneath it for the criminal justice agencies to provide that data. The Crown Prosecution Service, for example, will provide data nationally. It is very difficult to get it regionally. The courts do not provide data, so there has to be clear guidance and practice—not just in the Bill—on data being collated in a consistent way and in a way that is useful to the police and crime commissioners. It has to be at force level.

**Q76 Jess Phillips:** Do you think that what is outlined in the Bill will allow the general public—the victims, in this instance—to get compliance with the victims code? Can you see that happening post Bill?

**Sophie Linden:** There is quite a reliance on relationships and the convening power of police and crime commissioners. There needs to be more strength and robustness put into the Bill in terms of enforcement and data collection.

**Caroline Henry:** You are spot on. What happens if we do not get the data? What do we do? It does not say what happens if we do not get it. That should be stronger.

**Q77 Jess Phillips:** Yes—so currently would you have no powers if you didn't get it?

**Caroline Henry:** We can raise it with the Minister.

**Jess Phillips:** I am sure the Minister will be thrilled.

**Sophie Linden:** I am sure he is always pleased to hear from us.

**Caroline Henry:** There is a duty to collaborate, but there are no penalties if people do not.

**Q78 Jess Phillips:** Specifically on the duty to collaborate, to what extent is funding a concern for you?

**Caroline Henry:** Funding has been talked about, potentially to give us an analyst. I am really keen that there is flexibility on a local level around what we might need, because it depends on your relationships. Analysts are great, and it is very hard to get hold of good analysts; that is a real challenge. But we might also need somebody to support the local criminal justice board as a manager to make sure that everybody collaborates and works together. There should be some flexibility in the funding we can have to help us make sure that we can pull everything together.

**Sophie Linden:** On the compliance issue, I think there needs to be something in the Bill, or that can flow through the Bill, that is akin to the way the Information

Commissioner's Office can work. If you have escalated it and nothing is happening, the Information Commissioner's Office can ask for an action plan and impose fines. There has to be something like an end point by which if you have not got compliance and you are not getting the data, there is an escalation and enforcement route.

**Q79 Jess Phillips:** You are local representatives in your area. We heard this morning from Dame Vera Baird that she felt that the lack of antisocial behaviour being included in the Bill was problematic. I wonder if anyone would like to comment on whether antisocial behaviour should be included in the code.

**Sophie Linden:** I think it should be included in the code. The duty to collaborate is really important, but we have to make sure that what is in this Bill aligns with, and does not duplicate or cause complexities with, the Domestic Abuse Act 2021. There is obviously a duty to collaborate on domestic abuse accommodation, and there is the serious violence duty. From my point of view, speaking as deputy Mayor of London, I would want to see that duty to collaborate made wider for all victims. You should not start with the offence; you should start with the needs of the victim. At the moment, there are three categories, but I think it should be wider for all victims.

**Caroline Henry:** The definition of victims has been on my mind recently. It is a very tight definition in the Bill. The question is, how much wider do you need to make it? I would like to think about the included areas and get back to you in writing. ASB is one of the things that, as a police and crime commissioner, comes across my desk most. The victims mentioned in here, however, are on a different scale. It is so important that we get this right.

There is the word "victim" as well. I commission a lot of victim care. With what has happened in Nottingham, the word "victim" has put some people off getting help, because they are witnesses or have been traumatised by what they have seen—they are not immediate victims, but they have still been impacted by the terrible events of last week. The word "victim" is quite tricky to define.

**Q80 Jess Phillips:** Finally to Emma—it seems like a long time since I have seen you—

**DCC Barnett:** It is a long time.

**Jess Phillips:** Part 3 of the Bill seeks to increase the number of board members with law enforcement backgrounds, to give a different perspective of offenders. Will that help to strengthen public confidence in the Parole Board?

**DCC Barnett:** The first thing I would say is that the dealings of the Parole Board are not specifically in my portfolio, although I have a view. It is a very positive thing to include a breadth of perspective in the Parole Board setting and to give confidence on experience of risk management, risk assessment, decision making and so on, which can add value for the Parole Board.

Let me turn to a couple of other points you made at the outset. First, policing welcomes the victims Bill and its intentions. I guess we are in a unique position, because we are very used to the accountability mechanism that is proposed through local PCCs, recognising the independent nature of chief constables and the local accountability that exists through the elected bodies. If

the Bill is to be a success, that will be around how that accountability spreads beyond policing across all the agencies, so that the victim's experience can be understood from the point of reporting to the police right the way through to resolution and even beyond, into the parole setting. We welcome the understanding of where accountability may be strengthened through what is proposed to include the other criminal justice agencies that we work alongside.

We know that in the delivery of some of the rights, for example, our success in delivery is dependent on other agencies supplying us with the information we need to be able to pass on to victims. That is about how we work together and the local arrangements that are put in place. That is the strength of relationships. We welcome the opportunity of good visibility of data to understand compliance.

**Q81 Jess Phillips:** In the case of domestic violence and sexual violence as it is in the Bill, will the duty to collaborate make that any different at the moment?

**DCC Barnett:** I think this is a broader issue around how we collaborate as agencies with all victims. So much of that is based on how information flows, for example, so that we can keep victims updated about the experience of their case, their investigation, their court case and so on. We must have that good understanding of how we can work together to have the information to service the needs of victims.

We have been working closely with the Ministry of Justice on the suitability of metrics and—this is really important, because it is not only about the metrics of compliance with the code—on the victim's experience: the qualitative information in the victim's voice, the victim survey and the work of the Home Office to generate a victim satisfaction survey. Again, that is very much focused on policing, but I think it will start to give some good insights into the whole victim experience.

We are confident in a number of compliance measures going forward. We need to understand fully how we go about collating that information, and then passing it on in a transparent way to PCCs and criminal justice boards.

**Q82 Siobhan Baillie (Stroud) (Con):** The victims code is considered a positive thing—we all agree—but we heard from Dame Vera and Claire Waxman that, basically, 70% to 80% of victims who have been through the justice system did not even know that the victims code existed. I put it to you that that is an almighty collective failure of a lot of organisations. What do you think happened? Even if we managed to get our perfect Bill—if Jess and I and we all agreed, and we got our perfect Bill—nothing would change, unless things change on the ground. What has been happening that we are at the point that victims do not even know that a code exists?

**Caroline Henry:** I agree that not enough victims know that the code exists. That is why we need the Bill; we need to let people know that the code exists.

**Q83 Siobhan Baillie:** But the victims are not going to read the Bill, so what needs to change? What has happened on the ground that means the code has not come in? Then tell me why the Bill will make a difference.



**Caroline Henry:** We need to increase transparency around whether the victims code is being complied with. We all need to be talking about victims more, and keeping victims at the heart of this all the time.

**Sophie Linden:** As with any Bill, it will come down to practice and how it is delivered. The underpinnings of the legislation, and getting compliance and enforcement right, will help with that. I monitor it from my position in the Mayor's Office for Policing and Crime; we monitor policing compliance with the code. It is very low, but we have done some work with the Metropolitan police around trying to raise the awareness of officers, and making it much easier for police officers to let victims know what is in the code. For example, we have helped the Met to produce a victims care leaflet. Something as simple as that, which has information about the code in, has started to make a difference with victim satisfaction and with compliance.

There is, however, a long way to go. You need all the agencies to have that legislative framework, so that there is compliance, there is an escalation and then there is enforcement. Those two things together, and proper monitoring, which is going to be down to the police and crime commissioners, should help improve awareness of the victims code among victims, and, importantly, among professionals. It is the professionals who are there to support the victim, and it is their duty and responsibility to ensure that the victims know about that.

**DCC Barnett:** I would not say anything different. It is key for all police forces. When we launched the revised code back in April 2021, chief constables had a responsibility for how that was delivered across their forces. We have training materials through the College of Policing and all forces will be monitoring their own compliance with the code, as well as the qualitative side through victim satisfaction.

Awareness of the code cannot just be around the agencies turning up to deal with the victim. That is a key part, but it is almost too late at that point. There should be a heightened awareness of the code anyway, so that if people are then unfortunate enough to be a victim there is an understanding of what the code is. It is also about being really clear on what aspects of the code are relevant to a victim at any given time. Obviously, that will change as they go through their experience of the criminal justice system.

**Q84 Siobhan Baillie:** The revised victims code sets out a duty for the Crown Prosecution Service to offer a meeting ahead of trial to certain victims. Do you think that that change will help with victim attrition, particularly in rape cases?

**DCC Barnett:** I think it is a really positive step forward. One of the real challenges with the delivery of victim rights is when we get to post charge. At that point, you start to bring in a number of different agencies. It goes back to the earlier point around how information flows and communications are delivered; if you are not careful, it can become a very confusing time for victims. I think it is our responsibility as agencies to streamline that process as much as possible and make the communications as effective as possible.

A victim should not have to worry about who, at a particular time, they are entitled to see or who should be supporting them. The notion of the CPS having

those visits is really positive. I think they are a good engagement to have, but I think they need to be carefully operationalised around the other contacts and support that might be available to a victim, so that it does not become too confusing or an overload.

**Caroline Henry:** It is really important that wherever we can we have an independent sexual violence adviser to support and help with CPS contacts—to hold people's hand as they go through the system.

**Sophie Linden:** Obviously I really welcome that, but I think it is just part of what needs to happen. At the moment, as I am sure you are all well aware, the victim has interaction with the police, the CPS and the courts. What you really need to look at is how that becomes a seamless service with one point of contact. In London—I am speaking on behalf of London now—we are exploring the victim care hub, which would bring all that together so that there is one point of contact and the victim is able to get updates and understand what is happening right across the piece.

Of course, the individual agencies have their specific roles to play, but the Bill could help that to happen. For it to happen, there has to be the relevant data sharing and there has to be the ability to track the victim through the system—not through policing, then the CPS and then the courts. At the moment you are tracking the crime, you are tracking the case and then you are tracking into court, and those things do not meet. You therefore have different points of contact for the victim, and you need to be able to either—at a minimum—interrogate the different databases or look at how you bring all that together. I think the Bill could make it easier for the agencies to share that data.

**DCC Barnett:** I would really support that. We look at this—again, I think the Bill does this—as a process of separate agencies, each with its own touch points to a victim's experience of the criminal justice process, as opposed to looking at it from a victim's perspective. Where do they get the information that they need? Where do they get the support that they need, whether that is reporting the crime with no further action or whether it goes right the way through to waiting for their court dates, what it means to give evidence in court, the outcome, parole consideration and so on?

**Caroline Henry:** I would just add that the victims who choose not to go down the criminal justice route or to report to the police still need support from all the agencies.

**Q85 Maria Eagle (Garston and Halewood) (Lab):** The original draft Victims Bill—the Justice Committee, of which I am a member, did some pre-legislative scrutiny of it—just had what is now part 1. There was no extra money involved; it was cost-neutral in that sense. We know now that there is at least another £80 million a year available, because that is what part 3 will cost. Do you think the balance is right, given that we are putting all the extra money into part 3 provisions—the parole provisions—or would the balance be better if some of that money were spent on assisting with implementing part 1?

**Caroline Henry:** I would absolutely like some of it in part 1, but we do need to remember that if you stop people reoffending, you are actually stopping us getting more victims as well. Parole and preventing and managing reoffending are really important.

**Sophie Linden:** I would always go for additional. But in terms of the duty to collaborate, at the moment it is a duty to collaborate literally on a strategy—there is no additional funding for the services and the gaps that might flow from that in the way that there was for the Domestic Abuse Act 2021 and the duty to collaborate around safe accommodation. There was significant additional money provided for that, which was welcomed.

