

Submitted to Victims and Witnesses of Crime Bill
Submitted on 2026-09-24 19:09:52

Introduction

Confirmation of having read the Northern Ireland Assembly Committee's Privacy Notice.

I confirm that I have read the privacy notice.:

Yes

What is your name?

Name:

Tracey Tedford

What is your email address?

Email:

Tracey@voiceandjusticealliance.co.uk

If you are providing a submission on behalf of an organisation or business, please state its name.

Organisation:

Voice & Justice Alliance Ltd.

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Clauses 1 and 2 - The Commissioner

Clause 1 establishes the Commissioner for Victims and Witnesses of Crime for Northern Ireland, who will be appointed by the Department of Justice. It introduces Schedule 1 which relates to the constitution and operation of the Commissioner and the office. Do you agree with Clause 1 and Schedule 1 of the Bill?

No

Please provide information to support your answer here::

We welcome the establishment of a statutory Commissioner. Our concern is the independence architecture in Clause 1(2) and Schedule 1, which we do not consider sufficient.

The Commissioner is appointed by the Department of Justice (Clause 1(2)); funded by grants of "such amounts as [the Department] determines" (Sch 1, para 10(1)); has remuneration set by the Department (para 3); has staffing terms subject to Departmental and Finance approval (para 4(5)); may be staffed by seconded civil servants (para 5); and may be removed by the Department (para 2(6)). Yet the Department is itself among the bodies the Commissioner must monitor. The office must hold to account the same body that appoints, pays, funds, staffs and can remove it.

This is not an allegation of bad faith; it is a description of architecture, and architecture outlasts good faith. In practical terms, a Commissioner minded to criticise the Department's own compliance with the Victim Charter - or that of the Prison Service, Youth Justice Agency or Courts and Tribunals Service, all within the remit - must weigh that against the same Department's control of their budget and reappointment. The behaviour such a structure quietly rewards is caution.

Several features compound this. The removal grounds are wide: "unable, unfit or unwilling to exercise the functions" (para 2(6)(d)) is a subjective test, and removal rests solely with the Department, with no independent process, no role for the Assembly and no right of appeal. Reappointment is also the Department's decision (para 2(3)-(4)). The office is a corporation sole (para 1): a single post-holder with no board for internal challenge, and no continuity on a vacancy (para 9(2)). Departmental or Finance approval is threaded through the Schedule - over compensation (para 3), staff terms (para 4(5)), retained income (para 10(3)) and even the form of the accounts (para 11(2)) - so the Department's hand is not a single appointment decision but a continuing presence. And nowhere does the Bill guarantee that the Commissioner is independent of, or not subject to direction by, the Department in exercising their functions - a guarantee found in stronger commissioner statutes.

We recommend: an independent, transparent appointments process with a role for the Assembly, not the Department alone; narrower, objective removal grounds and an independent removal process with a right of appeal; multi-year funding fixed independently of the annual departmental settlement; and an express statutory guarantee that the Commissioner is independent and not subject to direction in exercising their functions.

Please refer to our full written submission (Finding 1 and Recommendation 1), being forwarded to the Committee today.

Clause 2 provides that the principal aim of the Commissioner is to promote the interests of victims and witnesses. Do you agree with Clause 2 of the Bill?

Yes

Please provide information to support your answer here::

We support a statutory principal aim, but Clause 2 as drafted is weaker than it should be, in several respects.

First, wording. "Promote the interests" is aspirational and undefined. A Commissioner required only to "promote interests" can fall short of one required to "safeguard and promote the rights and interests" of victims and witnesses. We recommend the stronger formulation, tied expressly to victims' entitlements under the Victim Charter, so the aim is anchored to a concrete, measurable benchmark rather than a general sentiment. The shift from "interests" to "rights" matters: it connects the aim to enforceable entitlements - including, for complainants in serious sexual offence cases, their Article 8 privacy rights - whereas "interests" alone does not.

Second, breadth of function. The aim is narrower than comparable offices elsewhere, which are also tasked with encouraging good practice in the treatment of victims and witnesses and with keeping the operation of the relevant victims' code under review. We recommend that Clause 2, or the functions that flow from it, expressly include promoting awareness of victims' rights, encouraging good practice across criminal justice agencies, and keeping the Victim Charter under review.

Third, the individual. The aim is framed around the general "interests of victims and witnesses." Read together with Clause 8, which bars the Commissioner from acting in individual cases, it confirms that no part of the Bill secures help for the individual victim at the point they actually need it. A systemic aim is necessary but not sufficient: it leaves the person at the kitchen table with an office that promotes victims' interests in the abstract while being unable to assist them in particular. Our submission addresses this gap through independent advocacy (IDVAs and ISVAs) and a single named point of contact for every victim.

Fourth, scope. The strength of any aim to promote victims' interests depends on who the Bill recognises as a victim or witness. Clause 21 imports the definition in section 29 of the Justice Act (Northern Ireland) 2015; we ask the Committee to confirm that bereaved families are fully and unambiguously within it across lengthy coronial, investigative and judicial processes, so that the principal aim reaches them (see our submission, Recommendation 9).

Fifth, independence and voice. Consistent with our answer on Clause 1 and Schedule 1, the aim should be pursued independently - we recommend the Bill state expressly that the Commissioner exercises it free from direction or control by the Department, so that promoting victims' interests can, where necessary, mean challenging the Department itself - and informed by the lived experience of victims and witnesses (see Recommendation 5), not at arm's length from them.

Please refer to our full written submission, being forwarded to the Committee today.

Do you have anything further to add on Clause 1 or 2 or Schedule 1 of the Bill?

Yes

Please provide any further information relating to Clause 1 here::

We make five further points on the Clause 1, Clause 2 and Schedule 1 governance.

Collective challenge and continuity. As a corporation sole (Sch 1, para 1), the office concentrates every function in one person, with no board to provide scrutiny, challenge or continuity. We recommend a permanent, statutory Lived Experience Advisory Panel (our submission, Recommendation 5) that the Commissioner must consult and to whose advice the Commissioner must publicly respond, stating what was done or why not. Its membership should reflect the range of those affected - different crime types, bereaved families, witnesses, children and young people, and rural and minority communities. This supplies the structured external challenge the single-post structure otherwise lacks.

Consistency of the independence concern. The imbalance identified in our Clause 1 answer recurs beyond Schedule 1. Clause 16(5) requires the Commissioner to seek the Department's views on which groups of victims to prioritise, and to justify any departure from them - giving the monitored Department influence over the Commissioner's own priorities. We ask that Clause 16(5) be reconsidered alongside the Schedule 1 provisions.

A welcome feature, and its limit. We note the statement of accounts is laid before the Assembly (Sch 1, para 11(5)); this transparency is welcome. But it makes the contrast starker: the Commissioner's finances are visible to the Assembly, while the decisions that most affect the office's independence - appointment, removal, reappointment and the level of funding - rest with the Department alone. Accountability to the Assembly should extend to those decisions, and the Commissioner should be able to report to, and be called before, the Assembly or this Committee directly, not only through the Department.

Independence of staffing. The office may be run partly by civil servants seconded from Departments (Sch 1, para 5), and its staffing terms require Departmental and Finance approval (para 4(5)). To protect the office's independent culture, we recommend its core staff be directly appointed and, so far as possible, not drawn on secondment from the bodies the Commissioner monitors.

Transition and joint working. A Commissioner Designate is already in post on a non-statutory basis; we ask that the Bill and its commencement provide for an orderly transition to the statutory office, so continuity and corporate knowledge are not lost. We also welcome the express power to co-operate with other bodies (Sch 1, para 12(2)(a)), which should be used to enable joint working across the criminal justice, health, housing and social care interfaces where victims' journeys cross between them (see our submission, Recommendation 4).

