

Victims and Prisoners Bill: MP Briefing note for Second Reading

Summary

Justice Lab welcomes the emphasis the Bill places on improving the data held about the experience of victims. However, the legislation as drafted will fail in its aim to “put victims at the heart of the criminal justice system” unless it:

- *Imposes a duty on the Secretary of State to consult with victims groups and the Victims Commissioner on the data to be collected*
- *Improves the scrutiny of decisions by the Secretary of State relating the type of data to be collected*
- *Takes greater account of the concerns raised by victims groups about the governance and sharing of victim-related data.*
- *Includes additional investment in the enabling infrastructure to support data linking the experience of individuals across criminal justice agencies.*

The following briefing note explains how the Bill can be amended to address these issues.

Background

There is widespread concern that the criminal justice system fails to prioritise the needs and rights of victims of crime, and an emerging consensus that the failure to collect, share and publish relevant, timely information on the experience of victims is causing significant harm.

The inclusion in Part I of the current Victims & Prisoners Bill of specific provisions to ensure agencies collect and share victim-related data therefore represents a welcome step.

However, while the Bill does include some resulting improvements from the draft Victims Bill published last year, many weaknesses remain.

Why is data important?

Last year, Justice Lab commissioned research to map the gaps in victims data across the criminal justice system, and explain their impact. This research found that data gaps impacted on the ability of relevant agencies to:

- keep victims informed (and therefore engaged in the process)
- design services and policies that meet victims' needs
- recognise and respond to the level of risk victims face

At a Justice Lab workshop with 15 representatives of organisations who work closely with victims, held in January 2023, there was a consensus that poor data collection and sharing had a negative impact on victims of crime and imposed a significant extra cost on the

criminal justice system. As one attendee remarked, the status quo is: “setting the system up to fail”.

Solution #1: A Statutory Duty to consult victims’ representatives

Clause 6(2) of the Bill imposes a duty on all relevant agencies in a police force area, including the police, to collect and share victim-related data and information. This is a welcome step to help improve support provided to victims, enhance collaboration between agencies and help wider understanding of how problems arise in the “victim journey” through the system.

Our concern relates to what sort of information and data those agencies are under a duty to collect and share, and how they do it. Clauses 6(3) and 6(5) of the Bill states that these decisions are a matter for regulations made by the Justice Secretary who must consult “such persons as the Secretary of State considers appropriate”.

We believe this part of the Bill should be strengthened to impose a legal duty on the Justice Secretary to consult the Victims Commissioner of England and Wales and victims representative groups¹. This was recommended by the Justice Select Committee in its response to the draft Victims Bill and would ensure the data being collected reflects the concerns and interests of victims rather than only criminal justice agencies.

Solution #2: Better scrutiny of Government decisions relating to data

Clause 6(4) of the Bill allows for regulations to be drawn up by the Justice Secretary to prescribe what type of information may be collected or shared by different bodies. We are concerned that this will mean that decisions receive little, or no, Parliamentary or public scrutiny to ensure that the information collected addresses victims’ concerns and priorities.

If data is not relevant to the experience of victims or does not allow for disparities in the treatment of victims by the different agencies to be meaningfully assessed and addressed, the Bill will not succeed on its own terms “to bring a cultural shift in victims experience.” The failure to improve the data that is held on the demographic and protected characteristics of victims of crime will undermine the aim of the bill to provide services that meet the needs of all victims.

We believe there is an opportunity for the Justice Select Committee to invite evidence on these regulations and to take an ongoing role in examining how well criminal justice agencies are complying with the Victims’ Code.

¹ Including for example representatives from DVSA Services, youth violence services, advocacy groups, centrally funded groups like Victims Support, peer support groups like AAFDA and civil society organisations such as INQUEST

Solution #3: Better oversight of data-sharing

It is vital that relevant criminal justice agencies and organisations are able to access appropriate data to ensure that victims are supported effectively through the justice system. But maintaining the trust of victims about what is shared, with who and how is vital to maintain victim's confidence in the system.

This requires effective oversight of data-sharing arrangements and we are concerned that the Bill fails to take into account the concerns raised by victims groups about the governance of victims data. Among the concerns that have been raised are:

- Problems caused by a mixed ecosystem of victim support providers, including non-statutory, third sector agencies
- Impact of errors and inaccuracies in data can undermine effective matching and sharing
- Over-reliance on manual data matching
- A culture where agencies blame each other for their inability to record and share accurate data
- Inappropriate sharing of data with the Home Office for immigration enforcement purposes.

We believe that the governance arrangements should be placed on a statutory footing drawn up in consultation with the Victims Commissioner and victims groups who should also be represented on an oversight body responsible for managing data collection and sharing arrangements. Consideration should be given to expanding the role and membership of the existing Senior Data Governance Panel established by the MoJ to perform this role.

Solution #4 Investing in data infrastructure

The impact assessment published alongside the Bill specifies a low cost estimate of £0 and a high cost estimate of £3.5 million, with a best estimate of £1.7m.

Our concern is that the costs outlined in the impact assessment provided alongside the Bill are derived solely from estimates of data analyst time and assume that relevant data collected is of sufficient quality and in compliance with the Victims Code. The findings of recent reports, including by the National Audit Office, do not indicate that this is a safe or fair assumption.

As the Association of PCCs recently acknowledged: "Data sharing between PCCs and criminal justice agencies can be difficult and inconsistent, acting as a barrier to... assessing the performance of their local force within the criminal justice landscape."

Delivering on the proposals outlined in Clause 6 of the Bill is likely to require additional underlying investment in data standards, systems and collection. This has not been costed for in the Bill.

We believe that, as a first step, the Government should publish an audit of the data that is currently available relevant to monitoring compliance with the Victims Code. This should also include information on the quality and coverage of the data. Where relevant data is missing, there should be a commitment to prioritise and resource work to ensure it is provided.

About Justice Lab

Justice Lab is a policy and research centre using data and evidence to tackle the most pressing problems facing the justice system. We respond to vital current issues in justice policy and practice, including the treatment of victims of crime.

By supporting research, high quality data, and elevating the voices of those who need the law most, Justice Lab seeks to build a wider understanding of what and where problems exist, what causes them and how to fix them.