

Crime and Policing Bill Scrutiny

Evidence from the Victims' Commissioner for England and Wales

Role as Victims' Commissioner.

As Victims' Commissioner for England and Wales, I welcome the opportunity to provide evidence to the Crime and Policing Bill Committee. I am committed to amplifying the voices of victim-survivors to ensure their experiences influence policy and practice across government and criminal justice agencies.

My remit is set out in the Domestic Violence, Crime and Victims Act 2004¹, My statutory duties include:

- promoting the interests of victims and witnesses;
- taking such steps I consider appropriate with a view to encouraging good practice in the treatment of victims and witnesses;
- Reviewing the operation of the code of practice issued under section 32.

My role is appointed is by the Secretary of State for Justice but is independent of government.

I provided oral evidence to the committee on 27th March 2025. This written evidence expands upon some of the points I made during that evidence session and covers other aspects of the Bill that I was unable to raise during that session.

I am focussing my evidence on Parts 1, 4 and 5, as those are the areas of the Bill where I believe I can be of the most assistance to the committee. As the Bill progresses there may be other aspects of the Bill that become areas of focus.

Summary of my priorities for the Bill

Anti-social behaviour

1. The threshold for case reviews is currently set down in the Anti-Social Behaviour, Crime and Policing Act 2014². Specifically, the legislation requires '*at least three (or, if a different number is specified in the review procedures, at least that number of) qualifying complaints have been made about the anti-social behaviour to which the application relates,*' but I understand that despite statutory guidance, the amount of discretion in the legislation is resulting in considerable variance in how this is applied by relevant authorities. This leaves victims with high levels of uncertainty. I would like government to tighten up the legislative framework to ensure less variance and uncertainty.
2. I am also concerned that data collection around case reviews only goes some way to helping understand regional variation and I recommend that 'relevant authorities' be required to also collect, publish, and provide to the Secretary of

¹ Domestic Violence, Crime and Victims Act, 2004 (Chapter 3). Accessed at: <https://www.legislation.gov.uk/ukpga/2004/28/part/3/chapter/3/crossheading/commissioner-for-victims-and-witnesses>

² S.104 (4) (b) Anti-Social Behaviour, Crime and Policing Act 2014, accessed at [Anti-social Behaviour, Crime and Policing Act 2014](#)

State the reason(s) why they determined the threshold for a case review was not met.

3. I would also like to see legislative change to ensure that there is an independent chair appointed for the case review and that victims of ASB have the right to attend the case review.
4. Once the Bill is enacted 'Respect Orders' will be added to the growing list of orders available to 'tackle' ASB but to date there has been no comprehensive review of the effectiveness of these orders. I urge government to review the efficacy of the new 'Respect Orders' 12 months post implementation.

Child sexual abuse

5. Government should place a duty of collaboration on statutory agencies in order to fulfil the requirements of the Independent Inquiry on Child Sexual Abuse (IICSA) recommendation of a nationwide comprehensive data set.
6. IICSA recommended that government make adequate provision for support services for child victims of sexual abuse I would like to see this Bill include a requirement on government to assess the level of need for support and the level of provision of support, in order that any gaps can be quickly addressed.

PART 1 'ANTI-SOCIAL BEHAVIOUR', CHAPTERS 1 & CHAPTER 2, Clauses 1-9

7. I welcome the introduction of a new level of accountability through the local policing body (LPB) review and accompanying duty on local policing bodies to promote the ASB Case Review and LPB Review (Clause 6).
8. I also welcome the power conveyed on the Secretary of state to require via regulations, relevant authorities to provide information relating to anti-social behaviour. This can include reports of ASB made to the authority, responses of the authority to ASB and ASB case reviews carried out by the relevant authority.

Recommendations to strengthen the Bill.

ASB Case Review

9. My 2024 report, '[Still Living a Nightmare: Understanding the experiences of victims of anti-social behaviour](#)', highlights the devastating impact of persistent anti-social behaviour on victims' lives. ASB is still often perceived to be a 'low-level crime'³, and victims regularly tell me that despite contacting multiple agencies about their experiences, little action is taken. To ensure greater accountability, the current provisions in the Bill must go further to strengthen the ASB Case Review, an existing measure intended to act as a

³ [The policing response to antisocial behaviour: PEEL spotlight report - His Majesty's Inspectorate of Constabulary and Fire & Rescue Services](#)

safety net for victims who feel insufficient action has been taken to resolve the anti-social behaviour they are being subjected to.