We would welcome the opportunity to give oral evidence to the Committee. Please refer to our full written submission, being forwarded to the Committee today.

Clauses 3 to 8 - Functions of the Commissioner

Clause 3 provides that the Commissioner must: promote an understanding of the rights of victims and witnesses and an awareness of matters relating to their interest; keep the law and practice relating to victims and witnesses under review to ensure adequacy and effectiveness; advise the Northern Ireland Executive or Departments on issues concerning victims and witnesses; and must take steps to raise awareness of the role and functions of the Commissioner, encourage victims and witnesses to engage with their office and seek the views of victims and witnesses regarding the exercise of the Commissioner's functions. Do you agree with these as suitable for the general duties for the role of Commissioner?

Yes

Please provide information to support your answer here::

We agree these are suitable general duties, and we welcome in particular the duty to seek the views of victims and witnesses (3(4)(c)) and to keep the adequacy and effectiveness of law and practice under review (3(2)). Three changes would strengthen them.

First, the duties are cast in terms of promoting understanding, raising awareness, advising and reviewing - all valuable, but all activity rather than outcome. None requires anyone to measure, or the Commissioner to report on, what victims and witnesses actually experience: whether they were kept informed, understood the process, and were treated with dignity. We recommend a duty to measure and publicly report victim-reported experience, so the office is judged on the experience it exists to improve, not only on its own activity.

Second, the advisory duty (3(3)) is reactive and one-sided: the Commissioner must advise on request or when they think appropriate, but nothing requires the Department or Executive to seek that advice, to respond to it, or to publish it. We recommend a corresponding duty on the Department to publish and respond to the Commissioner's advice on matters affecting victims and witnesses.

Third, the awareness duty (3(4)) is limited to awareness of the Commissioner. Victims more often lack awareness of their own rights and of the support available to them - for example independent legal advice through the SOLA scheme. We recommend the awareness duty extend to victims' entitlements and available support, actively communicated at the point of contact with the justice system.

Please refer to our full written submission (Recommendations 3 and 11), being forwarded to the Committee today.

Clause 4 provides the general powers of the Commissioner including the power to conduct, fund or support research or education activities; to compile information; provide advice and information; publish any matter concerning the interests of victims or witnesses of crime; and to make representations and recommendations to any body or person concerning the interest of victims or witnesses. Do you agree with the general powers as outlined in Clause 4?

Yes

Please provide information to support your answer here::

We agree the powers in Clause 4 are appropriate as far as they go, and we welcome the power to publish (4(2)(c)) and to make representations and recommendations to any body or person (4(3)). Our concern is that they are permissive and lack teeth.

Every power in Clause 4 is a "may": the Commissioner may compile information, may advise, may publish, may make recommendations. But there is no power to require information or co-operation from a criminal justice agency, and no duty on the recipient of a recommendation (4(3)) to respond to it. An office that can request and recommend, but cannot require a response, depends on the goodwill of the bodies it exists to hold to account. In our full submission we describe this as a pattern of duties with an "exit door": comply or explain, with nothing following the explanation.

We recommend that Clause 4, or the related provisions, give the Commissioner: (a) a power to require information and co-operation from criminal justice agencies, with a clear escalation route where it is refused; and (b) a duty on any body to which the Commissioner makes a recommendation to respond within a set period, with the response published. Publication should be the beginning of scrutiny, not the end of it.

Please refer to our full written submission (Findings 2 and 4, and Recommendation 2), being forwarded to the Committee today.

Are there any other powers that you believe the Commissioner should have?

Yes

If yes, what should they be?:

We recommend the Commissioner also have:

1. A power to require information and co-operation. Clause 4 lets the Commissioner "compile" information but not require it. The office needs a power to obtain information from criminal justice agencies, with an escalation route where co-operation is refused or a deadline missed.
2. An own-initiative power of thematic review. Clause 8(2) lets the Commissioner consider individual cases in the context of a general issue; this should be an explicit power to conduct and publish thematic reviews of recurring, systemic failures - repeated disclosure failures, investigative delay, communication breakdown - with a duty on the bodies concerned to respond.
3. A power to examine failures that occur between agencies. The most damaging failures in our casework happen in the handovers between police, prosecution and the courts, where no single body owns them. The Commissioner should be able to require complaints and failures involving more than one agency to be connected and examined together, jointly with other oversight bodies where the journey crosses into health, housing or social care.
4. A power to require a response to recommendations, within a set time and published (see our answer on Clause 4).
5. A statutory role in future justice policy: a duty on the Department to seek, and publish, the Commissioner's advice on the impact on victims and

witnesses of proposed legislation and major policy change.

6. A remit that extends beyond the conclusion of a case - to post-case support, the handover to services beyond criminal justice, and the victim's continuing interests, including at parole.

7. A role in recognising and reporting on independent advocacy (IDVAs and ISVAs), and in ensuring victims are actively referred to the support they are entitled to.

Please refer to our full written submission (Recommendations 2, 4, 8, 10, 17 and 20), being forwarded to the Committee today.

Clause 5 stipulates that the Commissioner must review the operation and the effectiveness of the Victim and the Witness Charters at least every 3 years or as directed by the Department; prepare a report and, in doing so, consulting the Department and any other person the Commissioner considers appropriate; and publish a report. . Do you agree with the provisions at Clause 5?

Yes

Please provide information to support your answer here::

We agree the Commissioner should review the Victim and Witness Charters and publish the reviews. We would strengthen Clause 5 in four ways.

First, timing and initiative. A minimum three-year cycle (5(1)(a)) is a long interval, and the only other trigger is a direction from the Department (5(1)(b)). The Commissioner should be able to review the operation of the Charters at any time on their own initiative, including in response to emerging evidence or a serious systemic failure, and should not depend on the Department to direct it.

Second, response and accountability. The Commissioner must publish the review and send it to the Department (5(5)), but nothing requires the Department to respond to it or to act on it. We recommend a duty on the Department to respond to each review and to lay it, with its response, before the Assembly.

Third, the victim's voice. The duty to consult (5(4)) names the Department and "such other persons as the Commissioner considers appropriate". It should expressly include victims and witnesses and a standing Lived Experience Advisory Panel, so reviews are informed by those the Charters are meant to serve.

Fourth, evidence base. Reviews should draw on measures of victims' actual experience of Charter compliance (see our answer on Clause 3), not only on providers' own accounts of their performance.

Please refer to our full written submission (Recommendations 2, 3 and 5), being forwarded to the Committee today.

Clause 6 provides that the Commissioner may issue guidance on best practice in relation to any matter concerning the interests of victims and witnesses and that this must be taken into regard by persons exercising public functions; and makes provision in respect of revision, consultation and publication of the guidance. It also prohibits the Commissioner from issuing guidance to a court or tribunal. Do you agree with Clause 6 of the Bill?

Yes

Please provide information to support your answer here::

We agree the Commissioner should be able to issue best-practice guidance, and we welcome that public bodies "must have regard to it" (6(2)). We support the exclusion of courts and tribunals (6(6)), which is appropriate to judicial independence. Two points.

First, "have regard to" is a low bar: a body can consider guidance and then depart from it without explanation. We recommend that a body exercising public functions which departs from the Commissioner's guidance be required to record and publish its reasons, and that the Commissioner be able to monitor and report on the extent to which guidance is followed. This is the same "comply or explain, then nothing" concern we raise elsewhere: the explanation should be visible and open to scrutiny.

Second, the exclusion of guidance to courts and tribunals should not be read to prevent the Commissioner from reporting on victims' and witnesses' experience of court processes - for example the physical court environment, shared entrances and waiting areas, and the availability of special measures and Remote Evidence Centres. Guidance to the judiciary is one thing; visibility of the victim's experience of attending court is another, and the Commissioner should retain it.