Also, in terms of code compliance and the analysts that are being talked about by the Ministry of Justice—we are having discussions with them—at the moment my understanding is that it is a one-size-fits-all of two analysts per force area. Now, forces are vastly different in size and—just speaking on behalf of London, West Midlands, Greater Manchester or any other force with more complex arrangements—there are different numbers of organisations that they are going to have to make sure are complying. So this is just not going to be right—you cannot have one size fits all.

Then we have to really look at whether this funding really adds up to what is needed. For example, in London we recently did a needs assessment on sexual violence services. That cost us £110,000. If you add that up for other forces, this is not going to meet what is needed in terms of additional burdens.

**DCC Barnett:** I would support that in terms of looking again at part 1. With the duty to provide the data, we have a nervousness around the cost implications for forces. A lot of the measures are based on dip samples and having a really close assessment of what has been undertaken. There is no provision at the moment for additional resource to do that or to assist in taking forward the insight that that information gives us. This is an opportunity to work with PCCs to understand the roles that are accommodated and how the data is used.

The other point that I would make is about the demand for our witness care units and witness care officers, who have a lot of responsibility under the code to deliver the information to victims on what is happening with their case post charge and post first hearing. They are under a lot of pressure, given the time it takes for cases to come to court and the additional complexities and vulnerabilities of victims. Anything that helps us with managing those pressures and giving additional training and support, in terms of resourcing, would always be welcome.

**Q86 Maria Eagle:** Do you think that the proposed changes to parole in part 3 will enhance victims' rights, or are you concerned that they might raise expectations that will be dashed in practice?

**Sophie Linden:** I think they could, but it will be dependent on proper support for victims. It is a difficult thing. There has to be a proper assessment of what victims' needs are for them to be able to participate. There needs to be proper support for victims to do that, and then there will have to be funding to provide those support services.

**DCC Barnett:** I would agree. I think it is a very well-intended notion, but there are some risks around the impact on victims as well as around raising expectations.

**Q87 Maria Eagle:** Finally, you have been focusing on part 1, which is where a lot of the work you do is focused. If part 1 is enacted as drafted, will that improve victims' experiences, or will it not make much difference? What is your assessment of the overall picture of part 1?

**Sophie Linden:** I think it could improve, but it is not strong enough. My overarching view is that it needs strengthening, but we welcome the Bill. It needs significant strengthening in the way that I have talked about, in terms of compliance, enforcement, proper data sharing, duty to provide the data and then the ability to access other agencies' databases, at a minimum. It would be better if we could track a victim through the system, rather than tracking them through policing, then the CPS, then the courts. I hope that there will be significant amendments to strengthen the Bill.

**Caroline Henry:** It is great that work has been done together already. I would like to thank the Ministry of Justice and yourselves for letting the Association of Police and Crime Commissioners be involved with putting the Bill together. I do think that it will definitely improve things for victims, because it puts things on a statutory footing. That is what we need.

**DCC Barnett:** If I speak on behalf of the policing role, I think it does put it on a statutory footing, and it is a real opportunity to continue the work we have been doing over recent years to strengthen our overall performance within forces around the service that we deliver to victims. The question mark for me relates to making sure we take the opportunity within the Bill, whether that is through a strengthening arrangement around compliance or the accountability piece, so that we can understand how the victim traverses the criminal justice system and their experience of it. It must not just be—as I think it is at the moment—front-loaded around the code and the policing activities. It has to be seen as a whole. That is an opportunity in the Bill, and if we take that, overall service should improve.

**Q88 Rob Butler (Aylesbury) (Con):** I know that the PCC for Thames Valley strongly supports compliance with the victims code sitting with PCCs. I think you have both indicated, Ms Linden and Ms Henry, that you do too. This morning, Dame Vera Baird spoke to us. She suggested that there should perhaps be a local version of victims' commissioners in each PCC area; London effectively has that, I know. Ms Henry, what do you think about that as a proposal? Surely you are the victims' champion. Would it not therefore cut across your responsibilities as a PCC?

**Caroline Henry:** Personally, I feel that I have a directly elected mandate to be the champion for victims in Nottinghamshire and to make sure that they get the justice and support they need. That is what my office does, so I am happy that my office will continue to support victims. I do not think we need a separate victims' champion; I think it could be confusing locally if that happened.

**Q89 Rob Butler:** Ms Linden, how do you make sure in London that it is not confusing, and that you as, effectively, the PCC are actually the victims' champion?

**Sophie Linden:** I know you had Claire Waxman in front of you this morning, and you are well aware of her role as an independent Victims' Commissioner. It was an incredibly important development, when the Mayor was elected, that we appointed an independent Victims' Commissioner. There is a very clear distinction between my role in holding the police to account and her role in bringing in the voice of the victim and advocating for victims. There has been no issue with the confusion of roles in London on that.

I am speaking for myself, not on behalf of the Association of Police and Crime Commissioners, because there is a difference of opinion, to be frank, but I think every force should have a victims' advocate who is there purely as a victims' advocate. The police and crime commissioner should use that voice coming into the commissioner's office in order to be able to improve the services we commission.

**Q90 Rob Butler:** But aren't the police, who are effectively accountable to you, more likely to take victims' concerns seriously if it is you as the PCC who are their champion, rather than it being another voice in the mix?

**Sophie Linden:** My experience is that the Metropolitan police take my voice seriously and take Claire Waxman's voice seriously. I think it makes it more powerful that there is a very clear voice coming in that is absolutely grounded in the experience of victims that she brings with her office and the work she does—for example, the rape review and her own analysis of victims code compliance in London—and then I am there as deputy Mayor and as police and crime commissioner to hold the police to account, having taken her advice.

**Rob Butler:** DCC Barnett, do you have a view on that?

**DCC Barnett:** I guess it is about being really clear about the lines of accountability. It is very clear that PCCs hold chief constables to account. That said, someone who brings the voice of the victim is absolutely going to help to shape service delivery. The two roles do not need to be the same. We can be very clear on a distinction around absolute accountability, but there is a wealth of information and experience that a victims' commissioner can bring to a force area and all the criminal justice agencies.

**Q91 Rob Butler:** We know that one of the things that victims really want to see is speedy access to justice. The police frequently tell me that one cause of delay is the requirement to redact any personal details before they are sent to the CPS to make a charging decision—not at the stage when they are going to potential defendants, but at that very early stage. Is there any potential legislative change that the Bill could make to address that problem?

**DCC Barnett:** I guess it may well be covered in other legislation. It is about recognising that there are a number of requirements on policing in order to further an investigation for consideration by the Crown Prosecution Service. I know that a lot of work is done around minimising those requirements, because we would all like to see speedier access to justice. We also recognise that there are good reasons why those requirements are in place. Whether those can be addressed through the Bill, I do not know; I would have to give that a little more thought.

**Rob Butler:** Ms Henry?

**Caroline Henry:** I know that the police officers and staff would much rather not be redacting all that information, but be getting on with their job. It would be a great vehicle if it could be included in the Bill. Going back to the independent victims' champion, one of the ways I listen to victims is through the local

criminal justice board; we have a victims sub-group, which feeds into the board. I also go out to speak to people all the time.

**Q92 Rob Butler:** A suggestion made this morning was that in order to ensure that the police and potentially prosecutors comply with the victims code, any failure to do so should be sanctioned, perhaps by docking their pay. That struck me as somewhat excessive; looking at your facial reactions, I pick up the same from you. I wonder, so that we have them on the record, what your views are of the proposal to dock police officers' pay if they are not in some way compliant with the victims code.

**Caroline Henry:** Our police work really hard. That wouldn't be the first thing you'd want to do, would it?

**Sophie Linden:** An important issue is whether you are enforcing against the institution or the individual. In the Bill, you should be looking at the institution.

**DCC Barnett:** I absolutely do not support that suggestion. It is not about individuals; this is about the organisation's ability to deliver. I will say that we have a robust complaints process, so if someone wishes to make a complaint about the police aspect, the code delivery or the service that people have had, they can make a complaint. That will then be assessed—it might be service recovery or quick resolution, or there might be a performance issue with an individual or a conduct issue if it is very extreme—and that works very well in policing. I would not advocate anything like what you suggest.

**Rob Butler:** It is not my suggestion. Thank you all very much.

**The Chair:** We have eight minutes and two Members left.

**Q93 Janet Daby (Lewisham East) (Lab):** Earlier this morning, Rachel de Souza, the Children's Commissioner, said that where children are victims or have been exploited, their experience with the police often makes them feel like criminals, so they often do not come forward. She was suggesting that in the victims code there should be an amendment to address children as victims specifically. Do you share her view? May we have your general feedback on that, please?

**Caroline Henry:** I would like to give some written evidence on that, if that is okay, because I have a lot to say.

**Janet Daby:** Fair enough.

**Sophie Linden:** On the face of it, that sounds extremely interesting. I would be in favour of looking at how the Bill focuses on children. We know that trust and confidence—coming forward to the police—can be a real issue for young people and children. I would be interested in looking at the Bill to see what it means for children, where that compliance fits in—with the youth offending teams, which is partly there—and how the duty is enforced and monitored.

**DCC Barnett:** Again, the code defines victims, and that includes children and young people. Whether that is something specifically around how you might define a child when you first deal with them, I do not know. I



would have to give that a little more consideration. I will put it in some written evidence. I am not totally sure that I understand exactly where Rachel de Souza is coming from, but perhaps I can understand that a bit more first.

**Q94 Maggie Throup** (Erewash) (Con): My question is mainly for Caroline, but I am happy for the other two witnesses to give their thoughts as well. This follows on from something you said earlier, Caroline, about last week's incident in Nottingham and how some victims—a lot of people—do not know that they are victims. I raised this in the Chamber; that incident had an impact in my constituency, it being so close. You hesitated earlier about how we would cope with that. Do you think that the Bill is adequate for those hidden victims? How do we ensure that they are aware that there is a victims code? What more can be done, and should we do it through this legislation or other mechanisms?

**Caroline Henry:** The definition of victim here would not include indirect victims who were not a direct witness of, or directly impacted by, the crimes that happened in Nottinghamshire last week, but they so need support too. As a commissioner, I have commissioned Notts Victim Care to be there to pick up the calls from people who are grieving and are traumatised, even though they were not directly impacted. It is having such an impact and such a ripple across our city, and not just our city: people have gone home from university and are all over the country. They might not think of themselves as victims, but what happened last week has made them so.

**Q95 Maggie Throup:** Should we do it through legislation? Or are there other mechanisms?

**Caroline Henry:** It would be nice if there could be something in this Bill, but I am keen for it to get through. There are so many things I want to add on.

**Q96 Maggie Throup:** Sophie, London has lots of different incidents.

**Sophie Linden:** Indeed. There are two things here. The role of an independent public advocate is an important one and we would support it. We should probably get back to you with more detail in terms of looking at the Bill and what we might or might not want for that independent public advocate. It is important because of what Caroline says about when those tragic events happen with a lot of witnesses, and that can be a problem.

In London, the way we have commissioned the London Victim and Witness Service has enabled us to stand up that response for events, but that does not mean—I will put it the other way: we do support an independent public advocate because I think there is a role for them.

**DCC Barnett:** Again, the Bill describes that role of an independent advocate, which I think is supported. In times of major incidents, as part of the overall response you will get support from family liaison officers, for example, but they also work closely with victim support services to identify those who would benefit from support. As for whether there needs to be more within the Bill itself, I think we would have to give that further consideration.

**Q97 Sir Oliver Heald** (North East Hertfordshire) (Con): I am sorry that I was late; I had today's ten-minute rule Bill.

One of the things we have heard from earlier witnesses is that a larger group of people should be covered by the term "victims". For example, it could cover people involved in anti-social behaviour cases, and somebody suggested that people who are migrants and worried about their status should be dealt with in the Bill in a special way. Of course, the duty to collaborate and the services covered by that duty are quite specific, and there are a limited number of advisers who have been trained in independent domestic violence and sexual violence work. We have heard that there is quite a need to develop those roles—to have some core skills that are understood and so on. Is there a danger that we expand the definition of victim to the point where the services that are available just cannot cope?