10. The existing ASB Case Review threshold and process⁴ is set out in the Anti-social Behaviour, Crime and Policing Act 2014, Section 104⁵. This legislation states:

In a situation where—

*(a) an application for an ASB case review is made, and
(b) at least three (or, if a different number is specified in the review procedures, at least that number of) qualifying complaints have been made about the anti-social behaviour to which the application relates, the relevant bodies must decide that the threshold for a review is met.*

11. This allows relevant authorities to use their own discretion and adopt caveats when setting the threshold for the ASB Case Review. This results in victims facing a 'postcode lottery', when attempting to activate the review process due to inconsistencies across authorities⁶. It also means agencies such as providers of social housing who straddle local government boundaries have the added complexity of having to operate with different thresholds.
12. Recent research conducted by ASB Help found that despite the high volume of ASB Case Review requests submitted by victims to local authorities, fewer than half met the local threshold for review. When ASB Help reviewed the applications themselves, they found that the majority would have met the threshold recommended in the statutory guidance⁷.
13. By ensuring that the threshold for the ASB Case Review is set out clearly in legislation, without room for caveats, the issue of inconsistencies in practice across local authorities will be addressed.
14. Allied to the above issue, the data that 'relevant authorities' must publish under the 2014 Act⁸ and the data that they could be compelled to provide to the Secretary of State upon this Bill becoming law, is potentially only of limited use in understanding how the framework is being applied at a local level. To truly understand these local variations relevant authorities must also be required to publish the reason(s) they determined the application did not the threshold.
15. I recommend that government amend s.104 (9) of the 2014 Act to include this additional information in the existing publication duties. Additionally, I recommend that any regulations produced by the Secretary of State for the purposes of obtaining information on 'ASB case reviews carried out by the

⁴ [Anti-social behaviour case review - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/344444/ASB_Case_Review_Report_Jan_20-24.pdf)

⁵ Anti-social Behaviour, Crime and Policing Act 2014
<https://www.legislation.gov.uk/ukpga/2014/12/section/104>

⁶ [ASB Help ASB Case Review Report Jan 20-24](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/344444/ASB_Case_Review_Report_Jan_20-24.pdf)

⁷ [ASB Help ASB Case Review Report Jan 20-24](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/344444/ASB_Case_Review_Report_Jan_20-24.pdf)

⁸ Anti-social Behaviour, Crime and Policing Act 2014
<https://www.legislation.gov.uk/ukpga/2014/12/section/104>

relevant authority⁹ includes a requirement to provide reasons for the determination that an application did not meet the threshold.'

16. In my 'Still Living a Nightmare' report I also made recommendations to strengthen the ASB Case Review to improve victims' confidence in the process. These included placing a requirement on the body responsible for carrying out an ASB Case Review to ensure an independent chair is in place during the process, who is trained in understanding the risk and impact of ASB. This would give victims more confidence in the process and provide appropriate rigour and challenge. To guarantee the victim's voice is heard, victims should also be offered the opportunity to attend the ASB Case Review meeting. According to the ASB Help report, around sixty percent of local authorities routinely invite victims to attend and explain the impact of the ASB on them and their families. I struggle to understand how you can review a case without input from the victim who has initiated the review.

Respect Orders

17. Clause 1 of the Bill introduces 'Respect Orders'. The order can contain both prohibitions and requirements aimed at tackling anti-social behaviour that is causing distress to others. Failure to comply with this order will be a criminal offence.
18. While I welcome action to tackle anti-social behaviour, I am concerned that there are currently numerous 'behavioural control' orders that aim to address ASB. These are often overlapping in nature. JUSTICE's 2023 report found they are often inconsistently applied and raised concerns around their effectiveness in preventing further harm¹⁰.
19. I have written to the Minister for Crime, Policing and Fire to request a review of all existing civil legal tools designed to protect the public from ASB to see if they are fit for purpose. I have received a response confirming that although there has been no full-scale public review, the Respect Order is based on a robust evaluation of existing ASB powers. However, I continue to have reservations around the use of Respect Orders, and how they can effectively be implemented.
20. Lawyers and academics have raised concerns that 'Respect Orders' will not prove any different and appear to be reminiscent of the "ASBO"¹¹. ASBOs were introduced in 1999 and by the early 2010's had proven to be overly bureaucratic and ineffective due to high levels of non-compliance. They were abolished in 2014 when the Anti-Social Behaviour, Crime and Policing Act 2014¹² brought in a new regime of civil orders.

⁹ S.7 Crime and Policing Bill, amending Part 6 of the Anti-Social Behaviour, Crime and Policing Act 2014 105A 2(c)

¹⁰ [Lowering-the-Standard-a-review-of-Behavioural-Control-Orders-in-England-and-Wales-September-2023.pdf](#)

¹¹ [Respect Orders: Will they actually make a difference? | Public law](#)

¹² Anti-social Behaviour, Crime and Policing Act 2014
<https://www.legislation.gov.uk/ukpga/2014/12/section/104>

21. To avoid these new 'Respect Orders' becoming similarly ineffective, there needs to be consistent implementation, and understanding of how the order can be utilised and enforced. As such, I recommend an evaluation be carried out 12 months after its roll out, to monitor the reach and effectiveness of the orders in combating ASB.