Please refer to our full written submission (Recommendations 15 and 16), being forwarded to the Committee today.

Clause 7 grants the Commissioner the power to establish advisory groups to provide support and information to the Commissioner on matters related to the Commissioners functions . The Commissioner will determine membership of the group(s) and how expenses will be reimbursed. The Commissioner may also determine the procedure of any advisory group. Do you agree that the Commissioner should have the power to establish advisory groups?

Yes

Please provide information to support your answer here::

Yes - the Commissioner should be able to establish advisory groups. But as drafted, Clause 7 makes this entirely discretionary ("may establish"), with no duty to establish any group, to consult it, or to respond to its advice. A future Commissioner could lawfully convene no advisory group at all, or convene

one and never act on what it says.

The single most important form of external input for this office is the voice of people with direct lived experience of the justice system. We therefore recommend that the Bill require the Commissioner to establish and maintain at least one standing advisory body - a Lived Experience Advisory Panel - on the face of the Bill; and that the Commissioner be under a duty to consult it and to publish a response to its advice, stating what was done or why not. An advisory group that can be heard and then set aside without explanation papers over the crack rather than mending it: it gives the appearance of consultation without its substance.

Please refer to our full written submission (Recommendation 5), being forwarded to the Committee today.

Do you agree that the Commissioner should have the power to determine the membership of advisory groups?

Yes

Please provide information to support your answer here::

Yes - the Commissioner should determine the membership of advisory groups. It is right that the office, not the Department or the bodies it monitors, decides who advises it; that protects the independence of the advice.

That discretion should, however, be exercised within parameters set by the Bill. Membership left wholly undefined risks groups that are narrow, unrepresentative or tokenistic. We recommend that, while the Commissioner selects the individual members, the Bill require any standing Lived Experience Advisory Panel to include people with direct lived experience and to reflect the range of those affected - different crime types, bereaved families, witnesses, children and young people, and the rural and minority communities that official mechanisms systematically under-reach. We also recommend transparency about how members are recruited and appointed, and reasonable support (including the reimbursement already provided for at 7(3)) to enable people with lived experience to take part.

Please refer to our full written submission (Recommendation 5), being forwarded to the Committee today.

Clause 8 provides that the Commissioner cannot become involved in an individual case or intervene in criminal or related proceedings. Do you support the restriction proposed in Clause 8?

No

Please provide information to support your answer here::

No - not as drafted. Clause 8 conflates two very different things, and in doing so it creates the central gap in this Bill.

We fully support the legitimate core of the restriction. The Commissioner should not interfere in the bringing or conduct of particular proceedings (8(3)(b)), nor in anything done by a person acting in a judicial capacity (8(3)(c)). Prosecutorial and judicial independence must be protected, and we do not ask the Committee to weaken it.

But Clause 8(1), read with 8(3)(a), goes much further: it bars the Commissioner from exercising any function in relation to "a particular victim or witness". That prevents the office from doing anything at all for an individual - even ensuring they are told their rights, referred to support, or helped when an agency has failed them. Interfering in a prosecution is one thing; helping a frightened person understand and access their entitlements is another. The Bill treats them as the same and prohibits both.

The result is an office that can review the system, advise, guide and promote, but is forbidden from assisting the very people it exists for at the point they most need help. Every other function in Clauses 3 to 7 operates at the systemic level; Clause 8 then closes the door on the individual. This is the "no owner, no clock, no visibility" gap we describe throughout our submission: the person at the kitchen table is left with a Commissioner who can compile statistics about their experience but can do nothing about it.

The Bill's own approach makes the breadth of Clause 8 harder to justify. In its serious sexual offence provisions, the Bill already accepts the principle of individual, statutory support for a victim in their own case: complainants will, for the first time, be entitled to independent legal representation at specified pre-trial hearings. Individual-level help is therefore neither impossible nor contrary to the Bill's design - it is something the Bill deliberately provides, but only to one group of victims. That is hard to reconcile with a blanket bar on the Commissioner assisting any individual at all.

We recommend two things. First, narrow Clause 8 so that it prevents interference in proceedings and judicial functions (retaining 8(3)(b) and (c)) but does not prevent the Commissioner from assisting an individual with information, referral, support and their Charter entitlements. Second, and whatever Clause 8's final form, the Bill must fill the individual-level gap it creates - through statutory recognition of independent advocacy (IDVAs and ISVAs), a single named point of contact for every victim, and independent legal support for complainants through the SOLA scheme. A restriction on the Commissioner acting for individuals is only tolerable if someone else is empowered to.

Please refer to our full written submission (Recommendations 14, 17 and 18), being forwarded to the Committee today.

Do you have anything further to add in relation to Clauses 3 to 8 of the Bill?

Yes

Please provide information to support your answer here::

Yes. Two overarching points on Clauses 3 to 8.

First, discretion. Almost every function in these clauses is permissive: the Commissioner "may" research, compile, publish, recommend, issue guidance and establish advisory groups (Clauses 4, 6 and 7), and must advise only reactively (Clause 3(3)). An office built largely on discretionary powers is only as strong as the person holding it, and only as independent as the Department that appoints, funds and can remove them allows it to be. We recommend that the functions most central to victims - measuring and reporting their experience, maintaining a Lived Experience Advisory Panel, responding to recommendations, and reviewing the Charters - be framed as duties, not powers.

Second, the cumulative effect. Read together, Clauses 3 to 8 create an office that promotes, reviews, advises and guides at the level of the system, and is then expressly barred by Clause 8 from acting for any individual. The direction of travel is entirely systemic. That is necessary work, but on its own it leaves the individual victim - the person these clauses are named for - without help at the point of need. Our submission's central recommendations are designed to fill that gap: independent advocacy (IDVAs and ISVAs), a single named point of contact who owns the victim's journey, independent legal support for complainants, and a duty to measure the experience victims actually have. We ask that Clauses 3 to 8 be read, and amended, with that missing individual layer in mind.

We would welcome the opportunity to give oral evidence. Please refer to our full written submission, being forwarded to the Committee today.

Clauses 9 to 15 - Charter service providers

Clause 9 lists the criminal justice agencies which are specified as "charter service providers". Do you agree with the list of bodies specified in Clause 9?

Yes

Please provide information to support your answer here::

We agree that the criminal justice agencies listed in Clause 9 are appropriate charter service providers, and we welcome the power to add others by regulation (9(1)(g)), with consultation of the Commissioner (9(2)).

Our concern is that the list, as it stands, captures the criminal justice system but not the whole of the victim's journey. Victims routinely rely on services delivered beyond the listed agencies - the voluntary-sector organisations commissioned to deliver victim and witness support (including the court Witness Service and the Sexual Offences Legal Advisers scheme), and the health and social care bodies through which many victims of domestic and sexual abuse first come into contact with the system. If the bodies that actually deliver services victims are entitled to fall outside the definition, they fall outside the monitoring, statistics and complaints regime built on it, and the Commissioner's picture of Charter compliance is incomplete.

We note too that the Department is itself a charter service provider (9(1)(a)) in respect of the Prison Service, Youth Justice Agency, compensation and the Courts and Tribunals Service, while also being the body that appoints, funds and can remove the Commissioner - the independence concern set out in our answer on Clause 1 and Schedule 1.

We recommend the Department use the 9(1)(g) power actively to bring the services victims rely on within scope, and that any addition follow consultation not only with agencies but with the Commissioner and victims themselves. Our full submission addresses the wider point through the recommendation on failures that occur between agencies (Recommendation 4).

Please refer to our full written submission, being forwarded to the Committee today.

Do you believe that there are any other criminal justice agencies that should be added to the list?