**Caroline Henry:** The independent domestic violence adviser and the independent sexual violence adviser work is very niche and absolutely essential. I would welcome more funding for more. I know we have quadrupled funding for it, but we still have a waiting list, especially because of the court delays.

**Sophie Linden:** I support the expansion to include victims of anti-social behaviour, because I think it should be the victim, not the offence, that is given the support. The danger is not funding it enough. In order to mitigate that risk, there should be funding; it should not be that you are ringfencing only a certain type or a certain offence. That is where I would come from, because we should be led by the victim's needs, by their vulnerability and by revictimisation. So I support antisocial behaviour being part of the definition of victims.

From my point of view as deputy Mayor of London, one of the things we are pushing quite strongly and have been lobbying for is that, for migrant victims, we are keen to see in the Bill the ability to keep a firewall for victims who have insecure immigration status. We know that it is putting people off and victims are suffering.

**The Chair:** Order. I am afraid that brings us to the end of the time allotted for questions. I thank the witnesses on the Committee's behalf for their evidence.

### Examination of Witness

*Martin Jones gave evidence.*

2.45 pm

**Q98 The Chair:** Could you introduce yourself for the record, please?

**Martin Jones:** I am Martin Jones, chief executive of the Parole Board. I have been undertaking that role since 2015.

**The Chair:** We have until 3 pm for these questions.

**Q99 Ellie Reeves** (Lewisham West and Penge) (Lab): Part 3 of the Bill had no pre-legislative scrutiny; do you think it would have benefited from that? How much engagement has the Parole Board had with the Government on that part of the Bill?

**Martin Jones:** I certainly think there would have been a benefit. I always think there is benefit in pre-legislative scrutiny. I have taken legislation through in the past as an official and there would certainly be benefit in Parliament understanding what the impact would be.

On consultation with the Parole Board, it would be fair to say that it was very limited ahead of the provisions being introduced to Parliament. The root-and-branch review was published in the spring of last year, setting out what the proposals would be. Ahead of the Bill's publication, the details of what it contained were shared with us, but I would not say that we were asked for our views on what was contained in the legislation.

**Q100 Ellie Reeves:** The proposed new release test introduces a public protection threshold. How does the Parole Board currently approach risk? Is the new test likely to result in a change in how the Parole Board makes decisions?

**Martin Jones:** The current release test is set by Parliament. It is a very clear, simple test as to whether the prisoner's continued detention remains necessary for the protection of the public. That means that public protection is always paramount in our decision making. Of course, when we make those decisions, we have to have regard to all the different factors involved in a prisoner's case: the progress they have made in custody, the nature of their index offences, whether they have been well behaved in custody, whether they might have taken drugs in custody, and whether they might have done positive work, such as education and training. We take account of all those factors when we reach a Parole Board decision.

I would say that what is on the face of the Bill, in reality, gives effect to what the Parole Board already says in its guidance that we should take into account. We think that the legislation should make no significant changes to our practice.

**Q101 Ellie Reeves:** In the Bill, there is a checklist of things that it is proposed the Parole Board should take into account when making those decisions. I heard what you said about it not making a difference to how the Parole Board operates now, but something that is missing from the checklist but that I understand the Parole Board currently takes into account is unproven allegations against the prisoner. What do you think the implications of that being left off the list are?

**Martin Jones:** The slight danger is that the Parole Board practitioners start to view the matters that are on the face of the Bill as more important than other factors. The Bill is clear that it is not an exhaustive list, and the Parole Board can, of course, take account of whatever factors it believes to be relevant in the individual case, but the fact that Parliament puts a certain set of factors on the face of the Bill means that you will always have to have regard to that.

Allegations is a particularly important area when you are assessing the risk of a prisoner. It most commonly comes to the Parole Board when, for example, you are talking about an allegation of domestic violence. It often comes up, and particularly with somebody being recalled to custody. It may not be a proven allegation, but what the Parole Board may see is a pattern of behaviour with a person being arrested on a number of

different occasions, alleging perhaps an assault against a partner. Those charges may not end up being brought to court and may not be proven, but when we are deciding whether someone is to be released, we want to ensure that we understand the pattern of behaviour. It was certainly something that was important to us as part of the DSD case—that is the Worboys case—in relation to how we take account and what weight we add in making those decisions. So previous allegations is a really important point for us.

**Q102 Ellie Reeves:** The Bill gives the Secretary of State powers to veto the Parole Board's decisions in certain cases. Do you think the reforms could impact on the Parole Board's decision making and/or independence?

**Martin Jones:** It is important to be clear that the Parole Board has always taken the view that it is important that you are able to challenge a Parole Board decision if either the victim, the Secretary of State or a prisoner thinks we have got our decision wrong. Ultimately, our decisions are judicial decisions made independent of Government and based on evidence and the law.

In 2019, the Government introduced a reconsideration mechanism that enables parties to come to the Parole Board and say, "We think you've got it wrong." It is very closely based on the grounds for judicial review, and that provides a way for us to then review that case, normally via a judicial member of the Parole Board looking at all the evidence that the panel took account of and deciding, via a decision that is now published and available for the public to see, whether that decision was rational and fair. We have no problem with people challenging that.

The problem with a block on the decision and the veto amounts to two issues, one of which is: will it subsequently stand up to legal scrutiny? Parliament and the courts have been very clear that the final decision on whether somebody is safe to be released or not has to rest with a court. Until this Bill came along, that court has always been the Parole Board, subject only to judicial review. If you have the Justice Secretary intervening and blocking that release, it will have to go up, according to the Bill, to the upper tribunal to decide whether that decision should stand, and they will apply very similar principles of judicial review to look at the rationality of our decision.

In almost all cases, in my experience, when the Parole Board makes a decision, the reason we release somebody is because the professionals—the offender manager, the prison officers, the probation officer and the psychologists—say that the person is safe to be released. It is really important that we do not make decisions out of the air: they are based on the evidence presented to the panel. In my experience it would be highly unusual for us to go against that. But, of course, we are a court and we have to look at the evidence independently.

It is very difficult to see how, if the decision gets blocked and it goes up to the tribunal, and you look at all the evidence and the evidence is pointing towards release, and it gets blocked, that will withstand a subsequent challenge. The Parole Board has suggested that an alternative way would be to have a substantive appeal—which could indeed be wider than judicial review, if that was what Parliament decided—and that would provide an effective mechanism to stop and have a review of

Parole Board decisions if you genuinely think we have got it wrong. That would add additional balance into the system.

My concern would be building up unrealistic hopes in the eyes of victims. I meet loads of victims: they are getting terribly upset and you can understand it. If you have been the victim of a serious crime—20 or 30 years ago you have lost a member of your family—and that person is up for parole, that is always going to be a difficult experience. But I am not sure that simply delaying release by two to three months is good for victims if a significant number of the decisions do not subsequently stand up to scrutiny by the courts.

**Q103 Ellie Reeves:** Thanks for that. On a related point, parole hearings feature a great deal of information about the offender. There can be lots of reports and an in-depth hearing before a decision is made. In your view, will the Secretary of State be able to consider all the evidence before making a decision?

**Martin Jones:** You are absolutely right: generally speaking, particularly in what we describe as the tier 1 cases—cases of murder, rape, terrorism, or causing or allowing the death of a child—the average size of the dossier of information provided to the Parole Board will be somewhere between 500 and 1,000 pages. Our members will in most cases ordinarily consist of a judge—a retired judge, sometimes a retired High Court judge; an independent member, who might be a retired police officer, a retired probation officer or prison officer; and maybe a psychologist or a psychiatrist if somebody has a mental health condition. They will consider that in detail and spend anywhere between half a day to a day hearing evidence from all the people at the hearing to determine whether that person is safe to be released or not.

If the Secretary of State then usurps that, how will he get sight of the evidence that the panel has carefully weighed in the balance to make the final decision? Decision letters are normally 15 to 20 pages long, explaining the legal basis of why we think that person is safe to be released or not. You certainly need an equivalent process if that is going to withstand a challenge subsequently in the tribunal.

**Q104 Ellie Reeves:** Thanks for that. The upper tribunal will have the power to confirm a decision or direct the release of a prisoner, but as they do not have experience of assessing risk in the way the Parole Board does, how will they be able to make those sorts of assessments?

**Martin Jones:** That would be an additional challenge. At the moment, I guess the closest approximation you have is the mental health review tribunal, which makes decisions about the release of people from hospital or prison. If you have mental health conditions, that goes up to the tribunal. But this would be new work for the tribunal.

It certainly seems to me that the tribunal would need training in relation to risk assessment. The lifeblood of the Parole Board is understanding the progress that somebody has made and ensuring the processes work. Clearly, if you are going to have, under one part almost, a reconsideration of the case as a whole, that will be quite a complex decision if you are potentially dealing with a significant volume of cases being challenged.

**Q105 Maria Eagle:** Clause 36 enables the Secretary of State to take a decision that is referred to them by the Parole Board. Can you think of any circumstances in which a Parole Board might refer a decision to the Secretary of State in place of making a decision itself?

**Martin Jones:** In my seven years of experience running the Parole Board, I cannot think of a single case where we would say that we cannot make that decision. We would say that is our job—take the evidence presented to us, do a risk assessment and decide whether that person is safe to be released—on some incredibly difficult, complex and sometimes controversial cases. I cannot imagine a circumstance in which a Parole Board would not deal with that.

The only circumstance I could possibly imagine is where we did not believe we had the full information to enable us to make the decision—perhaps on a terrorist case where there is sensitive information. But over the last three years, particularly following London Bridge, we have worked very closely with the Department and other agencies to ensure that the Parole Board always sees the most sensitive information in those cases, to make the right decision. That includes ways of seeing very sensitive information without disclosing the full information to the prisoner. That is really important to ensure that the public are kept safe.

**Q106 Maria Eagle:** Clause 46 enables the Secretary of State to prescribe what description of member should handle a particular case. It relates to this idea that there ought to be more members with a law enforcement background and that that would give a different perspective. Do you think it would affect the independence of the Parole Board and its practical capacity to get panels together to deal with the cases if there was a prescription about who had to be on each panel?

**Martin Jones:** First of all, it is important to be clear that we already have police officers on the Parole Board. They are an incredibly important part of our decision making, alongside all the other experience—the judges, the psychologists, the psychiatrists and others. We have had a look at the release rates by different types, and in reality our members are trained and we bring in people who are driven by the evidence, not by their vocation.

I think there is a problem in saying that a particular person must be on the panel for a particular group of cases. Certainly, it adds an additional layer of operational complexity to us to ensure that we have enough police officers. If you look at the numbers in the explanatory memorandum, it is about 2,000 cases a year; we would need quite a lot of police officers on the Parole Board to ensure that those cases are appropriately panelled.

Ultimately, it goes back to the fact that the Parole Board is a court in law. In reality, it is best for the court to decide who are the appropriate people on cases, depending on the complexity. Sometimes, we might have a case in which somebody was convicted as a child and has severe learning difficulties. It might be more important to have someone with that experience on a panel, rather than a police officer.

**Q107 Maria Eagle:** Finally, clause 47 provides a statutory power for the Secretary of State to dismiss the chair of the Parole Board. Does that present an issue with the independence of the board, as far as you are concerned?



**Martin Jones:** My concern would be about the nature of the decisions we are asked to make. Parliament has decided that we should decide upon the release of people convicted of the most serious offences. Ordinarily, the classic would be someone serving a life sentence for murder or other very serious offences of rape, terrorism and other things. None of those decisions are easy; none are decisions that will not have caused potential public anxiety and huge damage to the victim.