PART 4 'CHILD CRIMINAL EXPLOITATION', CHAPTER 1, Clauses 17-31

22. I welcome the new criminal offence of causing a child to engage in criminal activity (Clause 17) and the new child criminal exploitation prevention order (Clause 18).

Recommendation to strengthen the Bill.

23. Whilst the criminalisation of those who are exploiting children is welcome, the lack of a statutory definition of child criminal exploitation means the responses of statutory agencies can vary hugely. Often the children who are victims of this exploitation are not identified as victims and face criminalisation. The addition of a standalone statutory definition of child criminal exploitation would strengthen the Bill and ensure that victims are properly identified as such.
24. Allied to that there are currently few services available to support children who are being exploited in this way and there is no duty on commissioners of support services to commission support services for child victims of crime. I would like to see this Bill include a requirement on government to assess the level of need for support and the level of provision of support, in order that any gaps can be quickly addressed.

PART 5 'SEXUAL OFFENCES AND OFFENDERS', CHAPTERS 1-4, Clauses 36-68

25. I welcome the two new digital offences of creating, supplying, or possessing a CSA image generator (Clause 36) and online facilitation of child sexual exploitation and abuse (Clauses 38 -41).
26. I also welcome the extension of the existing offences of possession of a so-called 'paedophile manual' to ensure anyone creating or possessing guidance on the creation of child sexual abuse imagery will be criminalised (Clause 37) and engaging in sexual activity in the presence of a child by removing the requirement that the person committing the offence either knew / believed or intended that the child is aware of the activity (Clause 42).

27. I welcome that the government is enacting one of the Independent Inquiry on Child Sexual Abuse (IICSA) recommendations¹³ by making the reporting of suspected child sexual abuse mandatory on certain people 'working/interacting' with children (Clause 45-54).
28. I also welcome the amendments to the Sexual Offences Act 2003 which create new offences of taking or recording an intimate image or film without consent, and installing, adapting, preparing, or maintaining equipment to enable the commission of the intimate image offences. (Clause 56 and Schedule 8)

Recommendations to strengthen the Bill.

Online Safety

29. Effectively safeguarding children is very complex so whilst I welcome the introduction of the digital offences which seek to address AI generated child sexual abuse material, criminalisation of certain behaviours or activities in isolation will not safeguard children or dramatically change the online space.
30. I have concerns about the wider online space and the lack of meaningful regulation including the normalisation of rape, violence, and other illegal acts such as incest and child sexual abuse in mainstream pornography.
31. The Internet Watch Foundation found that 2024 was the worst year on record for child sexual abuse material (CSAM) online¹⁴. They observed that companies are not compelled by Ofcom to remove such material, as the guidance allows them to only remove material if it is 'technically feasible' to do so.
32. I remain concerned at an apparent lack of cross government action and join up in these areas.
33. The offence of online facilitation of CSE/ CSA appears to be designed to complement the work on online safety, the Online Safety Act and regulation in this area but as the scope of the offence only applies to individuals it will be easy for tech companies to avoid liability for CSAM hosted on their sites. This is a clear loophole which government should address.

Mandatory reporting

34. Whilst I welcome the introduction of legislation to make reporting of suspected child sexual abuse mandatory, I have some concerns about the regime as drafted:
35. It is not immediately clear who is caught by the duty. The duty potentially applies to large numbers of professionals and volunteers, and in order for individuals to discharge their responsibilities under the regime, they must be clear the duty applies to them.

¹³ [The Report of the Independent Inquiry into Child Sexual Abuse | IICSA Independent Inquiry into Child Sexual Abuse](#)

¹⁴ [2024: Record Highs in Online Child Sexual Abuse | IWF Urge Action](#)

36. The preventing/deterring offence (clause 52) does not include concealment i.e. attempts made to cover up CSA or where evidence is destroyed. IICSA found countless examples of institutional 'cover-ups' and the regime as outlined in the bill will do little to prevent future 'cover-ups'.
37. There is nothing in the legislation which would make organisations accountable if employees or volunteers fail in their duty. This potentially means that there is less compulsion to ensure staff and/ or volunteers are appropriately trained to both spot signs of sexual abuse and to understand their responsibilities or to include individual failings within organisational disciplinary processes.
38. The duties lie entirely with individuals and will do little to address cultural issues within organisations, at worst this could see individuals who perpetuate organisational culture or who deter reporting due to a lack of capacity or other organisational issues, scapegoated and prosecuted under the 'preventing / deterring offence' (clause 52).
39. The IICSA recommendation arose from both individual and institutional failings and government should consider how organisations will be held accountable for failures to report. As part of this government should also consider how organisations will ensure that employees or volunteers who have a reporting duty are adequately trained and understand their responsibilities. One way this could be achieved is for organisations to face penalties where an employee or volunteer fails to report.

