

Written evidence submitted by Sarah Champion MP (VIC0051)

1. At present, the Draft Victims Bill lacks any mechanisms to make the change necessary to provide victims and survivors with the support they require.
2. I am entirely supportive of the aims behind the Victims Bill, primarily enshrining the Victims Code into legislation, but the Bill as drafted is a missed opportunity to make genuine improvements to victims' experiences of the criminal justice system and beyond. It is not enough to merely put the principles of the Victims Code into primarily legislation and the details into secondary legislation where they can be amended without sufficient scrutiny.
3. The Conservative Party 2019 Manifesto, the 2021 Queen's Speech and ministerial commitments all mentioned accountability, but the Draft Bill fails to demonstrate how this will be possible, with the Bill no longer covering accountability issues relating to agencies.
4. Furthermore, in its current form, the Bill is toothless because there are no remedies or consequences if rights in the Victims' Code are breached.
5. The definition of a victim, as stated in clause 1 of the Draft Bill is a watered down version of the definition in the current Victims Code.
6. The Victims Code states that the definition of a 'victim' is:
 - a person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence;
 - a close relative (or a nominated family spokesperson) of a person whose death was directly caused by a criminal offence.
7. Furthermore, it states you can also receive Rights under this Code if you are:
 - a parent or guardian of the victim if the victim is under 18 years of age;or
 - a nominated family spokesperson if the victim has a mental impairment or has been so badly injured because of a criminal offence that they are unable to communicate or lacks the capacity to do so.
8. The changes to the definition in the Draft Bill is not only confusing and unclear, but also fails to cover many different people who **must** be legally considered victims, especially indirect/secondary victims, including bereaved families and the children of offenders, who need the support and information provided through the victim status.
9. The duty on agencies to collaborate in relation to community based support services is much weaker than the Domestic Abuse Act's duty to provide accommodation based services. There is a guarantee of access to services if you seek alternative accommodation but not if you stay in your home, which is a perverse incentive to leave which no one wants and is much more expensive.

10. The Victims Commissioner's powers have been watered down, turning the role into a lame duck Commissioner with fewer powers than the Domestic Abuse Commissioner. The Victims Commissioner plays an important role in scrutiny and accountability with strong expertise and oversight, the role must be strengthened not weakened.
11. Regarding resourcing, the Bill must come with a package of funding for services, but also for ISVAs and IDVAs, to facilitate the ability for victims to use all special measures, and for the courts to tackle the ongoing backlogs. At present, the figures which the Government are stating are proportionately far too low to address any of these needs.
12. We must ensure this Bill enables the UK to fulfil its obligations to the Istanbul Convention and support services are available to all victims who need them in any region of the country.
13. The Bill must also address the concerning practice of victims mental health records and counselling notes being disclosed as evidence and used against them in court. This utterly terrifies victims and leads to many not accessing counselling until their trial is over, which can often take years and leave them traumatised. I would urge the Committee to look at examples in Australia, where the court cannot use mental health records as evidence in any situation. We must aim to take this approach so that victims can access mental health support in the confidence that what they share with a trained professional will remain private.
14. I am concerned that the Attorney General is introducing new guidelines which will make the disclosure of mental health records as evidence easier, rather than restricting it further and I continue to urge the Government to prevent these changes. However, the Victims Bill must go further and ensure victims are no longer dropping out of the criminal justice system because of this appalling practice.
15. Further measures the Bill should cover also includes access to the Criminal Injuries Compensation Scheme (CICS).
16. It is regrettable that many victims of child sexual exploitation saw their applications for compensation rejected by the Criminal Injuries Compensation Authority, despite facing physical and psychological injuries as a result of their childhood abuse. In several of these cases, the rejection of the application was based upon the applicant having criminal convictions. However, I strongly believe that, were CICA authorised under CICS to apply discretion, applicants would have received awards of compensation.
17. This is particularly pertinent in case of child sexual exploitation. It is a well understood and documented feature of abuse involving the grooming of children that they are often compelled by their abuser to commit criminal actions. This then forms the basis of ongoing coercion and control.

18. I would urge the Committee to examine the benefits of the removal of exclusions so that no claims are automatically rejected and discretion is able to be applied in determining the outcome of the application.
19. While I do, of course, recognise that criminal activity committed by applicants for compensation should not be automatically disregarded, I do believe that the granting the ability to apply discretion would greatly strengthen the operation of the scheme. The circumstances of individual applicants should be considered, which should include the nature of their conviction and any possible extenuating circumstances.
20. The Victims Bill must understand the complexities that come with being exploited, especially as a child. There is no 'perfect victim' but we must ensure the Bill does all it can to provide the best outcomes for those who have been abused and exploited to access justice and move on with their lives.

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