If you look at the numbers, we make around 16,000 decisions a year about whether people are safe to be released. We release about one in four, so 4,000 people each year. We probably get a controversy and lots of media attention in around five of those decisions, so it is a tiny number of cases. I have been working in public service for 30 years, and I understand why you get that attention on particular decisions if they are high profile, but I think there is a danger in trying to take aim at the chair of the Parole Board, who has had nothing at all to do with the decision in that case. Indeed, under the Bill they would not even decide who should sit on that case, but they could be told that they should be removed.

I would say that, of course, it must be right that if someone is not up to the job, there should be a way of removing them from that job. I think we would all expect that, living in public life. There is already a protocol in place that would allow a Secretary of State to follow a process in a fair way to remove the chair of the Parole Board if they believe they are not fulfilling their functions. My concern is that if it is used simply because the Parole Board has made a controversial decision, that potentially impacts on the independence of the Parole Board.

**The Chair:** That brings to a close the questions for this session. Thank you for coming this afternoon and answering questions.

### Examination of Witness

*Jan Lamping gave evidence.*

3 pm

**The Chair:** Jan, could you introduce yourself for the record, please?

**Jan Lamping:** Good afternoon. I am Jan Lamping, the chief Crown prosecutor for CPS Service Yorkshire and Humberside and the chief Crown prosecutor with the thematic lead for victims.

**Q108 Anna McMorrin (Cardiff North) (Lab):** Jan, could you start by telling the Committee what you think of the Bill and whether you think it includes all categories of victims?

**Jan Lamping:** The CPS is very positive about the Bill and we support its aims of improving the service to victims. The aims align with our victim transformation programme. We think it is positive that, for the first time, principles of the code are included in legislation.

As far as whether any category of victim is missing, there has been discussion about victims of antisocial behaviour. It would be a matter for Parliament as to whether they were included, but from a CPS point of view, we only consider cases that are referred to us by

the police, so if there were a case with a victim of antisocial behaviour, we would apply their code rights in the usual way.

**Q109 Anna McMorrin:** What recourse would a victim have if their rights under the code were not met?

**Jan Lamping:** Our staff are really committed to complying with the rights. As an organisation, that is really important to us, so our practices and policies are written with that in mind.

Obviously, there can be problems and it is important that victims are able to complain, should they feel their rights have not been met. We have a robust complaints procedure that has several stages. At the first and second stages, the complaint would be dealt with within the local CPS area—at the second stage, by a very senior manager. With a service complaint—non-compliance with code rights would be a service complaint—there is a right for victims to complain to the independent assessor of complaints. The independent assessor has the power to make recommendations about our practices and procedures; to recommend that we give an apology, if we haven't already; and to make a payment. There is the parliamentary and health service ombudsman as well. That is not the only oversight; there is oversight by our inspectorate as well, and we are superintended by the Attorney General

**Q110 Anna McMorrin:** The Bill has provision for rape victims and witnesses to be given the opportunity to meet the CPS service staff involved in their case ahead of trial. However, there is a CPS document, "Speaking to Witnesses at Court", that already tells prosecutors to do that. What is the actual change here?

**Jan Lamping:** They are two very different things. The "Speaking to Witnesses at Court" guidance says that when witnesses attend court, we would speak to them at that point. When they arrive on the day to give evidence, we introduce ourselves as prosecutors or paralegals, and explain what is going to happen on the day.

The new duty is different, in that it would apply to every rape and serious sexual offence victim after a not guilty plea. It would be a more detailed meeting, so we would make the offer following the not guilty plea. We hope that people would take us up on it. It is an opportunity for us to try to give witnesses confidence in the process, because we know that there is likely to be quite a long time before the trial, to reassure them and to make sure that support is in place, because speaking to witnesses at the court stage would be too late. It is just one part of the service that we are working to provide under the victim transformation programme.

**Q111 Anna McMorrin:** On collaboration, last year there was a joint report by His Majesty's inspectorate of constabulary and fire and rescue services and the Crown Prosecution Service inspectorate. It found that lack of collaboration between the police and prosecutors led to huge delays and poor communication with victims of rape. What in the Bill will change anything for victims?

**Jan Lamping:** The fact that the Bill places a spotlight on all agencies complying with the code will make a difference. Obviously, that is only one aspect, though; we need to work well together, including locally. In my area, we work really closely with our police and crime



commissioners and other justice partners. That is not to say that we always agree with one another, but we are working together through our local criminal justice boards to address barriers to providing a better service. I think that collaboration is what is really required.

**Q112 Anna McMorris:** Would that, or the Bill, do anything to change the fact that on average, 706 days elapse from the date of reporting an offence to the police to the start of the trial?

**Jan Lamping:** The Bill in itself will not make a big change to the length of time that takes. Other work that is ongoing will hopefully do that, such as Operation Soteria.

**Q113 Anna McMorris:** So nothing in the Bill will put an obligation on you to change any of that.

**Jan Lamping:** Well, the Bill is really about compliance with victim code rights, and there are other pressures that lead to, for example, delays in the court process.

**Q114 Anna McMorris:** During those 706 days, what support will you offer the victim, and how will the Bill change that?

**Jan Lamping:** Obviously, only a part of that—a significant part, I accept—is our responsibility. The meeting with the victim following a not guilty plea is important given that cases are ongoing for longer. As I mentioned, this will be one part of our enhanced service to the victims in greatest need under our transformation programme. It will offer a more tailored, more bespoke service to those people. We completely accept that as cases go on much longer, people will need more support.

**Q115 Anna McMorris:** Do you have examples? What kind of services are you talking about?

**Jan Lamping:** From a CPS point of view, our part would be to make sure that the right special measures are in place. Obviously, we do not provide the support services; that is not our role. However, we make sure that people are signposted to local support, that the right special measures are in place, and that we have kept people updated. Victims told us that they wanted to be kept updated, even if nothing was happening.

**Q116 Anna McMorris:** Are you not doing that now? How does the Bill improve that?

**Jan Lamping:** As the aims of our victim transformation programme align with the aims in the Bill—

**Q117 Anna McMorris:** So the Bill, in fact, will not do anything to improve things for victims.

**Jan Lamping:** I think the Bill, as I said before, puts a spotlight on things. Our work is aligned with that, and the two things go together, along with collaboration across the system.

**Q118 Anna McMorris:** The report I mentioned raised significant concerns about the quality of communication between the CPS and victims. Should there be something in the Bill about what victims should expect from those communications? I have heard from victims that it is frequently disjointed and lacks detail. They are unaware of what is happening. That lack of communication is a real problem. What will the Bill do to improve that?

**Jan Lamping:** Going back to our transformation programme, we have recognised the need to improve our communication with victims. I appreciate that you are talking not just about the CPS, but communication across a whole system. The principles in the Bill are aligned with what we are trying to do, and we fully accept that we need to improve our service to victims. That is why we commissioned independent research, and that is why we are now on our transformation programme.

**Anna McMorris:** I was actually referring specifically to the CPS, because that was raised in the report. Thank you.

**Q119 Rob Butler:** Could I take you back to the provision in the proposed updated code to have a meeting at an earlier stage between the CPS with a victim of an alleged crime? You have suggested that that would be in a rape and serious sexual offence case after a not guilty plea. Who from the CPS would be having that meeting?

**Jan Lamping:** We want to ensure that we are responding to what victims need from us. That is why we think it is really important to have some flexibility about who from the CPS meets. There will undoubtedly be times when the right person to meet with the victim is the prosecutor in the case—for example, when a legal concept is to be explained or when we know that a victim has a particular question about a legal aspect. On other occasions, perhaps the victim may have questions about the practicalities on the day, and in those circumstances, it might be more appropriate for the victim to meet with one of our trained paralegals who are at court on a day-to-day basis and are more involved with speaking to victims. I think it is more about what would be of genuine benefit to the victim on a case-by-case basis.

**Q120 Rob Butler:** That would be great if it could be delivered, but can I just push you on the practicalities? Will it really be about what is in the best interests of the victim, or will it actually be about whether a lawyer is available? Quite often it can be difficult even to find a lawyer to go and present the case in court, let alone one with the time to review the case or the time to have a pre-trial meeting with the victim. Will they not inevitably end up at the bottom of the pile?

**Jan Lamping:** No, we are absolutely committed to delivering this. The people who are presenting these cases in court would not be the people meeting with the victims, so—

**Q121 Rob Butler:** Well, is that right or is that wrong? Does the victim not need to have confidence in the person who is going to stand up and ask some tough questions on their behalf?

**Jan Lamping:** That person will meet the victim under the “Speaking to Witnesses at Court” guidance, but the person making the decisions in the case is the reviewing prosecutor. I think it is really about what the victim needs from the meeting.

**Q122 Rob Butler:** And you are confident that that meeting with, effectively, case progression or a reviewing lawyer is sufficient to build confidence and achieve the ultimate aim of giving a better service to the victim.

**Jan Lamping:** From the information that we have had so far, from the testing that we have been doing under Operation Soteria, victims and support services are telling us locally that the victims find it really useful to meet with the prosecutor.

**Q123 Rob Butler:** How much scope is there for the CPS to improve in other cases? We have talked about rape and serious sexual offences, where there is going to be this new pre-meeting to avoid the situation where a victim of a crime appears in court on the day that the alleged offender is being tried only to discover that the CPS lawyer has been given the case papers five minutes before. That does happen; I speak with 12 years' experience of seeing it happen.

**Jan Lamping:** Prosecutors in the magistrates court will deal with lists and have received them the day before, for example.

**Rob Butler:** And sometimes it is much shorter notice than that.

**Jan Lamping:** That is not my own experience. I accept what you say about that from yours.

**Q124 Rob Butler:** How can you reassure this Committee and, indeed, Parliament and the general public that the CPS will follow through with the aims that are in the Bill to ensure that victims of crime, at whatever level, genuinely get a much better service from the CPS?

**Jan Lamping:** We are committed to doing that. That is why the victim transformation programme that is aligned with the Bill will help us to work towards that.

**Q125 Rob Butler:** Are you confident that you have the skills available and the resources to do so?

**Jan Lamping:** In terms of resources, obviously the Ministry of Justice accepts that we will need to have the right resources in place—for example, for the meetings. As far as skills are concerned, we will need to train our people in, for example, how to speak to vulnerable victims, and we will need to use the expertise of those around us—not necessarily within our own organisation—to help us with that.

**Rob Butler:** Thank you very much.

**Q126 Janet Daby:** You said that victims find it useful to meet with prosecutors. I accept that and understand why, but do you support measures to offer free legal advice to rape victims?

**Jan Lamping:** It is important that where victims feel that they need to have legal representation, they are able to obtain it. We would certainly engage on any proposals in that respect. We understand that issues relating to disclosure of personal information in particular cause anxiety for victims, and while we apply the law as it stands, we would engage on any proposals regarding independent legal advice.

**Janet Daby:** Thank you.

**Q127 Jess Phillips:** I want to pick you up on something you said about Operation Soteria—that victims had found the process of meeting prior helpful. Were those victims supported by another service? You mentioned

victims and their support services. Victims were not coming to you solely on their own; they were coming with an ISVA or support of some kind.

**Jan Lamping:** I was explaining about my personal experience in the areas I had worked.

**Jess Phillips:** Yes, that was my understanding.

**Jan Lamping:** We have offered the meetings, and they have tended to take place with an ISVA there as well.

**Q128 Jess Phillips:** I have been to lots of rape cases and supported lots of people through the rape courts—I was in one last week. The idea that a victim—in this case a 13-year-old girl—would have the wherewithal to know what legal questions she would want answered, without her having her own advocate alongside her, is, I have to say, for the birds. As for the idea that just having a meeting with the CPS will enable them to get their legal questions answered, I suggest that the average person in this country will not know what legal questions they need answering, so it might be better for them potentially to have a legal advocate alongside.