Tackling child sexual abuse

40. The first recommendation in the final IICSA¹⁵ report was that government should improve data collection with an aim of establishing a nationwide uniform dataset across statutory organisations. To achieve this, government should place a duty on those bodies to collaborate in collecting and collating that data. This will help better establish prevalence which is linked to the recommendation below.
41. I have heard that there is a dearth of support for children and young people who have experienced crime, in particular sexual abuse, IICSA recommended that government make adequate provision for support services for child victims of sexual abuse I would like to see this Bill include a requirement on government to assess the level of need for support and the level of provision of support, in order that any gaps can be quickly addressed.

New non-consensual indecent image offences

42. The regulation of the online space in this context is very important, as these images are often shared online. The Online Safety Act also created criminal offences in relation to non-consensual intimate images (NCII) and places duties on online services including a requirement to take down material. Although many platforms do remove NCII voluntarily, some do not comply.

¹⁵ Ibid.

43. The Women and Equalities Select Committee report¹⁶ on this issue noted that Ofcom's enforcement powers are too slow and not designed to help individuals get NCII taken down from non-compliant websites. The view of the Committee was that for internet infrastructure providers to take this issue seriously and block access to non-compliant websites, NCII should be brought in line with child sexual abuse material (CSAM) in law. They recommended that government should legislate to create an offence of possessing a non-consensual intimate image.

New notification requirements for sexual offenders

44. Although I welcome the amendments to the existing notification requirements for sexual offenders which seek to address offender name changes and absence from a registered address (Clauses 59-68). These measures will not offer any greater protections to victims.

45. The safeguarding alliance report and campaign on the sex offender name change loophole¹⁷, outlines how leaving the onus on offenders to report changes of name/ identity makes it far too easy for them to change their name and evade monitoring with devastating consequences. To address this issue government must ensure protections are joined up and are proactive i.e. not reliant on offender disclosure.

Other welcome provisions:

- Clause 10– I welcome the introduction of the new offence of possession of a knife or offensive weapon in public or private with intent to use unlawful violence.
- Clause 12 – I welcome the new powers given to the police to seize, retain and destroy knives held in private when they are lawfully on private property and have reasonable grounds to suspect the item(s) will likely be used in connection with unlawful violence.
- Clause 14 – I welcome the creation of the new offence of assault of a retail worker.
- Clause 17- I welcome the creation of a new criminal offence of child criminal exploitation.
- Clause 18 – I also welcome the introduction of the child criminal exploitation prevention order.
- Clause 32- 34 – I welcome the creation of the new cuckooing offence, whereby a person commits an offence if they exercise control over the dwelling of another person without their consent so it can be used in connection with illegal activities.
- Clause 43 – I welcome the creation of an aggravating factor of 'grooming' for sentence in certain child sex offences.
- Clause 45- The Bill also enacts an IICSA recommendation to make reporting of suspected child sexual abuse mandatory on certain people 'working/ interacting' with children. I welcome this.
- Clause 57 –I welcome the amendments made to the existing offence of exposure so that the mental element of the offence would include intention to humiliate, for sexual gratification or recklessness.

¹⁶ [Tackling non-consensual intimate image abuse](#)

¹⁷ [Research: Sex Offender Name Change - The Safeguarding Alliance](#)

- Clause 58 – I welcome the replacement of the existing offence of sexual penetration of a corpse to include any sexual activity.
- Clause 69-72- I welcome the new provisions relating to stalking.
- Clause 73 - I welcome the introduction of the new criminal offence of administering a harmful substance (including spiking).
- Clause 74 &75 – I welcome the creation of the new offence of encouraging or assisting serious self-harm.
- Clause 76 – I welcome the amendments made to the Child Abduction Act 1984.
- Clause 77 I welcome this provision that ensures that those who work closely with children, whether supervised or not, are regulated.
- Clause 78 & 79 I welcome the creation of an offence of possessing, manufacturing adapting, supplying or offering to supply an electronic device to assist in vehicle theft.
- Clauses 80, 81 & 82 creates an offence of possession of a sim farm and supplying a sim farm. I welcome this.
- Clauses 83-85 I welcome the specified articles relating to Fraud.