Yes

Please provide information to support your answer here::

Yes. The initial list covers statutory criminal justice agencies, but the victim's actual experience depends on bodies beyond it. We recommend the Department consider bringing the following within scope, whether as charter service providers under the 9(1)(g) power or through an equivalent monitoring arrangement:

The voluntary-sector organisations commissioned to deliver victim and witness services - in particular the provider of the court Witness Service and the Sexual Offences Legal Advisers (SOLA) scheme (Victim Support NI). These deliver services victims are entitled to rely on, yet would sit outside the Charter monitoring regime.

The health and social care bodies through which many victims of domestic abuse, sexual violence and child abuse first engage - including Health and Social Care Trusts and Sexual Assault Referral Centre provision. Much of a victim's early experience, and many of the failures we see, occur at this health-justice interface.

The body responsible for legal aid and the administration of legal support to complainants, given the Bill's introduction of pre-trial legal representation.

We recognise that some of these are not "criminal justice agencies" as defined in 9(3), and that patient confidentiality and data protection must be respected (as Clause 15 provides). The point is that Charter compliance cannot be fully monitored if the bodies delivering key services to victims are invisible to the regime. Where full inclusion is not appropriate, the Commissioner should at least be able to examine these interfaces jointly with other oversight bodies (see our Recommendation 4).

Please refer to our full written submission, being forwarded to the Committee today.

Do you believe that any of the agencies listed should be removed from the list?

No

Please provide information to support your answer here::

No. We do not propose that any of the bodies listed in Clause 9 be removed. Each has direct and significant contact with victims and witnesses, and each should be within the scope of Charter monitoring, the statistics duty and the complaints regime. Our concern is that the list is too narrow, not too broad (see our answers above).

Please refer to our full written submission, being forwarded to the Committee today.

Clause 10 requires the Commissioner to monitor compliance with the Victim Charter and enables the Commissioner to request information from a charter service provider. It requires charter service providers to comply with such a request as far as is practical. Do you agree with the purpose stated for Clause 10?

Yes

Please provide information to support your answer here::

We agree with the purpose of Clause 10 - the Commissioner should monitor compliance with the Victim Charter and be able to obtain the information needed to do so. Our concern is that the mechanism is too weak to deliver that purpose.

Two features undermine it. First, the Commissioner may only "request" information (10(2)); there is no power to require it. Second, a provider need only comply "so far as is appropriate and reasonably practicable" (10(3)), with the provider itself judging what is appropriate. Taken together, these give the monitored body considerable control over what the monitor sees. A provider can decline, or partially comply, by deeming a request not "appropriate", and nothing in Clause 10 provides for escalation, consequence or publication.

This is an example of the pattern we identify throughout our submission: duties with an "exit door", where compliance is ultimately at the discretion of the body being held to account. Effective monitoring cannot rest on the goodwill of the monitored.

We recommend that Clause 10 be strengthened so that the Commissioner has a power to require the information reasonably necessary for monitoring (subject to the safeguards already in Clause 15 on patient information, data protection and the Investigatory Powers Act); that the "appropriate and reasonably practicable" test is not left to be judged solely by the provider; and that a refusal or persistent failure to provide information can be escalated by the Commissioner and reported, including to the Assembly.

Please refer to our full written submission (Finding 2 and Recommendation 2), being forwarded to the Committee today.

Clause 11 provides that charter service providers must collect and retain data in relation to the provision of services set out in the Victims Charter and to provide statistical information to the Commissioner. The Department must make regulations setting out how the particular statistics, or category of statistics to be provided to the Commissioner are to be determined. The Department must consult with the Commissioner and charter services providers it considers appropriate before making regulations, which will be subject to the draft affirmative procedure. Do you agree with the intent behind Clause 11?

Yes

Please provide information to support your answer here::

We agree with the intent behind Clause 11. Mandatory collection and provision of statistics, a duty to retain the underlying data (11(1)(b)), and the power to require a report on how statistics were produced and their accuracy (11(5)) are all genuine improvements, and we welcome them.

Our concern is what is measured. The statistics relate to "the provision of relevant services" (11(2)) - that is, what the system did. Nothing in Clause 11 requires anyone to measure what victims and witnesses actually experienced: whether they were kept informed, understood the process, received timely communication, and were treated with dignity. A provider could achieve full statistical compliance while the people it served recognise nothing of the experience as justice. This is the distinction at the heart of our submission between measuring the system's activity and measuring the person's experience.

The content of the statistics is, moreover, left to regulations made by the Department (11(3)). The Bill therefore does not itself guarantee that experience measures will be collected; that is left to the Department, one of the monitored providers, to determine. While the Commissioner is consulted (11(6)), the Department decides.

We recommend that the Bill, or the regulations under 11(3), require measures of victim-reported experience alongside service-provision statistics; that the Commissioner has a strong and transparent role in determining what is collected; and that the accuracy report at 11(5) be a requirement rather than a possibility.

Please refer to our full written submission (Finding 3 and Recommendation 3), being forwarded to the Committee today.

Clause 12 allows the Department to extend the provisions regarding the Victim Charter at Clauses 10 and 11 to the Witness Charter. Are you content with Clause 12?

Yes

Please provide information to support your answer here::

We are content with Clause 12 in principle - the ability to extend the monitoring and statistics provisions to the Witness Charter is sensible. We question, however, why this is left entirely to a discretionary power exercised at some future point.

Witnesses are named throughout this Bill and in the office's very title, yet the compliance and statistics duties in Clauses 10 and 11 apply, for now, only to the Victim Charter. Extension to the Witness Charter depends on the Department choosing to make regulations, with no commitment as to whether or when it will do so. Witnesses - including those who are also victims, and bereaved family members who attend as witnesses - can experience the same failures of communication and treatment that the Victim Charter provisions are designed to surface.

We recommend that the monitoring and statistics provisions apply to the Witness Charter on the face of the Bill, or, if a phased approach is genuinely necessary, that the Bill commit to a timeframe within which the Clause 12 power will be exercised, rather than leaving witnesses' experience unmonitored indefinitely.

Please refer to our full written submission, being forwarded to the Committee today.

Clause 13 relates to co-operation with the Commissioner and states a charter service provider must comply or provide the reasons for non-compliance. Do you have any comments on Clause 13?

Yes

Please provide information to support your answer here::

es, we have comments. We welcome that Clause 13 at least requires a response: a provider asked to co-operate must reply, either confirming compliance so far as reasonably practicable (13(2)(a)) or stating that it will not comply and giving a reason (13(2)(b)). A required response is better than silence.

But Clause 13 is the clearest instance of the "exit door" we describe throughout our submission. A provider may simply state that it will not comply, give a reason, and that is the end of the matter. There is no escalation, no independent test of whether the reason is adequate, no consequence, and no requirement to publish the refusal. An oversight body whose requests for co-operation can be declined with a written reason, and nothing more, is dependent on the very bodies it exists to scrutinise.

We recommend that a refusal under 13(2)(b) be published by the Commissioner and laid before the Assembly; that the Commissioner be able to report a persistent or unreasonable refusal to co-operate specifically to the Assembly or this Committee; and that repeated non-co-operation carry a consequence beyond a further request. The explanation for non-co-operation should be the beginning of scrutiny, not the end of it.

Please refer to our full written submission (Finding 2 and Recommendation 2), being forwarded to the Committee today.

Clause 14 relates to the duty to record and report on complaints received in each financial year that relate to alleged breaches of Victim or Witness Charter entitlements and the outcome of each complaint. Do you agree with Clause 14 of the Bill?

Yes

Please provide information to support your answer here::

We agree that charter service providers should record and report on complaints, and we welcome the duty to record complaints and their outcomes (14(1)) and to report annually to the Commissioner (14(3)). Clause 14 nonetheless has three significant limitations.