**Jan Lamping:** I accept that not everybody knows what questions to ask. That is why I said we would engage on any such proposals.

**Jess Phillips:** Great.

**Q129 Siobhan Baillie:** We know, and we have heard evidence today, that for rape victims the potential that their personal medical records or therapy records will be disclosed through this process is a real deterrent. What is your view on the proposals that a judicial declaration should be required for disclosure? I am interested, because among the arguments against that I have heard is that it would slow the court process even more, and we have court backlogs as it is. Where are you on that?

**Jan Lamping:** As I said, we apply the law as it is now, and our guidance that is in place now should provide adequate safeguards, in that we should request such material only if it is relevant and necessary, and only in pursuance of a reasonable line of inquiry. That should provide safeguards. As for it being a judicial decision, there is a danger that that would introduce further delays. It is important that we follow our guidance and the police follow their guidance, so that victims are protected from unreasonable intrusion into their private lives.

**Q130 Siobhan Baillie:** Is it the experience of the CPS that, even with the guidelines as they are now and the need to give good reason effectively, it is still providing a deterrent to victims pursuing their cases?

**Jan Lamping:** It is difficult to know from a CPS point of view, because we deal with the cases that are referred to us by the police. We do not know what has been a deterrent before that in terms of what the police have asked for, so I do not think that that is something I can comment on. It could be a deterrent, yes.

**Q131 Janet Daby:** How would you view your role as working with an independent public advocate? Have you given that any thought?

**Jan Lamping:** It is obviously a new concept, and we are interested in what the detail will be. We can certainly see the benefit from the point of view of the people affected by these terrible incidents. There are some things that we would like to work through. Prosecutors would have responsibilities for speaking to, for example, bereaved families in any event, and there are some concerns about whether there might be duplication.

I know there is mention that it could be a community representative who is the independent advocate. That may be fine, but it may be that a community representative does not represent everybody in that community. There are things to be worked through, but we understand why that is being suggested and are certainly happy to work on the detail.

**Q132 Sir Oliver Heald:** When you are prosecuting a case, clearly you have to have the conduct of it. To what extent does that limit what might be possible?

**Jan Lamping:** In what sense?

**Sir Oliver Heald:** Obviously, you have a duty to the court. The judge is in charge of the procedure and the law. Does that create any limitations for the role of an independent advocate working for a witness?

**Jan Lamping:** In terms of the independent advocate, for the prosecutor?

**Sir Oliver Heald:** Well, the prosecutor clearly would want to be in charge of the prosecution, because that is your duty. Is there a limit to what the role of the independent advocate can be, and if so, what would it be?

**Jan Lamping:** I think there is. From what I have read about it, the independent advocate is more about the link between the people affected by a major incident and the agencies either investigating or prosecuting; it is more that kind of role, as opposed to in court.

**Q133 Sir Oliver Heald:** Yes, but in individual cases—some of the most sensitive cases there can be—you would not expect the role of an adviser to impinge on the role of the court, because there is a legal basis to this.

**Jan Lamping:** No, not at all.

**Q134 Sir Oliver Heald:** Do you want to say a word about special measures, which is one of the ways in which a witness can be made to feel more comfortable?

**Jan Lamping:** When the police refer a case to us, they provide information to us about the conversations they have had with victims about what kind of support would help them to give their best evidence. There are numerous special measures available that we then consider, from live links to giving evidence remotely, giving evidence in private in certain circumstances and pre-recorded evidence.

**Q135 Sir Oliver Heald:** When would the discussion about that occur? Would it be at the meeting after the not-guilty plea?

**Jan Lamping:** It happens at different points. There are initial conversations between the investigating officer and the victim and then conversations between ourselves and the police once we get the information from them,

but certainly one point would be at that meeting. It may well be that we have already had the information and special measures are in place, so the meeting might be more of a check of whether those are still the appropriate measures and whether any changes need to be made.

**The Chair:** There are no more questions, so I thank the witness, Jan Lamping, for coming and giving evidence this afternoon. We will end that session and move on to the next session a few minutes early. I warn people that we are expecting a vote fairly soon, so we will have to interrupt proceedings when that happens.

### Examination of Witnesses

*Councillor Jeanie Bell, Kate Davies and Catherine Hinwood gave evidence.*

3.25 pm

**The Chair:** Can I welcome the witnesses and ask you to introduce yourselves for the record, please?

**Kate Davies:** Good afternoon, everyone. I am Kate Davies, a national director in NHS England. My formal title is the director of health and justice, armed forces and sexual assault services commissioning, and I have recently taken on a senior responsible owner role for the programme of work that NHS England is doing on domestic abuse and sexual violence.

**Catherine Hinwood:** Hi everyone, it is lovely to be here. I am Catherine Hinwood, NHS England's lead on domestic abuse and sexual violence.

**Cllr Bell:** I am Councillor Jeanie Bell from St Helens Borough Council and I am here representing the Local Government Association.

**Q136 Jess Phillips:** Thank you very much for coming; sorry if we get interrupted in between with democracy—it gets in the way of all sorts. The part of the Bill that focuses mainly on your areas of work is the issue of collaboration between different partners. Could you quickly give us your views on how you think this the Bill will encourage a better duty to collaborate than currently exists and where it might need to be strengthened?

**Kate Davies:** Thank you very much, Jess. We welcome the Bill and we welcome the duty to collaborate. From the perspective of sitting giving evidence or suggesting amendments, the Bill probably is not as up to date as we in NHS England would like it to be with the new legislation of the integrated care boards, the integrated care partnerships and the different elements of commissioning. There are some additions that would help to strengthen that reality of work that is now happening with 42 integrated care boards. I think that a lot of that was in good faith, and in consultation with the Health and Care Bill becoming an Act in July 2022, but there is certainly more that could be produced to give a clear element of prioritisation and advice to 42 integrated care boards, which ultimately are the population-based commissioning for NHS services.

NHS England has mitigated that collaboration element by putting together a single national programme of work on domestic abuse and sexual violence, which I am pleased to say Catherine Hinwood is the senior lead for, because we take very seriously the fact that we want to support, influence and also use legislation and current



Act work to prioritise the needs of the 1.5 million people who are seen by the NHS every day, whether in primary care, hospital trusts, mental health or within some of the services that I directly commission.

I think the answer to the question is, “Yes, that is great,” but the Bill is probably in the past in the way that has been written and put. If we are looking into the future and what we now know, we could look at strengthening that for NHS collaboration with local authorities and also at how the ICBs in particular work across their populations with the voluntary sector, lived experience, the criminal justice sector and police and crime commissioners.

**Catherine Hinwood:** If I could just add to that, I started leading this programme at the back end of last year. I visited a lot of ICBs and a lot of commissioners and I have spoken to the third sector. There is fantastic collaboration going on in some areas, so I welcome strengthening the collaboration through a duty, but there are a couple of things that I think we need to be mindful of.

The first is the serious violence duty and the duty in relation to prevention, ensuring that whatever we do in terms of thinking about the local structures and local infrastructure that exist—also in relation to the implementation of the Domestic Abuse Act and domestic abuse partnership boards—all comes together to be a really person-centred, locally focused duty that supports and enhances the structures that are already there at the moment, rather than comes in and brings in something new. From my perspective, there is great work that is already being done. Ensuring that collaboration is at the heart of the way in which key local partners work is brilliant, but I want to make sure that whatever we are doing aligns well with what is happening in local structures.

The next thing I would want to say is that I really welcomed the focus in the women’s health strategy on looking at violence against women and girls—in which, of course, we include men and boys as well—as a public health issue. One of the things that I would really like to see through the Bill, and across Government more widely, is thinking about violence against women and girls, domestic abuse and sexual violence through a public health lens, as well as the really important criminal justice lens. I would like to see the Bill thinking a little bit more about, and interacting a bit more with, that public health approach that we are taking to serious violence.

**Q137 Jess Phillips:** Before I come to you, Councillor Bell, I just want to focus specifically on health, because regardless of the quadrupling funding that we have been hearing about from some witnesses and the Minister today, the local authority is and always will be the biggest provider of victim services in our country. Certainly when we are talking about domestic abuse and sexual violence services, that has always been the biggest provider of funding and, obviously, that has definitely not been quadrupled.

Historically, health services have not been a commissioner in this particular space. When Rape Crisis England and Wales gave its evidence earlier, the witness said that she could not think of a mental health trust in the country that commissioned a specialist trauma service for victims of rape and sexual violence, and that has certainly been my experience as well—not that I could not think of

one, but that it is very patchy. Kate, I noticed that you said it would be better if they had better advice. Do you think that the duty is strong enough to make the ICBs actually fund any of this work?

**Kate Davies:** I think one of the reasons why I am also sitting here is that I do commission £50 million-worth of sexual assault referral centres—47 across the country—and NHS England has increased that from what was actually £6 million when it first came in as part of the Act of 2012-13, and also developed all the paediatric services as well as adult services. Most recently, the long-term plan in 2019 increased a baseline of £4 million of mental health trauma-informed services around sexual violence, and in fact, I announced another £2 million for that only last week.

I think the reality with this area of work is that, when you are working within the NHS in a busy hospital trust or a GP’s surgery, of course we give some brilliant support every day of the week to men, women, girls and boys who are victims of rape and sexual assault, and also other elements of violence. However, this could be an opportunity to look at how the resource, generically within the NHS as well as maybe a more targeted element, can support people’s knowledge, people’s understanding and sometimes people’s fear—how that can be an earlier intervention, as well as a targeted intervention. That is why I am sitting here, and that is why we are sitting here for the NHS. I think that answer is yes.

**Q138 Jess Phillips:** I am delighted to see both of you in your positions—neither of your positions existed that long ago, so it is a delight to see you both in them. What I want to know is whether this Bill, and the duty to collaborate specifically around domestic and sexual violence—which does include health service providers—is actually going to make it so that the ICBs, for example, all commission services for domestic and sexual violence. If I were to think of the population of any particular area, you are talking tens of thousands of victims in the west midlands alone. If you were to have a similar health problem that tens of thousands of people had suffered from, you can bet your bottom dollar that my ICB is funding a specific service for them. Do you think that this is going to do that in this case? Do you think the duty to collaborate will lead to anybody actually doing that?

**Kate Davies:** I will have to say yes; I think it will. We would like to see that consistency. One of the works that the national programme does, as well as obviously across ICBs with Steve Russell—who is actually the board sponsor for this work as the chief delivery officer for NHS England; it is a great approach, through both Steve Russell and Amanda Pritchard as chief exec—is to really evidence that importance to our ICBs, for not only patients but staff. We have 1.3 million staff, and certainly from a recent campaign we had a lot of feedback on the improvements we can make and also the good practice.

We have some great work going on. We have just done some audit work around ISVAs in some of our acute trusts and actually found out that we are doing more that is commissioned through the health budgets and through ICBs than we ever realised before. We have to build on that good practice, to be honest with you, but this is a very busy time in the NHS. It is really



important that we can maybe use some additional resource that can target how this can be understood and also be focused as part of a planned programme of work.

**Q139 Jess Phillips:** Councillor Bell, from the point of view of the local authorities, how do you think the duty to collaborate will make a difference?

**Cllr Bell:** I do not know if this will be controversial or not, because I am not sure what everybody else has been saying. Although I tried to tune in as much as I could on my train journeys down, the wi-fi has not been great. I would say that no, actually, I do not think that the duty alone is enough to make the collaboration work. Collaboration is formed on good relationships, good professional relationships and information sharing, and that is developed through strong partnership working practices. You cannot have that unless it is funded properly.

