



Ministry
of Justice

Alex Davies-Jones MP
Parliamentary Under-
Secretary of State

Gweinyddiaeth
Cyfiawnder

The Rt Hon. The Lord Foster of Bath
Chair, Justice and Home Affairs Committee
House of Commons
London
SW1 0AA

21 October 2025

Dear Lord Foster,

VICTIMS AND COURTS BILL REPORT STAGE GOVERNMENT AMENDMENTS

The Victims and Courts Bill is being debated by the whole House again on **27 October 2025** with the aim to protect victims better than ever. The Bill, delivered as part of the Government's Plan for Change, will help victims get the justice they deserve. For the first time ever, judges will be able to hand down prison punishments for cowardly criminals who refuse to attend their sentencing hearing. The powers of the Victims' Commissioner will also be strengthened, empowering them to play a greater role in individual cases and requiring them to produce an independent report on compliance with the Victims' Code. We will also strengthen protections for children by restricting the parental responsibility of certain sex offenders.

Ahead of the first day of Report stage on **27 October 2025**, I am writing to explain the key Government amendments we have tabled.

Government Amendments

Expanding the Parental Responsibility Provision on Perpetrators of Serious Child Sexual Abuse

We will create an automatic restriction on the exercise of parental responsibility (PR) for offenders sentenced to four or more years in prison for a 'serious' child sexual abuse offence against *any* child. The restriction's core focus is the welfare of the child, and the measure will strengthen the protections for children. The measure will ensure that these offenders who have demonstrated a clear risk to children are unable to take active steps in their children's lives. It will also shield family members from having to bring an application to the family court, allowing these cases to progress with minimal procedural burdens and reduce unnecessary distress for families and children in already difficult circumstances.

In these cases, the Crown Court will be required to make a prohibited steps order restricting the exercise of parental responsibility when sentencing the offender. Where it appears to the court that it would not be in the interests of justice to make an order, they must not do so. In addition, a parent (or another PR holder) can apply to the family court to have the prohibited steps order varied or discharged. Any decision made by the family court will be based on the best interests of the child; this is the cornerstone of the Children Act 1989.

Children Born of Rape and Parental Responsibility Amendment

We will also introduce a measure which creates an automatic restriction on the exercise of parental responsibility for offenders who father a child through rape. The automatic restriction will specifically apply to the child or children born of the rape. Children born of rape can suffer particular harm as a result of the perpetrator's crimes and this measure will strengthen the protections for these victims.

Where within criminal proceedings the court are satisfied that a child was a result of the rape being convicted and sentenced for, these cases will follow the same process as outlined for our 'serious' child sexual abuse measure. We are aware that rape can occur within the context of complex and abusive relationship dynamics. In these cases, it might be difficult to identify whether an incident of rape or consensual intercourse resulted in the conception. To ensure we protect as many children as possible, we will also place a duty on the Crown Court to refer cases to the local authority where an offender has been convicted of rape and has PR for the child and the court is satisfied that the child may have been conceived of the rape in question. The local authority will then be under a duty to apply to the family court, after obtaining the victim mother's consent, so the court can consider whether any protective orders ought to be made in the best interests of the child.

Non-Disclosure Agreements Amendment

Finally, we have tabled an amendment to the Bill which will ensure that non-disclosure agreements (NDAs) will not be able to prevent victims of crime speaking out about criminal conduct.

This government is clear that NDAs should not be used to silence victims or cover up crime and wrongdoing. On 7 July, the Department for Business and Trade tabled an amendment to the Employment Rights Bill, which would void any provision in an agreement between a worker and their employer insofar as it seeks to prevent a worker from making an allegation, or disclosure of information relating to, certain work-related harassment or discrimination, or their employer's response to that conduct or the making of such an allegation or disclosure.

On 1 October, section 17 of the Victims and Prisoners Act 2024 (the 2024 Act) came into force. Section 17 voids NDAs to the extent that they purport to prevent victims of crime from making certain disclosures for certain purposes related to the criminal conduct, such as reporting a crime to the police, co-operating with regulators in relation to the criminal conduct and accessing support from victim support services in relation to the crime.

The amendment to the Victims and Courts Bill will go further than section 17 of the 2024 Act, by ensuring that victims and direct witnesses of all crime types have the same protections as those available in relation to work-related harassment and discrimination under the Employment Rights Bill measure. The amendment will repeal section 17 of the 2024 Act and replace it with a

measure which ensures that confidentiality clauses or NDAs used in any context cannot be legally enforced to the extent that they purport to prevent victims and direct witnesses of crime (including those who reasonably believe they fall into these categories), from making allegations of, or disclosing information relating to, relevant criminal conduct. The measure will also protect disclosures of information about the other party to the agreement's response to such conduct, or an allegation of disclosure of information about such conduct.

In recognition that there may be situations where both parties genuinely wish to have the closure offered by an NDA in relation to the criminal conduct, the measure includes two regulation-making powers to allow the Secretary of State to:

- set out the criteria for an 'excepted NDA' which would not be voided under the measure; and
- provide that disclosures to certain persons, for certain purposes or in certain circumstances will always be permissible, even when an 'excepted NDA' exists.

The measure does not affect the operation of the existing legal limitations on NDAs or disclosures of sensitive information including those provided for in legislation such as the Higher Education (Freedom of Speech) Act 2023, the Official Secrets Act 1989, and whistleblowing legislation as set out in the Employment Right Act 1996.

We welcome any views on the amendments and will continue engaging with you as this Bill progresses.

Yours sincerely,

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