



Ministry
of Justice
Gweinyddiaeth
Cyfiawnder

Alex Davies-Jones MP
Parliamentary Under-
Secretary of State

Lord Alton of Liverpool, Chair
Joint Committee on Human Rights
House of Lords
London
SW1A 0PE

MoJ ref: SUB 125719

11 July 2025

Dear Lord Alton,

VICTIMS AND COURTS BILL

Thank you for your letter of 13 June concerning Clause 3 of the Victims and Courts Bill ('The Bill').

As you are aware Clause 3 provides for the automatic restriction of the exercise of parental responsibility where an offender is sentenced to four or more years imprisonment for a serious child sexual abuse offence against a child they hold parental responsibility for. The offender's parental responsibility will be restricted for all children for whom they hold it.

Firstly, I would like to provide clarity on the interests of justice test included within the provision and how the best interests of the child(ren) involved will be established. Consistent with the principles we are establishing under section 18 of the Victim and Prisoners Act 2024 ('Jade's Law'), the interests of justice test will focus on the criminal case and the context of the offences as a whole.

Given the nature and seriousness of the offences covered by this measure we expect that situations where it would not be in the interests of justice for the court to make a prohibited steps order will be extremely rare. However, as this power will be exercised at the discretion of the judge hearing the criminal case, we expect the circumstances of when it would be used to become clearer as Clause 3 is implemented and cases begin to move through the system. This discretion provides flexibility to not make an order when it is not in the interests of justice to do so; this will be fact specific based on the evidence and information available to the judge in the course of criminal proceedings. In all cases the Crown Court will be bound by section 6 of the Human Rights Act 1998 when applying the interests of justice test.

Turning to the comments raised regarding the ability of the Crown Court to hear from all relevant parties, the Government will work with partners across the criminal and family justice system prior to implementing this measure to ensure it is as efficient and effective as possible. The Crown Court is not the proper forum to consider whether any other orders ought to be made to protect the child's interests. The purpose of the automatic prohibited steps order is to offer immediate protection to the victim from the imprisoned offender taking steps in their lives; it is not to resolve any other outstanding issues pertaining to their family life.

The family court is the appropriate forum for more detailed consideration of the best interests of the child. Where an offender, another parental responsibility holder or another interested party feels that the prohibited steps order is not in the best interests of the child they can apply to the family court to review the order. When determining which orders should be made the family court will undertake a full consideration of the child's circumstances, the families' circumstances and any other relevant evidence before making a decision.

The exact process for this measure has not yet been finalised; once developed the procedure will be set out in the rules of court and guidance documents. Officials will work with partners including the local authorities, the police and the Crown Prosecution Service. Prior to implementation we will develop a mechanism to ensure that the Crown Court is aware of any children the offender has parental responsibility for. We will take any necessary learning from the Jade's Law implementation when developing processes for these cases.

Regarding your query as to the process when the offender is the only person with parental responsibility for the child, we will also work closely with the Department for Education and local authorities to develop a clear process in these circumstances. Where an offender who has sole parental responsibility for a child has been charged with serious sexual abuse against that child, the police already have an existing duty to inform the relevant local authority. A situation where a child has no one able to exercise parental responsibility for them is a clear safeguarding concern, and the local authority will follow their usual practices to ensure that the child is safe and protected from the offender. The "Working Together to Safeguard Children 2023" (https://assets.publishing.service.gov.uk/media/6849a7b67cba25f610c7db3f/Working_together_to_safeguard_children_2023_-_statutory_guidance.pdf) statutory guidance acts as a tool for multi-agency working to support, help and protect children. The guidance makes clear that under Section 47 of the Children Act 1989, local authorities have a duty to make enquiries and take decisive action when a child is suffering or at risk of suffering significant harm. The guidance provides clear actions for local authorities to take when it is identified that a child is at risk of harm; this includes gathering detailed information about the child, and where appropriate their siblings.

In your letter you queried how effectively the family court could consider the effects of the prohibited steps order after it had been made. Section 10C(7) of Clause 3 makes clear that the prohibited steps order is to be treated as an order of the family court. As previously mentioned, if the parties involved wish to vary or discharge the prohibited steps order they can apply to the family court for review of the order. This could include consideration of whether tailored or further orders are required. Where an application is brought to the family court to review the order the court will be able to consider all the relevant information including, if required, evidence directly from the parties involved to ascertain the orders effectiveness.

Where an offender has tried to interfere or make decisions about the child's life from prison contrary to the prohibited steps order, contempt proceedings can be undertaken by the family court. As the prohibited steps order is to be treated as a family court order, and under Section 10C(8) of Clause 3 which states that the Crown Court does not have jurisdiction to entertain any enforcement action, enforcement action must be taken by the family court. The parent in breach of the prohibited steps order could face a fine, or in particularly serious cases, a further prison sentence.

Turning to the comments regarding the role of the local authority, the clause requires the local authority to make an application to the family court within 30 days where the offender has been acquitted or had their sentence reduced on appeal. The requirement for the application to be made within 30 days will ensure that these cases are resolved as efficiently as possible. Where the local authority makes such an application the family court will review all the circumstances of the case, including whether the prohibited steps order has already been varied since the original order was made or whether other tailored orders have subsequently been made, to determine whether it would be in the child's best interests for the order to be upheld, varied or discharged following the successful appeal. The family court will also consider whether any other tailored orders should be made. As mentioned, where there is no other individual with parental responsibility for the child the local authority is already under a duty to ensure that the child is safe.

I hope that the above has provided reassurance that this measure is aimed to protect children and ensure their best interests are protected.

Yours sincerely

A handwritten signature in dark ink, reading "Alex Davies-Jones". The signature is written in a cursive, flowing style.

ALEX DAVIES-JONES MP
Minister for Victims and Violence Against Women and Girls