My concerns from what I see in the proposed Bill are that the funding assigned to it is for almost like a convener role to pull things together, whether that is at PCC level, who will help run the meetings and provide the support. Actually, we have local authorities and the NHS with significant capacity issues. I would go as far as to say that PCCs have capacity issues and cannot do everything either, so we cannot get away from that resource and capacity issue. It is an increasingly complex landscape.

We have to be really careful, when we talk about capacity in this context, that we are not duplicating as well. We have talked about the Domestic Abuse Act and the serious violence duty, but we also have collaboration happening through the combating drugs partnership. You have all these additional collaboration duties coming in—which we all want to comply with, because ultimately we all want a better service for victims—but there is no additional funding for victims in all this either, which is a concern.

I suppose the last thing I would say is when we look at the duty to collaborate, that will not solve the problem around the footprint that this will operate on. In terms of PCCs, ICBs, local authorities and violence reduction units—of which you have only 20—you are talking about lots of different organisations, some of which will be operating on different footprints, so how will you ensure that when you talk about the duty to collaborate, you have that flexibility built in to ensure that at a local level you can work in a way that meets the needs of your residents? You will all know from your own constituencies how complex that can be within that footprint, so there has to be a degree of flexibility as well.

**Q140 Jess Phillips:** For example, we already made a duty on the local authorities: unitary, tier 1 local authorities had the duty to offer refuge accommodation to victims of domestic abuse, and had to give priority to victims of domestic abuse in housing. In reality, that priority means that a person is almost certainly on a waiting list for a year—in fact they would be lucky if it were a year. Similarly, there is access to children's services. The two biggest areas of victims' lives—in the case of the duty to collaborate, which is only for domestic and sexual abuse—are housing and children's services. The vast majority of this will fall to the local authority. Once you have this duty, is there any sense that it will not just be another thing that creates long waiting lists?

**Cllr Bell:** The pressure will increase. I was the previous cabinet member for community safety, which included housing, domestic abuse services, homelessness, asylum and refugees, as well as community safety and our band A properties, which are for most urgent need. Domestic abuse is in that band A category. A person could still be waiting for a minimum of a year.

Ultimately, our refuges fill up very quickly. They remain at capacity and that can be seen right across the country. That is not specific to my authority either, so you will see it right across the landscape. There are not enough houses being built to provide accommodation that is safe for people. I know that that is not necessarily what we are here to talk about today, but you do have to address that. That is why I have a concern about the duty to collaborate. Obviously, I want it to work. I want us all to work together, but I just do not think that the duty alone is enough.

**Q141 Elliot Colburn (Carshalton and Wallington) (Con):** I will stick with the theme of duty to collaborate, and I should probably declare an interest as a former local government councillor and a paid employee of an integrated care board in the past. We know full well from the example of the integration of health and social care how even getting the NHS and local government to work closely together has been a challenge. In fact, that is still a challenge even to this day. Catherine, where do you think the responsibility should lie for overseeing the implementation of this collaboration at a local level? Should it be police and crime commissioners, the NHS, or the councils? Where do you think that it would be best placed?

**Catherine Hinwood:** I am going to talk to you about the implementation of the serious violence duty and the way in which that worked, and some of the lessons that I think we should learn from that. Under the serious violence duty, police and crime commissioners were given the responsibility of overseeing the implementation of the duty and overseeing all of the funding for labour costs, which were given to responsible authorities for the set-up of the duty, as well as allocating the money for commissioning costs, which, again, were given once a new duty was put on responsible authorities.

What we saw with the way in which PCCs have taken that responsibility is that it has had a very justice-focused lens in the way that they decided to distribute labour costs. We know from the Home Office's implementation work that a significant amount of money that ought to have been spread evenly across responsible authorities has not gone to ICBs. A significant number of ICBs did not receive their implementation costs.

What we have learned from the serious violence duty is that if you want to have some kind of equality of arms across responsible authorities to be able to ensure that they are all implementing the duty—I think that it is a great point about wanting to see ICBs much more in this space; they are talking about the fact that they want to be more in this space. If you put a PCC, for example, as the lead body—the convener—in relation to this, then the implementation of it needs to be done in a way that you are ensuring that funding is distributed equally and that responsibilities are clearly set out. I am not sure that I would put a lead authority or a lead body in place for the duty. There must be a way of ensuring equality between each of them.

**Q142 Elliot Colburn:** Surely someone has to oversee this. Who will pull the bodies together?

**Catherine Hinwood:** The way that I have read the legislation and the way that I understand the guidance is being considered is that there will be local flexibility as to what kind of body will be the convening body. For example, one area might say that they will use an integrated care partnership, one might use a violence reduction unit, and another might use a criminal justice board. If you build that flexibility in, I do not know how you can then give one body the oversight for the implementation. It might be that a national body needs to oversee it, I really do not know. But this is the kind of stuff that we need to work through, and work through in the guidance.

**The Chair:** Order. I will suspend the Committee for Divisions in the Chamber. I will suspend for 15 minutes for the first Division and 10 minutes for the second and any subsequent ones. We are expecting at least two votes, so we will suspend for at least 25 minutes.

3.45 pm

*Sitting suspended for Divisions in the House.*

4.15 pm

*On resuming—*

**The Chair:** We shall carry on with the session, and I would like to bring in Siobhan Baillie to ask a question.

**Q143 Siobhan Baillie:** This question is to Kate. In your role for the NHS, you do super work. We are now looking at this issue quite closely from an NHS and health perspective. You mentioned that you thought the Bill could do with some updating because of integrated care boards. I was looking through the Bill before—sorry, I am flicking through all these pieces of paper. Do you have a policy paper or is there something from your policy guys or Government liaison people that sets out what the changes should be to do that exercise of bringing the legislation up to date? Has that been done already? I could not find it anywhere, so I am sorry if you have already sent it in.

**Kate Davies:** It is obviously our responsibility within NHS England, when there is a particular area like commissioning some victim services—as I do—to work with Bills as they are coming in. I worked across that with Catherine in a previous role; I declare that as an interest. We are aware of it from working with our colleagues in the Department of Health and Social Care as well. We now realise, because of the Health and Care Act of 2022—there are obviously lots of issues coming in as a Bill turns into an Act—what that means. We know much more than we did then, and I think it is fundamental now to look at how, with ICBs and ICPs, we can make better use of the local authority and NHS population-based commissioning. There is also a requirement with the voluntary sector. One of the objectives with ICBs is about health inequalities.

All those elements are now legislation. All those elements give us a real focus, a real lens, on, in particular, survivors and victims within a population, whether they come through a GP's door or through a local authority door for something to do with housing. It is a question

of that needs assessment at local level to say that we have a duty and the responsibility to work with that population number and also support that, whether that is through collaboration or governance. It goes back to Elliot's earlier point about ensuring that we come round the table to ensure that that happens. I think the current wording in the Bill is helpful, but does not go far enough to ensure that there is that responsibility, accountability and governance in order to collaborate and provide as part of that needs assessment.

**Q144 Siobhan Baillie:** It would be really helpful if we could have a note on that.

**Kate Davies:** There have been discussions with the Department of Health and Social Care recently on that, so I think that is an important element to go back to you on.

**Catherine Hinwood:** I think we are going to submit written evidence on this, so we are really happy to do that.

**Q145 Rob Butler:** You have all spoken a lot about ICBs, but I think it is fair to say that they are still finding their feet as entities and that they are doing so with a greater or lesser degree of success in different parts of the country. I would certainly say that in my own area of Buckinghamshire, the ICB we have is far from being where we would hope or expect it to be. It has had lots and lots of challenges.

In the context of, frankly, ICBs that are struggling to fulfil their core duties, I wonder how they will really do what is needed for victims through this proposed legislation, because I do not think that they are going to see it as their No. 1 priority. I wonder how you can leverage to ensure that this important legislation and the concepts behind it are delivered on by ICBs.

**Catherine Hinwood:** ICBs now have a duty to set out in their joint forward plans how they are going to support victims of abuse, and it is specifically set out that they must talk about victims of domestic abuse and sexual abuse. We are starting to work with ICBs to help them. We issued guidance on what they might want to do to be able to fulfil that duty and how they might approach it, but we are starting to work with them in the coming months to assist them in how they are approaching that. I agree that they would be at different levels of maturity, but it is certainly something that we within NHS England have had to focus on in assisting them with and will over the next year, as they grapple with a number of different responsibilities. You are absolutely right: this focus that they have on victims of abuse is a new one. It is a different one and it did not come with any funding—it did not come with any ringfenced funding—so we are helping them to think about how they might be able to mature in this space.

**Kate Davies:** One of the things at the moment is the maturity of the NHS, with the recovery from covid and everything else. I remember being in a forum during covid and looking at the issues of serious violence, victims and survivors. There are victims and survivors walking through the door of every GP, hospital trust and, perhaps, accident and emergency department. We have too much evidence or representation of people coming in years after they have actually been a victim—this may be related to childhood sexual abuse or to domestic abuse.

It is fundamental that someone in an NHS service has the opportunity to feel safe enough and supported enough to be part of their needs and requirements. They might come in for something else—for example, we have just done some work on cervical screening. I have to say that we are talking about superb interventions through lived experience. How do we get every woman who has cervical screening as part of their requirement also to have the opportunity to say, whether they know this or not, what needs they have or what support they need? This is about, “How can we support you? Have you ever been a victim of rape, sexual assault or domestic abuse?” It is those opportunities that we should be supporting.

I have been with the NHS quite a long time, so I am not saying this because I am sitting in front of the Committee, but there are massive amounts of evidence that people want to do more in this space, because that is part of so many people’s experiences, either personally or professionally; this could be as a clinician, with someone in front of them as a patient. This is a great opportunity to talk about the duty to collaborate, but it is also a great opportunity, as you say, when you have maturity of ICBs at this early stage, to make it a priority.

Lastly, as people are aware, I sat in front of a number of Committees to do with armed forces, as I am the senior commissioner for armed forces. I had exactly the same conversation about that maturity. Four or five years later, we had the armed forces covenant and a really important requirement around armed forces’ mental health and trauma, whereby we have commissioning and supporting a dedicated pathway. That is really why we have been commissioning more mental health enhanced services for sexual abuse recently, through the long term plan. It is a really good opportunity to build on this and build on that good practice, as well as to say where it is not working—we have to be honest about that, too.

**Q146 Rob Butler:** Councillor Bell, perhaps you could say something specifically on the fact that in different areas there is a greater or lesser representation of local authorities on those ICB boards and that that can be controversial

**Cllr Bell:** Yes, it can. Let me just to come back to add a little more detail. At a local level, we are talking about ICBs and we are quite heavily focused on them. They will be feeding into your health and wellbeing boards on your local authorities. Your community safety partnership should be feeding into your health and wellbeing boards, and there should be a joint commissioning approach to local services running through that process as well. When we talk about not duplicating, we need to look at them; we need to look at what is already in existence and how we can deliver that duty to collaborate without creating additional layers of bureaucracy that may not actually do anything other than exacerbate the pressure on capacity. If we do not have to reinvent the wheel, let us not do so—let us look at what is there already.

Local representation in the ICBs is a funny picture at the moment, because different places are operating in different ways. Let me talk from my experience. Our clinical commissioning group was integrated into our local authority a number of years ago, so we had an integrated health and social care model already. Our

director of adult health and social care was also our director at the CCG, and is now the head of our ICB. It works quite well and quite seamlessly. Our cabinet member sits within that structure as well.

**Q147 Rob Butler:** Do you think that that is a better model to achieve the aims of this legislation, to give a better service to victims of crime?

**Cllr Bell:** I do not want to overstretch. From my experience, it works well in our authority. I am certainly not a health specialist. Those are the people you should speak to, given their knowledge. In my experience, at our level, it has worked extremely well.