First, it cannot see the gaps between agencies. A recordable complaint must be made "against the charter service provider" (14(2)(b)) - a single body. But the most damaging failures in our casework happen between agencies, in the handovers where no one body owns the failure: the case that stalls between police and prosecution; the family nobody updates because each assumed the other had. The Bill does not require complaints that involve more than one provider to be connected, or examined together, so a coordination failure disappears into the space between separate returns.

Second, it relies on self-reporting without verification. Each provider records its own complaints and sends the Commissioner a summary it has written about itself (14(3)). There is no requirement to report recurring themes, the actions taken, or evidence of improvement, and no power for the Commissioner to verify the summary against the underlying records.

Third, it is narrow. Only complaints alleging a breach of Charter obligations are recordable (14(2)(c)); failures that fall between or outside specific Charter obligations may never be captured.

We recommend that Clause 14 require providers to identify and connect complaints involving more than one agency, and the Commissioner to bring those findings together (including jointly with other oversight bodies where the journey crosses into health, housing or social care); that reporting move from counting complaints to evidencing themes, actions and measurable improvement; and that the Commissioner be able to verify reports against records rather than receive self-authored summaries.

Please refer to our full written submission (Findings 3 and 4, and Recommendations 4 and 7), being forwarded to the Committee today.

Clause 15 relates to the disclosure of information between charter service providers and the Commissioner if the information would assist or enable the Commissioner to carry out their functions. These disclosure powers are subject to restrictions set out in subsections (3) to (5) –

namely, they do not override patient confidentiality, data protection legislation or prohibitions on disclosure in the Investigatory Powers Act 2016. The sharing of information does not affect any other power that exists to disclose information. Do you support the intention behind Clause 15?

Yes

Please provide information to support your answer here::

Yes, we support the intention behind Clause 15. A clear gateway allowing providers to share information with the Commissioner for the purposes of the Commissioner's functions (15(1)) is necessary, and the safeguards in subsections (3) to (5) are appropriate: patient information, disclosures that would breach data protection legislation, and disclosures prohibited under the Investigatory Powers Act 2016 are all rightly excluded. Protecting victims' health and personal data is essential, and we support it.

Two observations. First, the gateway is permissive - a provider "may" disclose (15(1)). Read with Clauses 10 and 13, where the Commissioner can only request information and co-operation, this means the flow of information ultimately depends on the provider's willingness. The disclosure gateway is welcome, but it does not cure the absence of a power to require the information the Commissioner reasonably needs (see our answers on Clauses 10 and 13).

Second, the patient-information exclusion (15(3)(a), 15(4)) is necessarily broad. We support it, but recommend the Bill make clear that it does not prevent the Commissioner from examining systemic failures at the health-justice interface using anonymised or aggregated information, so that legitimate protection of individual health data does not become a blanket barrier to systemic learning.

Please refer to our full written submission, being forwarded to the Committee today.

Do you believe that there should be other restrictions to the disclosure of information other than those set out in subsections (3) to (5)?

No

If yes, what other restrictions should be placed on the disclosure of information between charter service providers and the Commissioner?

Please provide information to support your answer here::

No. We do not consider that further categorical restrictions on disclosure are needed. The exclusions already in subsections (3) to (5) - patient information, data protection, and the Investigatory Powers Act 2016 - cover the information whose disclosure would genuinely harm victims or others, and they are the right ones. Adding further restrictions would risk the opposite problem: unduly limiting the Commissioner's ability to obtain the information required to identify and address systemic failures, and so weakening the oversight the Bill is intended to create.

We would, however, recommend a handling safeguard rather than a new restriction: where information about an individual victim or witness is shared with the Commissioner for systemic or monitoring purposes, it should, so far as possible, be anonymised or aggregated, and handled sensitively, consistent with the Commissioner's focus on general issues rather than individual cases. This protects the individual without narrowing the categories of information available for legitimate oversight.

Please refer to our full written submission, being forwarded to the Committee today.

Do you have anything further to add in relation to Clauses 9 to 15 of the Bill?

Yes

Please provide information to support your answer here::

Yes. Clauses 9 to 15 are the accountability engine of the Bill, and we welcome the ambition behind them. But three weaknesses run through the group and, in our view, must be addressed together if the regime is to work.

First, the Commissioner can request but not require. Across Clauses 10, 13 and 15 the office may request information and co-operation, and providers may decline (10(3)), refuse with a reason (13(2)(b)), or simply choose whether to disclose (15(1)). These are "exit doors": compliance rests, ultimately, on the goodwill of the bodies being scrutinised. We recommend a power to require the information reasonably necessary (subject to the Clause 15 safeguards), an escalation route, and publication of refusals, laid before the Assembly.

Second, the regime measures the wrong thing and misses the gaps. Clause 11 measures the provision of services, not the experience victims actually have; Clause 14 records single-agency complaints, not the cross-agency failures that cause most harm. We recommend victim-experience measures alongside service statistics, and a complaints regime that connects and examines multi-agency failures and drives demonstrable learning.

Third, the Department holds the key levers. It defines which statistics are collected (11(3)), decides which bodies are within scope (9(1)(g)), and decides whether monitoring extends to witnesses (12) - while itself being a charter service provider. This compounds the independence concern set out in our answer on Clause 1 and Schedule 1.

Taken together, these provisions give the Commissioner the appearance of oversight without the tools to compel it. Our full submission sets out how each can be strengthened.

Please refer to our full written submission (Findings 1 to 4, and Recommendations 2, 3 and 4), being forwarded to the Committee today.

Clauses 16 to 19 - Strategic plan, business plans and annual reports

Clauses 16 requires the Commissioner to prepare a strategic plan setting out objectives and priorities, how they will be achieved and how the outcomes will be monitored. The Commissioner must specify groups of victims and witnesses to whom they will have particular regard and why. The Commissioner may review the strategic plan at any time during their tenure. Clause 17 requires the Commissioner to send an annual business plan to the Department of Justice setting out how they propose to carry out the Commissioner's functions. Do you agree with the provisions at Clauses 16 and 17?

Yes

Please provide information to support your answer here::

We agree with the planning framework in Clauses 16 and 17, and we welcome several features: the requirement to set outcomes by which achievement is measured (16(3)(c)); the duty to specify priority groups of victims and witnesses with clear reasons (16(4)); the ability to revise the strategic plan at any time (16(6)); publication of the plan and the laying of it before the Assembly (16(8)-(9)); and the costed, timetabled business plan (17(3)).

We have two concerns.

First, independence. Clause 16(5) requires the Commissioner, when deciding which groups of victims or witnesses to prioritise, to seek the Department's views, take them into account, and give clear reasons for any departure. The Department is itself a charter service provider that the Commissioner must monitor. Requiring the Commissioner to seek and justify departures from the views of a monitored body, on the central question of who the office prioritises, sits uneasily with the office's independence. This is the same concern we raise on Clause 1 and Schedule 1. We recommend 16(5) be reconsidered so that the Commissioner sets priorities independently, informed by evidence and by victims themselves rather than by the Department's preferences.

Second, what the outcomes measure. The outcomes under 16(3)(c) should include measures of victims' and witnesses' actual experience - whether they were informed, understood the process and were treated with dignity - not only measures of activity. Relatedly, the consultation duty (16(7)) should expressly include victims, witnesses and a standing Lived Experience Advisory Panel, so the plan is shaped by those it is meant to serve.

Please refer to our full written submission (Finding 1, and Recommendations 1, 3 and 5), being forwarded to the Committee today.

Clause 18 requires the Commissioner to produce an annual report and sets out what it must include. Do you agree with Clause 18?

Yes

Please provide information to support your answer here::

We agree with Clause 18 and welcome that the annual report must be published and laid before the Assembly (18(1), (4)), and that it must draw together the Commissioner's assessment of objectives met, the statistics provided under section 11, the complaints reports under section 14, and the Commissioner's recommendations (18(2)). This is a valuable accountability document.

