

Committee(s): Police Authority Board – For Information	Dated: 02/10/2024
Subject: Victims and Prisoners Act 2024	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	1
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	£
What is the source of Funding?	
Has this Funding Source been agreed with the Chamberlain’s Department?	Y/N
Report of: City Remembrancer	For Information
Report author: Bruce Hunt, City Remembrancer’s Office	

Summary

This report outlines the provisions of the Victims and Prisoners Act 2024 and any implications for the City of London Police and Police Authority Board.

Recommendation(s)

Members are asked to note the report

Main Report

Background

1. The Victims and Prisoners Bill was introduced in the House of Commons in March 2023, and completed its report stage in the 2022–23 session before being carried over into the 2023-24 session. It received Royal Assent in the wash up period ahead of the General Election.
2. The provisions of the Bill were previously the subject of various Conservative Party manifesto commitments, government consultations, reviews and announcements. The Queen’s Speech 2021 included a commitment to simplify and strengthen victims’ rights. As part of this, the then Government said it would introduce a Draft Victims Bill that would enshrine victims’ rights in law. The Draft Bill was published in May 2022 for pre-legislative scrutiny by the Commons Justice Select Committee. In its report, the Committee warned the Draft Bill might not have achieved the Government’s aim of improving police and other agencies’ delivery of victims’ rights.

3. The version of the Bill later introduced into the Commons contained two new substantive parts that were not included in the draft legislation. Part 2 establishes advocates to support victims and the bereaved following a major incident. This includes a standing advocate and the ability to appoint additional advocates to provide victims with support and guidance following a significant major incident where large scale loss of life or harm has occurred. Part 4 implements the reforms set out in the Government's review of the Parole System by creating a top-tier cohort of the most dangerous offenders that will need to be reviewed by Ministers before being considered for release or referred to a superior court where this is required for public protection. Part 4 also prohibits prisoners who are imprisoned under whole life orders from being able to marry or forming a civil partnership whilst in prison.
4. Part 3 of the Act concerning the infected blood compensation body, was added at report stage in the Commons. The Government did not support this provision but opted not to challenge it when the Bill entered its final stages in the wash-up period.
5. The majority of the Act has not yet come into force.

Current Position

6. The provisions of the Act that are most relevant to the City Police are contained in Part 1 which places the Victims' Code on a statutory footing with the objective of enabling better support for victims of crime. A duty will be placed on Police and Crime Commissioners, local authorities and others to work together and provide more coordinated support services for victims too. The legislation also provides statutory guidance for independent sexual and domestic violence advisers and enhances the role of the Victims Commissioner.
7. Another Victims, Courts and Public Protection Bill was announced in The King's Speech in July and is anticipated in this Session. At the time of writing, the Bill has not been published but it is expected to contain provisions further to strengthen powers for the Victims' Commissioner.
8. A comprehensive Victims Strategy to ensure that victims' interests are central to all aspects of the force's work was in development by the City Police while the Bill was progressing through Parliament and was agreed at the September meeting of the Police Authority Board.

Implications for the City of London Police

9. Putting the Victims Code of Practice on a statutory footing does not impose any additional burdens on the City Police, although it does highlight the importance of compliance. The City Police is confident that it is in a good position to meet the obligations of the Victims Code of Practice especially with the additional functionality provided through FFCRAS, which will keep victims better informed in a more timely manner, with more tailored protect advice given to individuals.

10. During the passage of the Bill, the City Corporation engaged with the Ministry of Justice on the potential impact on the City Police as the national lead for Fraud and Action Fraud. A concern was raised that the impact of the provisions on the City Police could be disproportionately larger by quite some degree as the City Police will initially be the police force with which UK wide fraud victims make first contact via Action Fraud. Under the Bill, responsibility for those victims will fall to the City Police regardless of the victims' geographical location.
11. Approximately 420,000 of reports received are confirmed crime reports reported directly into Action Fraud from individual victims across the UK. The remainder are generated by industry (e.g. CiFAS and UK Finance) and although largely intelligence based are considered "police recorded crime" and would be included in the overall statistics. This means that anyone reporting through Action Fraud would potentially be eligible for the activities stipulated in or under the Bill. Once a report has been disseminated to a force elsewhere for assessment / further investigation, City of London pass over the case and the local force takes it up. The MoJ said it would be their understanding that responsibility for victims would transfer with the case if it was forwarded to a different force for investigation. However, there is a large proportion that remain with the City Police for some time before being disseminated and so the victim will remain with the City Police until that happens. However, local forces are still given details of victims in their force area so that they can follow up.
12. The Code already acknowledges that where there are a high number of victims involved in a case, such as large-scale investment frauds with multiple investor victims, or in other exceptional cases, a force may communicate information that a victim has the right to under this Code through alternative channels, such as their website, rather than contacting each victim individually.

Monitoring Compliance

13. Section 5 provides that a failure to comply with the Code does not, in itself, give rise to any liability to criminal or civil proceedings. This is consistent with a similar provision in the Domestic Violence, Crime and Victims Act 2004.
14. Section 6 and 8 of the Act place obligations on Criminal Justice Bodies and Elected Local Policing Bodies to monitor compliance with the Code. The Act uses the definition of "elected local policing body" given by s.101 of the Police Act 1996, i.e. a police and crime commissioner or the Mayor's Office for Policing and Crime. This definition does not include the Common Council. This is because the guidance to be issued will set out that duties under sections 6 and 8 may be discharged within police and crime commissioner-chaired Local Criminal Justice Boards (LCJBs). The City of London police area does not have its own LCJB but is instead included within the London Criminal Justice Board. In addition, when criminal justice bodies break their data down to force area, London includes both City of London and the metropolitan police area. This approach has been confirmed as appropriate by the Association of Police and Crime Commissioners.

Corporate & Strategic Implications

Strategic implications – This Act, along with the further Bill anticipated this Parliament, seeks to stress the importance of fair treatment of victims in the justice system. The City Police's Victims Strategy addresses this for the City of London.

Financial implications – none

Resource implications – none

Legal implications - none

Risk implications – Compliance with the Code of Practice is, to some extent, reliant on FCCRAS becoming operational so further delay to that project will increase the risk of non-compliance.

Equalities implications – None

Climate implications – None

Security implications – None

Conclusion

15. The Code moving to a statutory footing does not present any additional compliance issues for the City Police. The initial obligations of the Code are met by the recording, contact and advice provided to all those that report a crime under Action Fraud and will continue to be met under FCCRAS. Where investigations are disseminated, responsibility for victim care transfers to the local force with that case and they are then responsible for implementation of the Code. For cases not disseminated for investigation, local forces are still given details of victims in their force area so that they can follow up, and the Victim Care Unit covers the initial follow-up and support.

Appendices

- None

Background Papers

- Report to the Police Authority Board on the City of London Draft Victims Strategy, September 2024
- Victims and Prisoners Act 2024 – <https://www.legislation.gov.uk/ukpga/2024/21/contents>
- The Code of Practice for Victims of Crime in England and Wales and supporting public information materials <https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime>

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