**The Chair:** If there are no other questions, I thank the witnesses for coming along this afternoon and giving evidence, and I apologise for the intervention of democracy. We will now move on to the next panel.

### Examination of Witnesses

*Gabrielle Shaw, Rachel Almeida and Duncan Craig gave evidence.*

4.27 pm

**The Chair:** I welcome the three witnesses. Thank you for coming along. Would you all introduce yourselves briefly for the record, please?

**Duncan Craig:** Hi, my name is Duncan Craig. I am the founder and chief executive of We Are Survivors, an organisation supporting boys and men, like me, who are affected by sexual abuse, rape and sexual exploitation. Thank you for inviting me.

**Rachel Almeida:** I am Rachel Almeida, the assistant director for knowledge and insight at Victim Support.

**Gabrielle Shaw:** Hi, my name is Gabrielle Shaw. I am the chief executive of the National Association for People Abused in Childhood. NAPAC is a national organisation that supports adult survivors of any kind of childhood abuse, trauma or neglect.

**The Chair:** I repeat what I said earlier: people should speak loudly, because the acoustics in this room are dreadful.

**Q148 Anna McMorris:** I will start by asking each of you to talk briefly about what you think of the Bill, and the Government’s definition of “victim” set out in it.

**Gabrielle Shaw:** This is my “Mastermind” subject—thank you. First and foremost, it is good that we have the Bill. It is imperfect, as you will have heard today, but the fact that it is here and will potentially recognise victim status in statute is great, and there are some really good bits in it. My big thing is around the definition of a victim, because it is not currently explicit that you are a victim if your case has not been reported to the police. Clause 1(4)(b), which defines criminal conduct, states that, although you may be a victim,

“it is immaterial that no person has been charged with or convicted of an offence”.

By omission that implies that you have to have reported the criminal conduct to the criminal justice system. We are automatically cutting out the huge majority of victims.



In its 2020 crime survey for England and Wales, the Office for National Statistics showed that there are more than 8.5 million adult survivors of some kind of childhood abuse or trauma. Colleagues know that only a tiny fraction of survivors will ever report or even disclose their abuse. If the Bill could be made more explicit to include that you do not have to have reported the criminal conduct, it just needs to have happened, what a win that would be. How important it would be to victims and survivors on the ground to think, “What happened to me mattered and I am entitled to support.” As you can probably tell, I am a big fan of making the definition more explicit to cover that.

**Rachel Almeida:** This Bill is really welcome and has a lot of potential to improve the experiences of victims. We previously heard from the Minister that the Government’s intention is for victims who have not reported to be within scope, but given that there is a question around that, we would suggest that it could be made more explicit so that those who have not reported feel that the rights are for them. We welcome the additions to the definition in the draft Bill, and we would support widening the definition to include victims of non-criminal antisocial behaviour. Similar to what Vera Baird said earlier, we believe that a lot of victims are hugely impacted by persistent ASB. We agree that there needs to be a threshold for it to be persistent ASB, but we believe that their not having any rights means they are unable to access the support that they really need. We welcome the Bill and think it needs to be strengthened.

**Duncan Craig:** I am really pleased with the Bill. I remember speaking to Minister Argar, and I believe that this is a once-in-a-lifetime opportunity to create something. I absolutely echo what my colleagues have said. As a child abuse survivor, a victim of sexual exploitation and a victim of rape, I have not reported to the police any of what happened to me, despite the fact that I have spent the last eight years training police officers, using my story in various different working groups and sitting on various different boards. Although I hear what Gabrielle is saying and I think there is a really powerful statement in there about strengthening the Bill, what is really important for us victims is to be seen. We can talk about the semantics of it, but it is not about that; it is about being seen and knowing that all of you see people like me.

**Q149 Anna McMorris:** Can you expand on the child criminal exploitation element? Do you feel that there is a need to have a statutory duty in the Bill on child criminal exploitation?

**Duncan Craig:** Are you talking about mandatory reporting?

**Anna McMorris:** Yes—and a definition.

**Duncan Craig:** I get a bit nervous around this particular subject, because no matter where I have worked—whether it is the past 15 years within my organisation, or working over in Australia or the States—no one has ever been able to fully explain what it means for adult survivors. I absolutely think that what we need is 100% clarity to make sure that if any individual—professional or volunteer—knows that a child is being harmed, we will use all our powers to stop that happening now. I am not too sure how we carry on with that, to be honest.

**Q150 Anna McMorris:** Okay. Does anyone else want to comment on the importance of having a statutory definition of child criminal exploitation?

**Gabrielle Shaw:** I am not—

**Q151 Anna McMorris:** That is fine. Rachel, what is your opinion on the code, as set out in the Bill? Is it enforceable?

**Rachel Almeida:** The code is a really important document, which the Bill puts on a statutory footing. We really believe that if the code was put into practice, it would hugely improve the experiences of victims. There are a huge number of valuable rights in there that, if delivered, would provide victims with clear information, confidence in the system that they will hear what will happen to their case and support at court. We know that that does not happen in practice and we want a step change—a systemic change. We know that code compliance is really poor and what we need from the Bill is for that to change. We are concerned that, as the Bill stands, the change that is needed will not happen. A few things need to be done to strengthen the Bill.

The Bill refers to regulations being introduced to collect prescribed information. It needs to be more explicit that that applies to every single right. We want compliance with every single right to be monitored. From evidence we have seen, that will not necessarily happen, so it needs to be really clear that the regulations cover every single right.

We also believe that it should be made clear what level of compliance is acceptable. We know that compliance is quite low and, at the moment, the Bill hangs on the thread of transparency. It mentions collecting data—at the moment, the data will not necessarily be across all rights—giving the PCC oversight, although not powers to drive or compel agencies to comply or improve their compliance; that can be done only with the police, but it should be done across other agencies to drive compliance. That is lacking.

The Bill talks about information and reviewing the data, which is then shared with the Secretary of State. We do not believe that that level of oversight is enough. There is no enforcement mechanism or clarity that, if agencies do not comply across the board—we know that there are systemic issues with compliance—there will be any consequence; that anything will happen. We would like the Secretary of State at a national level to set out, as part of the regulations, a minimum threshold that criminal justice agencies are expected to meet. If they do not reach the required levels of compliance, there should perhaps be a warning period when they are given the opportunity to address the lack of compliance. However, if that compliance does not improve, we would like steps to be taken. For example, an inspection of the agency could be triggered to understand why they are failing to comply. There should also be clear recommendations that they need to remedy, and accountability around that.

That is not the only way it could happen, but we feel that it is a way that could work. Without that, at the moment, it is data being collected and published, but there are not really any teeth, which we would like to see.

**Q152 Anna McMorris:** So you are saying that the victims who come to you for support will not see any tangible difference unless the Bill is strengthened?

**Rachel Almeida:** Yes.



**Q153 Anna McMorrin:** Gabrielle, do you want to comment?

**Gabrielle Shaw:** Yes. That is a really good point. I love what you just said about the tangible difference it makes to victims and survivors. It comes back to accountability. Building on Rachel's points, accountability has to be built in from the start to make the Bill really effective. I was watching the previous session, when the Committee asked many interesting questions about collaboration and the duty to collaborate—ICBs, PCCs. That is great, but how do we measure the effectiveness of that collaboration? Will it just be a meeting once a year with collaborators? It has got to be stronger than that. I like what you are saying about strengthening the Bill. That is really important.

There is currently a duty on PCCs to oversee compliance with the victims' code of practice—I read it quite a few times to make sure that I knew what I was talking about—but there is no similar duty to oversee compliance with the delivery of victim support services. That goes back to the making a difference on the ground that you mentioned. Compliance is patchy. There is really good stuff, but more consistency across the piece would make that tangible difference.

**Q154 Anna McMorrin:** Rachel, do you think that the role of the Victims' Commissioner should be strengthened?

**Rachel Almeida:** Definitely. It should be at least on a par with the Domestic Abuse Commissioner's powers, particularly the powers that criminal justice agencies are compelled to co-operate with. That is really important. Those powers are not currently proposed in the Bill for the Victims' Commissioner.

**Q155 Anna McMorrin:** What difference do you think that will make to victims and victims' experiences?

**Rachel Almeida:** It is enabling the Victims' Commissioner to be that champion for victims and have that independent voice and ability to investigate where there is a lack of compliance, where areas are not improving and where they are seeing issues raised with them. They will have ways to address that and drive forward change.

**Duncan Craig:** Could I make a comment on the victims code and the question you asked my colleagues? It is really interesting that when we started off talking about victims' rights, we called it victims' rights, and then all of a sudden we started calling it the victims code. I think there is something really important about that. All of the 2,500 men who come through our service every year and all of the thousands of women who go through Jayne's service—Rape Crisis England and Wales—need rights, not a code. In the victims code as it is—again, I do not think it is semantics—section 32(1)(b) says that it relates to “any aspect of the criminal justice system”, but, as I go through the Bill, I see that nobody is holding my organisation to account, and actually somebody should be.

Once we have moved the police out of the way, even though so many people do not report to the police, as well as health and SARCs—in Greater Manchester, only 10% of people who access SARC are males and 83% of those are prepubescent children, so that is exactly where they should be—there is something about ensuring that the rights of the victim are held not just by statutory agencies but by the voluntary sector, who

provide the majority of the services that people want and access. So there is something about making sure that the voluntary sector is in here somewhere. We know—I have a really bad personal experience of going to a voluntary sector organisation; it made things worse.

**Q156 Anna McMorrin:** Do you feel that that is about commissioner oversight being strengthened?

**Duncan Craig:** Absolutely, and not just locally either, but nationally. There is something about commissioner oversight that should be better anyway—I think we should be spending smarter—but there is definitely something about real consequences for not adhering to victims' rights.

**Q157 Anna McMorrin:** Before I finish and we move on, we have parts 2 and 3 of the Bill, with part 3 put in at relatively late notice and little consultation. Do you have anything to say about part 3? Have you got any comments on the victims of major incidents?

**Duncan Craig:** Part 3 was a huge surprise. I had been part of the working group—the task and finish group—for the victims Bill for quite a long time, and I was part of the end-to-end rape review. I think I even asked a question of where that had come from, because it just had not been talked about.

My organisation has services across all 15 north-west prisons commissioned by NHS England, and I just cannot see how this is going to help. It is so easy to draw a line between victims and perpetrators, but the absolute reality is that for so many people there is a really blurred line, particularly in prison. It is quite easy to write certain people off, and it makes me sad that we are doing that, because quite a lot of the women in prison and the men in prison have suffered various things in their lives as well. What we really need to do is help, and it feels like part 3 is more of a hindrance.

**Gabrielle Shaw:** To add to that, it did come as a surprise—it came out of left field—but at least it is here, and we will work with what we have. Duncan makes an important point about the blurred lines between victims and perpetrators, and the crossing back and forth of it. It could have been, and perhaps could still be, a good opportunity, so let us work with what we have and turn it into an opportunity. In the earlier session, Catherine or Kate said that we need to look at this as a public health issue. If we are going to look at this in the round for victims, let us look at abuse suffered in childhood, what that means for life chances, and what that means if they go on to offend. There is a real opportunity here, and if we can turn it around, I will support that.

**Rachel Almeida:** I agree that it was a surprise. We expected a victims Bill, and we would welcome it returning to being a victims Bill.

**Anna McMorrin:** We have been waiting eight years for it.

**Rachel Almeida:** I feel like the level of scrutiny given to the first part has not been allowed for the other two parts. We obviously suggest that that should happen.

**Q158 Janet Daby:** Good afternoon. I am really interested in what Duncan and Gabrielle were saying about offenders having a history of abuse—being victims themselves—and

[Janet Daby]

how that can affect them and lead them to go on to abuse. What would it be helpful to have in this Bill to address that? What you have brought to light is very personal. It is often not spoken about, but it is realised, so I am really grateful that you mentioned that. What could or should be done to improve the Bill in relation to what you just said? I understand that that is a big question, but even if you just open up a dialogue, that is fine, too.