Two changes would make it measure, and drive, what matters.

First, experience as well as activity. The report reviews the steps the Commissioner took and aggregates what providers have self-reported (18(2)(b)). But an assessment of whether objectives were "met" (18(2)(a)) is only as meaningful as the outcomes chosen: if those are measures of service provision, the report will show a compliant system even where victims experienced none of it as justice. We recommend the annual report expressly assess victims' and witnesses' reported experience, drawn from the experience measures we propose for Clause 11.

Second, closing the loop. The report can contain recommendations (18(2)(c)) and Clause 19 requires a response, but nothing requires the Commissioner to track, in the following year's report, whether the action promised in response to previous recommendations was actually delivered. Without that, the cycle can repeat the same recommendations indefinitely. We recommend that each annual report review the status and delivery of the recommendations made in previous years - a "you said, this is what changed" account - so that response translates into improvement.

Please refer to our full written submission (Finding 3, and Recommendations 3 and 7), being forwarded to the Committee today.

Clause 19 places a duty on charter service providers to respond to recommendations made in the Commissioner's annual report and state how they will be addressed, or provide reasons why a charter service provider does not propose to act on a recommendation. The response must be published within 56 days of the publication of the Commissioner's report. Do you agree with the intent and purposes of Clause 19 of the Bill?

Yes

Please provide information to support your answer here::

Yes, we agree with the intent and purpose of Clause 19, and we welcome it. A duty on charter service providers to respond to the Commissioner's recommendations, to explain what they will do or why they will not, and to publish that response within 56 days (19(2)-(5)), is a genuine step towards accountability, and better than a system in which recommendations can be received in silence.

But the intent is undercut by how the duty is framed, and this is the clearest example of the pattern we identify throughout our submission: publication is required, but delivery is not.

Three points. First, a provider may simply explain why it does not propose to take any action (19(3)(b)), and that is the end of the matter - there is no independent test of whether the explanation is adequate, no escalation, and no consequence. Second, the response is published "in such manner as the provider considers appropriate" (19(4)), which allows an accountable response to appear somewhere obscure; it should be published in a consistent, accessible place, alongside the Commissioner's report. Third, where the response is late, the provider need only explain the delay (19(6)) - a further soft exit.

Most importantly, nothing ensures that action promised is action delivered. We recommend that: responses identify the responsible senior officer, the action, a completion date and the evidence against which delivery will be judged; the Commissioner track and report on delivery in the following annual report (see our answer on Clause 18); and a refusal to act, an inadequate response, or a persistent failure be capable of escalation and specific report to the Assembly. Publication should be the beginning of scrutiny, not the end of it.

Please refer to our full written submission (Finding 2 and Recommendation 2), being forwarded to the Committee today.

Do you have anything further to add on Clauses 16 to 19 of the Bill regarding strategic plans, business plans and annual reports?

Yes

Please provide information to support your answer here::

Yes. Clauses 16 to 19 create a plan-report-respond cycle, and we want to be clear that we regard this as the strongest accountability architecture in the Bill: strategic and business planning, a published annual report laid before the Assembly, and a duty on providers to respond. Our concern is not the structure but two systemic weaknesses that run through it.

First, the cycle measures activity, not experience. Priorities, outcomes, statistics and annual assessment (16(3), 18(2)) are all capable of being satisfied by measures of what the system did, without anyone ever measuring what victims and witnesses actually experienced. Unless experience measures are built in, the cycle can report success while the person at the kitchen table recognises nothing of it. This is the central distinction in our submission between the DO and the FOR.

Second, the loop does not close. Providers must respond to recommendations (Clause 19), but nothing requires them to deliver, tests whether their reasons for not acting are adequate, or tracks in the next report whether promised change actually happened. A cycle that can lawfully consist of recommendation, explanation, and no action is accountability in form rather than substance.

Underlying both is the independence thread we raise elsewhere: the Commissioner must seek the Department's views on priorities (16(5)), and plans and reports are routed to and laid by the Department, which is itself a monitored provider.

We recommend the cycle be strengthened by victim-experience measures, by closing the loop between recommendation and delivery, and by securing the Commissioner's independence in setting priorities. Our full submission sets out how.

Please refer to our full written submission (Findings 1 to 3, and Recommendations 1, 2, 3 and 7), being forwarded to the Committee today.

Clauses 20 to 23 - Supplementary

Clause 20 provides that publications made by the Commissioner under the Act are privileged and exempt from challenge under the law of defamation. Do you support Clause 20 of the Act?

Yes

Please provide information to support your answer here::

Yes, we support Clause 20. Absolute privilege for material the Commissioner is required or authorised to publish is not a technicality - it is what allows the office to report failings plainly, name the bodies responsible, and set out uncomfortable findings without the chilling threat of defamation proceedings from well-resourced institutions. An oversight body that had to weigh every critical finding against litigation risk would, in practice, be pushed towards caution - the very tendency we warn against in our answer on the office's independence.

We make one point. The privilege should extend to the full range of material the office is authorised to publish, including the responses of a Lived Experience Advisory Panel and any thematic reviews, if the strengthening amendments we recommend elsewhere are adopted. As the Bill develops, the protection in Clause 20 should track whatever the Commissioner is ultimately required or authorised to publish, so that no category of the office's published output is left exposed.

Please refer to our full written submission, being forwarded to the Committee today.

Clauses 21 sets out the meaning of "victim" for the purposes of Part 1 of the Bill. Do you agree with Clause 21?

Yes

Please provide information to support your answer here::

We agree in principle with anchoring the meaning of "victim" to the established definition in section 29 of the Justice Act (Northern Ireland) 2015; using a consistent, existing definition avoids divergence across the justice system. But because the reach of this entire Bill depends on who counts as a "victim",

we ask the Committee to test the imported definition against three questions.

First, bereaved families. We ask the Committee to confirm that bereaved family members are fully and unambiguously within the definition, and that they remain so across the lengthy coronial, investigative and judicial processes they must navigate - not only at the point of a conviction. If there is any doubt, the Bill should place them expressly within scope (see our Recommendation 9).

Second, victims where no one is charged or convicted. A great many victims - particularly of domestic abuse, coercive control and sexual offences - never see a charge, still less a conviction, yet have plainly suffered harm. The definition should be victim-centred, turning on the harm experienced rather than on the outcome of a prosecution, so that these victims are not defined out of the Charter and the Commissioner's remit. This connects directly to our point that sexual offences disclosed within domestic abuse are too often never recognised as such (Recommendation 19).

Third, the Department's influence over scope. Under 21(3), where the Victim Charter provides for a person to be treated as a victim in specified circumstances (via section 29(6)(b)), the Commissioner must do likewise. This is sensible as a flexibility, but it also means the Department, which sets the Charter, shapes who counts as a victim. We ask that this scope be exercised transparently and only to widen, not narrow, protection.

Please refer to our full written submission (Recommendations 9 and 19), being forwarded to the Committee today.

Clause 22 defines the terms used in Part 1; and Clause 23 introduces Schedule 2 which makes minor and consequential amendments in connection with Part 1 of the Bill. Do you have any comments to make on Clauses 22 or 23?

Yes

Please provide information to support your answer here::

Yes, we have brief comments, and they are broadly supportive.

We particularly welcome two of the consequential amendments in Schedule 2. Adding the Commissioner to the Freedom of Information Act 2000 (paragraph 3) makes the office itself transparent and subject to FOI - consistent with the openness we ask the office to demand of others. Adding the Commissioner to the Public Services Ombudsman Act (Northern Ireland) 2016 (paragraph 4) means the office is itself subject to independent complaint and scrutiny, which is right for any public body exercising this kind of power. The Assembly Disqualification amendment (paragraph 2) is also appropriate to the office's independence.

