

Victims' Bill consultation December 2021 – Equality Statement

Purpose of this document

1. The document records the analysis undertaken by the Ministry of Justice (MoJ) in the design and development of the Victims' Bill consultation to enable Ministers to fulfil the requirement placed on them by the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010. The PSED requires the Minister to pay due regard to the need to:
 - eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct under the Equality Act 2010;
 - advance equality of opportunity between different groups of persons who share a protected characteristic and those who do not; and
 - foster good relations between different groups of persons who share a relevant protected characteristic and those who do not.
2. The protected characteristics are race, sex, disability, sexual orientation, religion and belief, age, marriage and civil partnership, gender reassignment, pregnancy and maternity.
3. In the consultation document we have asked respondents for their views and evidence of other equality impacts to ensure that the proposed changes comply with the PSED considerations (see section titled 'Equality Considerations').

Policy proposals summary

4. This Victims' Bill consultation considers how we can make concrete improvements to victims' experience of and confidence in the criminal justice system, and their support.
5. The consultation document is known as a Green Paper – these documents are produced by the Government with the aim of allowing people both inside and outside Parliament to feedback on proposals.
6. The consultation asks questions under five main themes:
 - **What victims should expect:** We will consult on how to enshrine the Victims' Code in law, sending a clear signal that the justice system must deliver for victims. We will also consider whether and how to strengthen victims' entitlements in key areas – in particular how the Crown Prosecution Service (CPS), police and other agencies communicate with victims and strengthening the use of the Community Impact Statements.
 - **Performance and accountability:** Criminal justice agencies work hard for victims. But we know that not all victims consistently receive the service to which they are entitled and there is more to do to ensure that the Victims' Code is universally applied. The structures to monitor the Victims' Code are fragmented and insufficient. We think a bolstered oversight framework is necessary so that agencies can be better held to account for delivering a good service to victims. We will look closely at the role of different oversight mechanisms to see where improvements can be made. This will build on the work of the criminal justice scorecards, which will improve monitoring and oversight of the whole system.

We will also look at how we can better use victims' feedback to drive improvements, in particular by examining the use of surveys and data collection.

- **The Victim Surcharge:** We are consulting on further increases to ensure criminals take greater responsibility for the cost of supporting victims, and to reinforce funding for victims' services. We are aware that any changes made to the Victims' Surcharge may have an impact on offenders. We will provide a full Equality Impact Assessment with regards to all affected groups when proposals are developed in due course.
- **Community-based support services:** We want to understand how to improve aspects of community-based support services, particularly for victims of traumatic crimes that are often hidden from view such as domestic abuse and sexual violence offences. The effects of these crimes on victims are clearly severe and we want to make sure that those victims feel fully supported. We will look closely at the commissioning and coordination of community-based services.
- **Improved advocacy support:** We will look at ways to improve support from independent advocates for victims of traumatic and often hidden crimes to help them recover and stay engaged in the criminal justice system.

Assessment summary

7. We have considered whether the proposed changes to the law hinder or promote the need to eliminate unlawful discrimination, advance equality and foster good relations. Our assessments above that the proposed areas of change do nothing to hinder the PSED duties and in some cases may help to progress them. Therefore, the decision is to proceed with the consultation.

Direct discrimination

8. We consider that the areas of change proposed in the Victims' Bill consultation are not directly discriminatory within the meaning of the Equality Act as any future proposals based on the evidence received would aim to strengthen victim support and so benefit all victims, regardless of any protected characteristic.

Indirect discrimination

9. The data listed in the Annex shows that more individuals with certain protected characteristics may be affected by the Victims' Bill consultation due to their over-representation as victims of crime (see paragraph 14). We therefore consider that the proposed areas of change will be likely to have a positive effect on them. After due consideration, we believe it is a proportionate means of achieving our legitimate aim of supporting all victims of crime.

Discrimination arising from disability and duty to make reasonable adjustments

10. Our initial assessment is that the areas of change consulted on will not result in any discrimination. We recognise that it remains important that we continue to make reasonable adjustments for victims with disabilities to ensure appropriate support is given. Victims will continue to have the right under the Victims' Code to be treated by

service providers in a respectful, sensitive and professional manner without discrimination of any kind.

Harassment and victimisation

11. We do not consider that the areas of change consulted on will give rise to harassment or victimisation within the meaning of the Equality Act.

Advancing equality of opportunity

12. We have considered how these changes impact on the duty to have due regard to the need to advance equality of opportunity. We believe that the Victims' Bill consultation will positively benefit all victims, and this means that it will benefit those groups with certain protected characteristics who are over-represented as victims of crime.

Fostering good relations

13. We have considered this objective to foster good relations between people who share a certain protected characteristic and those who do not. The Victims' Bill consultation proposals, particularly those aimed at raising victims' and criminal justice practitioners' awareness of victims' rights under the law, could tackle prejudice and help promote understanding between people from different groups.