**Duncan Craig:** When we talk about paedophilia and child sexual abuse, about 87% of paedophilic offenders are victims, but only about 3% of victims ever go on to offend, so vampire syndrome—the idea that if you have been bitten by a vampire, you will go on to become a vampire—does not exist. All the research shows that that does not stack up.

In my service—I am only talking about 15 north-west prisons, but some have category offenders—I am not necessarily interested in dealing with the offenders and their crime; I am interested in the root cause. My organisation sadly lost one of our survivors the other day. One of the things that I will carry with me about him is that I met him in prison—I was his therapist in prison—and we dealt with a lot of his experiences. I fought for the service to go into that prison because nobody was interested in dealing with his victimhood; they were interested only in dealing with his perpetration of the crimes he committed. That is right, but there is something here that nobody is talking about or dealing with. He was in a small group of people I approached as a survivor, as a therapist, as the chief exec of an organisation. I had a challenge from a couple of our service users, who said, “What are you doing, Duncan, about reducing offending?” and I could not tell them. What we are really good at in victim services—Jess, you know this from all your time in domestic abuse—is cleaning up, but when are we going to stop cleaning up and start preventing?

With part 3 of this Bill, we could do some incredible work in prisons and with prisoners around prevention so that, when people come back out of prison and into the community, there is a better sense of self and better support. What happened was only because I have an amazing commissioner in NHS England North who just took a punt, quite frankly—I am sure there is a proper word for that in commissioning, but it was a punt—and actually, 897 prisoners are now on our waiting list, they are being seen and are dealing with the things they needed to deal with.

Finally, when I started talking to Michael and said, “I think we need to do something; I think we need to do something about that 87%. What do we do about those men?”—they nearly are all men—“How do we make sure that they are not going back out and offending against women, children and other males? Maybe we need to deal with their root cause.” He said to me, “Everything in my body says no. Why should we deal with them?” And then I think, “Maybe if somebody had dealt with the guy who abused you, Dunc—maybe you would not have been abused.” It hits right there in the middle, and I think that this is a phenomenal opportunity for us to not just do stuff around victims but to prevent us from even having victims in the first place. That was a very long answer; apologies.

**Janet Daby:** Thank you, Duncan. Sorry about your loss, as well.

**Duncan Craig:** Thank you.

**Gabrielle Shaw:** Great question. It is a hard act to follow.

To answer your question, there is an opportunity to name it in the very least. That would be such a great start here—to acknowledge the facts that Duncan just set out, and the proportions, and say it is a public health issue and really go hard on the public health and prevention aspect. Otherwise, we all know what is going to happen. If the comms message gets twisted, it will be “Oh gosh, everybody who has been abused as a child is going to go on to become a perpetrator.” We need to be really careful about how we message that. It could be about keeping the generalities—acknowledging the fact that a lot of abuse does come on to being part of a perpetrator—but talking about why we need to deal with it with money, resources, therapy and with all those things we know about, because that prevents and it makes people safer in the future.

At NAPAC, on our telephone support line, we hear from tens of thousands of survivors with many different stories and backgrounds. Survivors are not a homogenous group—there are so many individual stories out there—but I can say that there are key themes that come through. Probably the No. 1 key theme that we hear from survivors is “I wish it had not happened to me and I do not want it to happen to anybody else.” I do not purport to speak on behalf of survivors, but I can relay that theme to you as a Committee and help to tie that to your question. Put it in there; make it count.

**Janet Daby:** Rachel, did you want to say anything or are you okay?

**Rachel Almeida:** I am okay.

**Q159 Siobhan Baillie:** Duncan, you mentioned that you were training police officers. Have you seen an improvement in the police service in terms of understanding and working with victims, and even knowing about the code, over the years you have been working?

**Duncan Craig:** I did, pre-pandemic. I used to go to the local training school. For a specially trained officer—an old-fashioned Nightingale officer—the 999 call comes in, and they go and lock down the scene, with the scene even being the individual themselves. They used to get five days’ training in forensics and so on, and they would have a whole day with me on working with male victims, because everything else that was talked about was around female victims. Then, on the very last day they would do role play with an actor and get scored. Effectively, it was a bit like an exam.

Now, I go to a university. I have done two classes now. I am really angry about this: in the first class, as I was telling my story—a story that I have told for seven or eight years—an individual put their hand up. There is a picture of me in the room where it happened. They put their hand up and said, “Yes, but do you not think that you should push them all off a cliff?” [Interruption.] I had exactly the same reaction as you; I was absolutely astonished. In seven or eight years, I have never had to kick anybody out of a classroom and I have never been surprised by it. It could just be a one-off, so I spoke to the tutors and said, “Just watch that.” Two weeks later,

I went back to the same university, where a new cohort of police officers were being trained, and we kind of got the same thing. I do not know what has happened, other than we have moved from police training school to university, but I am terrified. I am terrified about what we are getting and what I am seeing on the ground now. There used to be a moment in time when I had done some training with every single police officer in my force, and I was really confident. I have zero confidence at the moment, and it is frightening.

**Gabrielle Shaw:** I come at this from two perspectives. What we hear through the NAPAC support line, from thousands of survivors, is that some of them have disclosed to the police. Of course, people who contact NAPAC are a self-selecting cohort, but over the past five years the number of positive experiences relayed by survivors to NAPAC has risen. I think that is no coincidence, because I know at a national level—I will come to this in a second—there has been a huge drive by national policing to improve response to childhood sexual abuse. The hydrant programme has done a lot of work on this, as well as College of Policing and the NPCC. There has been a huge national drive.

As Duncan described, the issue is how that national drive, the national guidance and all those really good intentions translate down to force level. I can hear the chief constables now saying there is a squeeze on the training budgets and so on, but we need to maintain that pressure and the good intentions that have set at a national policing level, to ensure that trickles down properly. What Duncan described is not a rare or isolated experience at all. There is good practice as well, but there needs to be more consistency to get that real drive across all levels.

**Duncan Craig:** I am not overly concerned about the current detectives at the moment, because we have a great relationship with them, but they are about to leave because they have done their service. It is exactly like the prevention bit—the bit that I am extremely concerned about is the new people.

**Q160 Jess Phillips:** I want to ask you some specific questions, Duncan, although I suppose Victim Support also operates ISVA services in some parts of the country. The Bill has specific clauses about ISVA and IDVA services. What do you think the guidance should contain? Do you think guidance on ISVA and IDVA services should be in there at all?

**Duncan Craig:** I am a bit conflicted, if I am honest, about whether the Bill should contain the guidance around IDVA—

**Jess Phillips:** I am not conflicted; I don't think it should.

**Duncan Craig:** To be honest, Jess, I am probably leaning more towards your thinking. My organisation had the first male ISVA service nine or 10 years ago, and I know it is really patchy across the country in terms of what the judiciary and different judges will allow ISVA to do and not do, so my happiness about it being contained in legislation is that it is really clear what they are.

My unhappiness is about how restrictive it could be. What about people who have not been trained as ISVAs? What do we call them? Are we creating a hierarchy that does not need to be there? I definitely think we need

some level of guidance, not necessarily for the ISVAs and for our services, but for the judiciary. What we do not want to see is an ISVA going into the witness box in an ITV drama and then everybody thinking that that is what ISVAs can do. We want clear guidance. I am worried about it being restrictive.

**Q161 Jess Phillips:** Do you think they should be able to sit in the witness box?

**Duncan Craig:** Absolutely.

**Jess Phillips:** Me too, 100%.

**Duncan Craig:** I think they should be able to do whatever the witness wants them to do.

**Jess Phillips:** Yes, me too. But Victim Support runs the service that is allowed to sit in the witness box.

**Rachel Almeida:** Not all of them. Again, it varies hugely. In some areas, there are services where there are two courts, and one they are allowed in and one they are not allowed in. What good looks like is if the guidance could make it really clear that the roles need to be really independent. There is a role there to help establish the independence of the role and that these services should be independent from statutory organisations. The second thing is for the guidance to lead to improved and more consistent access, so that ISVAs can do their role fully and the support the victim-survivor through the court system. That is exactly what is needed. If the victim's family wants them to sit next to them, they should be allowed to—they should be allowed in the court building—and that role should be recognised.

**Q162 Jess Phillips:** So you would want to see the guidance to state explicitly—it will not necessarily go in the Bill, but it will sit behind it in secondary legislation—that, for example, ISVA can always accompany a victim into a courtroom.

**Rachel Almeida:** Further, I would say, in relation to section 28—whenever they are cross-examined, which may not necessarily be in the court building but could be in pre-trial cross-examination—that they should also be included in that room. Also, in the introduction of a CPS meeting, the ISVA should be there, invited and included as part of that process.

**Duncan Craig:** In Greater Manchester, we have been trying, with the deputy Mayor, to do an opt-out of ISVA. As soon as someone is identified, they have an ISVA, partly because, particularly when we are talking about something that happened last night, we seem to ask the individual 25,000 questions when all they want to do is go home, have a shower, go to bed and have nobody talk to them—let alone decide whether they want an ISVA, an IDVA or whatever.

What we learned in some of our discussions with our clients was, if we gave them one, they just accepted—in some way, shape or form—and it meant that we could properly see somebody right through to the end. If we asked, “Would you like an ISVA?” they always say, “No, I'm fine.” Then it is not until three days before going into court that someone has a breakdown and we have to try to fly somebody in. It is about working a little bit with some agencies. I am very proud of our north-west CPS, because its first question is, “Who is their ISVA?” The police need to do a little bit of that and health really needs to do a lot of that.



**Q163 Jess Phillips:** You would have to guarantee that everyone could have one.

**Duncan Craig:** That is the next bit. I did not say that we—

**Jess Phillips:** You could not possibly guarantee that every single rape victim would have one.

**Duncan Craig:** Completely. It would be nice to.

**Jess Phillips:** I mean, I would.

**Rachel Almeida:** I just want to come back to the guidance. Something that we are really keen not to happen is exactly what Duncan said: for it to lead to a hierarchy. A range of roles work in these services, and they are really valuable roles. There is a range of needs

and victims, and the guidance needs to make sure that it does not end up excluding certain services or roles from being recognised as important in providing the support that is needed to victims. A concern we have is that all funding is channelled into ISVA roles only and then you lose the expertise and the recognition of the wider roles.

**The Chair:** If there are no further questions, I thank the witnesses for attending this afternoon and giving evidence. I apologise for the slight delay.

*Ordered,* That further consideration be now adjourned.  
—(Fay Jones.)

5.4 pm

*Adjourned till Thursday 22 June at half-past Eleven o'clock.*

**Written evidence to be reported  
to the House**

VPB01 Restorative Justice Council

VPB02 Suzy Lamplugh Trust

VPB03 The Law Society of England and Wales

VPB04 Keep Prisons Single Sex

VPB05 Napo Trade Union for Probation and family  
Courts staff

VPB06 Victim Support

VPB07 Prison Reform Trust

VPB08 Lorna Hackett, Barrister, Head of Legal Practice  
at Hackett & Dabbs LLP and a tenant at Millennium  
Chambers

VPB09 Rape Crisis England & Wales, End Violence  
Against Women coalition, Centre for Women's Justice  
and Rights of Women (joint submission)—The need for  
a bespoke regime to protect confidentiality of therapy  
records in rape investigations and prosecutions

VPB10 Rape Crisis England & Wales, End Violence  
Against Women coalition, Centre for Women's Justice  
and Rights of Women (joint submission)—Independent  
legal advice for rape victims and survivors

VPB11 The Howard League for Penal Reform

VPB12 Liberty

VPB13 Centre for Women's Justice