Two small points. First, the interface between the Commissioner's complaints-monitoring role (Clause 14) and the Public Services Ombudsman should be clear, so that victims understand where a complaint about the Commissioner, as opposed to a complaint about a charter service provider, is to be directed. Second, the definitions in Clause 22 rely on the meanings of "victim" and "witness" in the Justice Act (Northern Ireland) 2015 (the latter via section 30(9)); the points we raise on Clause 21 about the breadth of "victim" apply equally here, and we ask that "witness" likewise be broad enough to include those who are also victims and bereaved family members attending as witnesses.

Please refer to our full written submission, being forwarded to the Committee today.

Do you have anything further to add in relation to the supplementary provisions at Clauses 20 to 23 of the Bill?

Yes

Please provide information to support your answer here::

Yes, one overarching point. Most of the supplementary provisions are sound, and several are genuinely welcome - the publication privilege (Clause 20) and the transparency and accountability amendments in Schedule 2 (FOI and Public Services Ombudsman) all strengthen the office and we support them.

But one supplementary provision carries consequences out of all proportion to its "supplementary" label: the meaning of "victim" in Clause 21. Every duty, entitlement and protection in this Bill reaches only as far as that definition does. If bereaved families are not unambiguously within it, or if it turns on the outcome of a prosecution rather than the harm a person has suffered, then whole categories of victim - including many victims of domestic abuse, coercive control and unprosecuted sexual offences - fall outside the Bill entirely, however strong its other provisions. We ask that Clause 21 be given scrutiny commensurate with its importance, and that the definition be confirmed, and if necessary widened, so that the Bill reaches the people it is named for.

Please refer to our full written submission (Recommendations 9 and 19), being forwarded to the Committee today.

Clauses 24 to 27 - Criminal evidence and procedure

Clause 24 of the Bill provides that witnesses are eligible for assistance with giving evidence in cases dealing with an offence involving aggravation by hostility. It inserts into the Criminal Evidence (Northern Ireland) Order 1999 Order that the definition of "an offence involving aggravation by hostility" means an offence of any kind in respect of which an allegation that the offence is aggravated by hostility is specified alongside the offence in accordance with section 33(1) of the Criminal Justice (Sentencing etc) Act 2027 [see more information]. Do you agree with the provisions in Clause 24?

Yes

Please provide information to support your answer here::

Yes, we support extending eligibility for assistance with giving evidence to witnesses in cases involving aggravation by hostility (new Article 5(5)(e)). Victims of hate-motivated offences are often particularly vulnerable and their evidence particularly hard to give; making them eligible for special measures is right, and we welcome it.

We make three points.

First, and consistently with our full submission, the Bill continues to extend special-measures eligibility offence-type by offence-type, adding "aggravation by hostility" to the list in Article 5(5). The cumulative effect is a patchwork in which a witness's access to protection depends on the label attached to the offence rather than on their vulnerability or the impact on the quality of their evidence. We recommend the Committee consider whether eligibility is better organised around the needs of the witness (see our Recommendation 15).

Second, sequencing. Clause 24 defines "aggravation by hostility" by reference to section 33(1) of the Criminal Justice (Sentencing etc) Act 2027 - which is at present the Criminal Justice (Sentencing etc) Bill, still before the Committee for Justice, and will only become an Act after all Assembly stages and Royal Assent. Clause 24 therefore cannot operate until that separate legislation is enacted and in force. We ask that commencement of Clause 24 be sequenced with the Sentencing legislation, and kept aligned as that Bill is amended, so the eligibility is not left pointing to a provision that does not yet exist.

Third, a victim will only benefit if the aggravation is actually recognised and specified by the prosecution. Protections that turn on correct charging are only as good as the charging decision; this is the same recognition gap we raise in relation to sexual offences disclosed within domestic abuse (Recommendation 19).

Please refer to our full written submission (Recommendations 15 and 19), being forwarded to the Committee today.

Clause 25 provides that no person charged with an offence involving aggravation by hostility may cross examine in person a witness, including a child, who is the complainant in connection with the offence or any other offence with which that person is charged in the proceedings. Do you support the inclusion of Clause 25 in the Bill?

Yes

Please provide information to support your answer here::

Yes, we strongly support Clause 25. No complainant should have to be cross-examined in person by the individual accused of the offence against them, and extending that protection (new Article 22C) to complainants in cases involving aggravation by hostility - including child complainants, through the consequential amendments to Article 23 - is an important and humane step. We welcome it, together with the accompanying provision for court-appointed representation for the cross-examination (Article 26) and the warning to the jury (Article 27).

Two brief points, consistent with our answer on Clause 24. First, like the special-measures extension, this protection is added offence-type by offence-type and turns on the offence being charged, and the aggravation specified, as one involving hostility; a needs-based approach would ensure equally vulnerable complainants are protected regardless of the precise charge (Recommendation 15). Second, where the accused is prevented from cross-examining in person and a legal representative is appointed for that purpose, the complainant should be kept informed of what this means for them, so the protection does not become one more part of the process that happens around the victim without explanation.

Please refer to our full written submission (Recommendation 15), being forwarded to the Committee today.

Clause 26 introduces provisions for complainants in sexual offence cases in the Crown Court, to make oral or written representations to the court, be legally represented and entitled to be present at any hearing of an application for documents or records which relate to the complainant and which they could have a reasonable expectation of privacy in relation to. It makes similar provisions in relation to applications made to the court relating to the complainant's sexual history. Do you agree with the inclusion of Clause 26 in the Bill?

Yes

Please provide information to support your answer here::

Yes - we support Clause 26 without reservation, and regard it as the single most important victim protection in the Bill. Giving a complainant in a sexual offence case the right to make representations, to be present, and to be legally represented at the hearing of an application for their private records (new Article 27G) and at applications about their sexual history (new Article 30(1A)) addresses two of the moments at which victims are most exposed and most alone. That the complainant will no longer be excluded from sexual-history applications is a particularly welcome change.

Our concern is not the right but whether it will reach the people who need it. Three points.

First, the right must be known. An entitlement to be represented is worthless to a complainant who is never told it exists. In our casework, victims routinely never learn of the support available to them. The entitlement should be accompanied by a positive duty to inform the complainant of it, by direct referral to independent legal support at the point of reporting, rather than a leaflet the victim must act on alone (see our Recommendations 11 and 12).

Second, the representation must be funded. If it is not, this becomes a right only those who can pay can exercise - while the accused has publicly funded representation from the first day. The complainant's representation should be non-means-tested and available through the SOLA scheme or an accredited solicitor of their choosing, on an equality-of-arms basis (Recommendation 14).

Third, the right should not stop at these two hearings. Clause 26 rightly provides representation at the witness-summons and sexual-history applications, but complainants need advice and advocacy across the pre-trial period, not only at these specified points (Recommendation 13).

Clause 26 proves the principle that a victim can have individual, statutory support in their own case. We ask that the principle be delivered so that it reaches the isolated as well as the informed.

Please refer to our full written submission (Recommendations 11, 12, 13 and 14), being forwarded to the Committee today.

Clause 27 is a technical fix required for the forthcoming introduction of committal reform provisions. It provides that, in cases involving death or serious harm of a child or vulnerable person, charges cannot be dismissed unless the charge of an offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 is also dismissed. Do you agree with Clause 27 being included in the Bill?