Evidence and Analysis

14. We explored the distribution of personal crime victimisation within each socio-demographic (e.g. age) and compared this to proportions in the general population (16+) using the Crime Survey for England and Wales (CSEW) for the year ending March 2019 (see Annex).¹ For example, 25.8% of victims of personal crime were aged 16-24, compared to only 12.8% of the general population being in this age category. When compared to the general population, the following groups were found to be significantly over-represented among victims, based on CSEW estimates:

- Males
- Disabled
- Single (that is, never married and never registered a same-sex civil partnership), cohabiting or separated
- 16-24-year-old and 25-34-year-old age groups when not broken down by gender
- Black/African/Caribbean/Black British
- No religion
- Bisexual and 'other' sexual orientation.

15. Based on the data above and in applying the changes equally to all adult victims, we believe that more individuals in the above groups may be affected by the Victims' Bill consultation due to their over-representation as victims of personal crime, and that the proposed changes will be likely to have a positive effect on them. We also appreciate that victims of crime may have more than one protected characteristic. These changes will also benefit these victims.

16. Evidence also shows that certain groups are less likely to feel confident coming forward to the justice system and/or find it more difficult to access support services: victims with disabilities and ethnic minority women suffer from abuse for longer than others, and surveys show that gay, lesbian or bisexual people are less satisfied with generalist

¹ Characteristics of adults who were victims of personal crime (excluding fraud and computer misuse), year ending March 2019 - Office for National Statistics (ons.gov.uk)

support services than specialised.² We hope that the questions in our consultation will help us better understand how we can address these challenges further.

17. Overall, we anticipate that the policy changes that are explored within the consultation may be a benefit to those with protected characteristics due to their over-representation among victims.

Data limitations

18. While efforts have been made to source information related to these areas covered by the consultation, there are still gaps in our evidence base. We do not, for example, have a full picture of how well support services do for victims with specialised need. We would welcome views, experiences and other evidence from and about victims with the protected characteristics set out at paragraph 14.

Annex: Characteristics of adults who were victims of CSEW personal crime (excluding fraud and computer misuse) and all adults, year ending March 2019 CSEW

England and Wales	Adults aged 16 and over	
Personal characteristic ¹	Victims of personal crime (excluding fraud and computer misuse) ²	All adults ³
	Percentage	
Sex		
Male	53.8	49.0
Female	46.2	51.0
Age		
16-24	25.8	12.8
25-34	22.6	17.1
35-44	14.7	15.8
45-54	15.8	17.2
55-64	11.5	14.8
65-74	6.0	12.5
75+	3.5	9.9
Ethnic group		
White	87.3	86.3
Mixed/Multiple	2.0	1.4
Asian/Asian British	5.3	8.2
Black/African/Caribbean/Black British	4.4	3.0
Other ethnic group	1.1	1.1
Marital status		
Married/civil partnered	32.6	49.7
Cohabiting	14.8	12.8
Single	41.5	24.7

² SafeLives-Response-VAWG-Strategy-2021.pdf;
<https://safelives.org.uk/sites/default/files/resources/Disabled%20Survivors%20Too%20CORRECTED.pdf> ;
 Galop-Hate-Crime-Report-2021-1.pdf

Separated	2.8	1.8
Divorced/legally dissolved partnership	5.4	5.2
Widowed	2.9	5.8
Disability⁴		
Disabled	22.9	16.9
Not disabled	77.1	83.1
Religion		
No religion	47.5	38.1
Christian	45.1	52.7
Buddhist	0.9	0.5
Hindu	0.9	1.6
Jewish	0.5	0.5
Muslim	4.0	5.3
Sikh	0.4	0.8
Other	0.7	0.5
Unweighted base - number of adults ⁵	1,276	34,163
Sexual orientation⁶		
Heterosexual/straight	91.3	96.0
Gay/lesbian	2.2	1.6
Bisexual	4.9	1.6
Other	1.5	0.8
Unweighted base - number of adults ⁷	1,118	27,366

Source: Office for National Statistics - Crime Survey for England and Wales

1. See Section 7.3 of the [User Guide](#) for definitions of personal characteristics.
2. Personal crime includes violence, robbery, theft from the person and other theft of personal property.
3. The general population figures are for those aged 16 and over and are based on the CSEW. As such, they may provide different estimates of the general population to the comparators used in other national statistics.
4. The definition of disability used is consistent with the core definition of disability under the Equality Act 2010. A person is considered to have a disability if they have a long-standing illness, disability or impairment which causes difficulty with day-to-day activities.
5. Unweighted base refers to respondent sex; other bases will be similar.
6. The terminology used to label this data has been changed to 'sexual orientation' from 'sexual identity' to align with terminology used in legislation (Equality Act 2010). Sexual Orientation is an umbrella concept which encompasses sexual identity, attraction and behaviour. This question described within this principle is based on a substantial body of research and is designed to capture self-perceived Sexual Identity. An individual could respond differently to questions on either sexual identity, attraction or behaviour. The measurement of Sexual Identity was identified within the research as the component of Sexual Orientation most closely related to experiences of disadvantage and discrimination. The question was not designed for specific or detailed studies of sexual behaviour or attraction where a series of more detailed questions and answer categories might be more appropriate.
7. The question on the sexual orientation of respondents is asked in the self-completion module of the questionnaire, which is only asked of 16-74 year olds. Therefore, the unweighted base for sexual orientation is lower.