Yes

Please provide information to support your answer here::

Yes, we agree Clause 27 should be included. Although described as a technical fix, its effect matters for some of the gravest cases we are concerned with. By providing that, where a defendant is committed for trial, the charge of murder or manslaughter (section 7) or of a relevant serious-harm offence (section 7A) cannot be dismissed unless the associated "causing or allowing death or serious physical harm" charge under section 5 of the Domestic Violence, Crime and Victims Act 2004 is also dismissed, the clause preserves the integrity of prosecutions in cases involving the death or serious harm of a child or vulnerable person.

The section 5 offence exists precisely because, in household settings, it can be difficult to prove which member of a household inflicted the harm. Ensuring the principal and section 5 charges stand or fall together at committal prevents a gap that could otherwise let a serious charge fall away on a technicality. Given how many such cases arise in a domestic context, we support the clause.

We ask only that its commencement be aligned with the committal reform provisions it is designed to accompany, so that the protection takes effect when it is needed and is not left waiting on separate commencement (see our point on implementation, Recommendation 21).

Please refer to our full written submission, being forwarded to the Committee today.

Do you have anything further to add on Clauses 24 to 27 of the Bill relating to Criminal Evidence and Procedure?

Yes

Please provide information to support your answer here::

Yes. Clauses 24 to 27 include some of the provisions in this Bill that do the most concrete good for individual victims, and we welcome them - particularly Clause 26. Two cross-cutting points apply across the group.

First, protection that turns on the charge. The special-measures eligibility (Clause 24), the protection from cross-examination (Clause 25) and, to a degree, the sexual-offence protections (Clause 26) all trigger on how an offence is charged or specified. A victim whose offence is not recognised and charged as what it is will never reach these protections: the hostility aggravation that is not specified, or - as we set out at Recommendation 19 - the sexual offence disclosed within a domestic abuse investigation that is never pursued as a sexual offence. The strongest protections in the Bill are only as good as the recognition and charging decisions that unlock them. We ask that this be addressed both by moving towards needs-based eligibility (Recommendation 15) and by ensuring offences are properly recognised at the investigation stage (Recommendation 19).

Second, rights must reach the person. Clause 26 creates genuine individual entitlements, but an entitlement is only real if the victim is told it exists, can access funded representation, and is supported across the pre-trial period rather than only at specified hearings. This is the reach, equality-of-arms and consent argument that runs through Part Two of our submission (Recommendations 11 to 14). Clause 26 shows the Bill already accepts that a victim can have individual, statutory support in their own case; the task is to deliver it so that it reaches the isolated as well as the informed - and, in time, to extend that logic beyond the single category of victim it currently serves.

Please refer to our full written submission (Recommendations 11 to 15 and 19), being forwarded to the Committee today.

Clauses 28 to 30 - General

Clauses 28 to 30 provide for regulation making powers, the commencement of the parts of the Bill and the short title. Do you have any comments on Clauses 28 to 30 of the Bill?

Yes

Please provide information to support your answer here::

Yes, we have comments on all three clauses, and our principal concern is commencement.

Clause 28 (regulations). We welcome the draft affirmative procedure as the default (28(1)), which gives the Assembly proper scrutiny of significant regulations - for example those determining the statistics under section 11 or extending monitoring to the Witness Charter under section 12. We question, however, why regulations under section 9 - which determine which bodies are "charter service providers" - are subject only to negative resolution (28(2)). As we set out in our answer on Clause 9, who is within scope defines the reach of the entire monitoring, statistics and complaints regime. A decision of that importance warrants the affirmative procedure, and we recommend Clause 28 be amended accordingly, or at least that additions to and removals from the list receive meaningful Assembly scrutiny.

Clause 29 (commencement). This is the most important provision in Part 3, and as drafted it is the weakest point in the Bill's delivery. Only Part 3 itself commences automatically (29(1)); every substantive provision - the Commissioner, the whole monitoring regime, and the criminal evidence and procedure protections including the sexual-offence protections in Clause 26 - commences only "on such day or days as the Department of Justice may by order appoint" (29(2)). There is no longstop date, no timetable, and no obligation to commence at all. A protection that is enacted but never brought into force helps no one, and this is precisely how so many Gillen Review recommendations came to be accepted in principle but never delivered in practice. We recommend: a backstop date by which the substantive provisions must be commenced, or by which the Department must report to the Assembly explaining why not; a published, costed implementation plan and timetable (see our Recommendation 21); and that commencement of the criminal-evidence provisions be sequenced with the related legislation on which they depend - the Criminal Justice (Sentencing etc) legislation for Clause 24, and committal reform for Clause 27.

Clause 30 (short title). We note only that the Act is to be cited as the Victims and Witnesses of Crime Act. It should deliver for witnesses as well as victims: at present the monitoring and statistics duties apply directly only to the Victim Charter, with extension to the Witness Charter left to a discretionary power (Clause 12). The title's promise should be met on the face of the Bill.

Please refer to our full written submission (Recommendation 21 in particular), being forwarded to the Committee today.

Any Other Comments on the Bill

Do you have any other comments or views on the Victims and Witnesses of Crime Bill?

Yes

Please provide any other comments or views you have on the Victims and Witnesses of Crime Bill here::

The Voice & Justice Alliance welcomes this Bill. A statutory Commissioner, mandatory publication of victim statistics, protections for complainants in sexual offence cases, and improved protection for victims of hate crime are all steps forward, and we support them. Our full written submission, being forwarded to the Committee today, sets out 21 recommendations; this is our overall view.

We ask the Committee to judge the Bill by a single test, the one we apply to all our work: would the person it is meant to help recognise this as justice? Against that test, three concerns run through the Bill as drafted.

First, it measures the system's compliance rather than the person's experience. The statistics, complaints returns and annual reporting can all be satisfied by recording what agencies did, while never asking whether a victim was kept informed, told the truth when something went wrong, or treated with dignity. An agency could achieve full compliance while the family at the kitchen table recognises nothing of it as justice. The Bill should measure the experience it exists to improve, not only the activity of the bodies it oversees.

Second, its duties have exit doors. Across the monitoring, co-operation and response provisions, the Commissioner may request but not require, and providers may decline, refuse with a reason, or explain why they will not act - with nothing following the explanation. Publication of a response is required; delivery of the change is not. An oversight body whose findings can be acknowledged and set aside is accountability in form rather than substance. The Commissioner needs the power to require information, an escalation route, published refusals laid before the Assembly, and a duty on providers to show that recommended change was actually delivered.

Third, and most importantly, the Bill is barred from helping the individual. The Commissioner is expressly prevented from acting for any particular victim (Clause 8); every function operates at system level. Yet the failures we see fall on individuals - the victim passed between agencies with no one owning their journey; the rape complainant who never learned that free legal advice existed; the domestic abuse victim whose non-consensual sex was never recognised as a sexual offence. This is the "no owner, no clock, no visibility" gap at the heart of our submission. The Bill's own sexual-offence provisions (Clause 26) prove that individual, statutory support is possible and intended - but only for one group, at one stage. That logic should be extended: statutory recognition of independent advocacy (IDVAs and ISVAs), a single named point of contact who owns the victim's journey, and funded legal representation that reaches the isolated as well as the informed.

Two further points underpin all of this. The office must be genuinely independent of the Department it monitors, which appoints, funds, can remove and shapes the priorities of the Commissioner while itself being one of the bodies it oversees. And the Bill must actually be delivered: as drafted, its substantive provisions commence only when the Department chooses, with no timetable and no longstop - the mechanism by which so many Gillen recommendations remain unimplemented years on. We ask for a backstop date and a published, costed implementation plan.

We make these points to help the Bill succeed, not to oppose it. Its greatest potential lies not in creating an office but in driving a shift towards transparency, learning and partnership with those who have lived through the justice system. Justice should not be judged solely by the outcome of a case, but by how every person is treated throughout their journey. We would welcome the opportunity to give oral evidence, and we ask the Committee to read each provision against one question: would the person recognise this? Where they would not, it can still be changed.