

## **Prison Reform Trust response to the Ministry of Justice consultation A New Victims' Code – April 2026**

The Prison Reform Trust (PRT) is an independent UK charity working to create a just, humane and effective penal system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform. The Prison Reform Trust provides the secretariat to the All Party Parliamentary Penal Affairs Group and has an advice and information service for people in prison.

The Prison Reform Trust's main objectives are:

- reducing unnecessary imprisonment and promoting community solutions to crime
- improving treatment and conditions for prisoners and their families
- promote equality and human rights in the criminal justice system.

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### **Introduction**

We welcome the opportunity to respond to this consultation. Our response is mainly focused on victims in prison, and we have only chosen to answer questions where we have competence to do so. Our response reiterates many of the points made in our previous submissions to the 2019<sup>1</sup>, 2020<sup>2</sup> and 2023<sup>3</sup> consultations on the Victims Code.

### **Ensuring prisoners can exercise their rights under the Code**

We welcome the provisions of the Victims and Prisoners Act 2024 which now require HM Prison and Probation Service and its executive agencies to deliver the rights under the Code as service providers.

We further welcome the reference on page 13 of the draft Code to the circumstances of when “a victim is also an offender in custody”. This is the first time that the specific needs of people in prison who are victims have been referenced by the Code. However, we would substitute the word “offender” for “individual”. There may be

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<sup>1</sup> [Prison Reform Trust. \(2019\). \*Prison Reform Trust response to the Ministry of Justice consultation on Proposals for revising the Code of Practice for Victims of Crime.\*](#)

<sup>2</sup> [Prison Reform Trust. \(2020\). \*Prison Reform Trust response to the Ministry of Justice consultation on Improving the Victims' Code.\*](#)

<sup>3</sup> [Prison Reform Trust \(2022\). \*Prison Reform Trust response to the Ministry of Justice consultation on Delivering Justice for Victims.\*](#)

circumstances where an individual in custody is seeking to have their rights met under the Code who has not been convicted of a crime (for instance someone held on remand). The use of “offender” is not only unnecessarily stigmatising in this context, it is also inaccurate.

Despite these positive developments, however, ensuring people in prison will be able to exercise their rights under the Code will be a significant challenge. We are concerned by the narrow scope of this consultation, which does not give due consideration to the issues that will need to be addressed if the rights of victims in prison are to become a reality.

As we highlighted in our previous submissions to the Ministry of Justice’s consultations on the Victims Code, there is a high level of victimisation among the prison population, including among those with protected characteristics. For instance, almost 60% of women in custody or under probation supervision, who have had an assessment, have experienced domestic abuse.<sup>4</sup>

In theory, prisoners are as entitled to access victims services under the Code as any other member of the public. However, in practice, they are not always given the opportunity to report crimes committed against them whilst in prison—or prior to their incarceration—and are often unable to access victims’ services. Prisoners are also directly discriminated against by some of the provisions of the Code. For instance, people with convictions are denied the opportunity to apply for compensation when they are victims of serious violence.

The Prison Reform Trust provides an advice and information service for prisoners which receives around 10,000 contacts a year. We regularly hear from prisoners about the difficulties they experience in reporting crime and accessing victims’ services.

Prisoners report having difficulty accessing support to report crimes which they believe they have been a victim of. Every prison has an allocated staff member responsible for referring crimes to the police as per the Crime in Prison Referral Agreement<sup>5</sup> between HM Prison and Probation Service, the National Police Chiefs’ Council and the Crown Prosecution Service. However, what this looks like in practice differs from prison to prison — in some prisons they have a Crime in Prison Single Point of Contact (SPOC), in other prisons this responsibility may sit with the Head of Security. People in prison often request to speak to the Police Liaison Officer in reference to a role that used to exist across all prisons but no longer does as standard. Procedures for reporting a crime in prison also vary depending on arrangements in place with local police forces. For example, we understand that whilst some forces have a dedicated ‘Prison Investigation Team’ to investigate crimes referred to them, other prisons simply report via the 101 phoneline. The result is a lack of consistency and clarity for people in custody about who to get support from to report a crime and what the process is thereafter.

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<sup>4</sup> [Ministry of Justice \(2015\). \*Achieving Better Outcomes for Women Offenders.\*](#); [Ministry of Justice \(2018\). \*Supporting data tables: Female offender strategy.\*](#)

<sup>5</sup> [Ministry of Justice \(2023\). \*Crime in Prison Referral Agreement\*](#)

The Crime in Prison Referral Agreement mandates certain serious offences for referral to the police in Annex A — including serious violent and sexual offences as well as offences related to intent to supply. Annex B directs that all but the least serious assaults on staff are referred to the police. Whether matters outside of these categories are referred is determined on a case by case basis by the Crime in Prison SPOC (or other relevant staff member) based on guidance in Annex C of the agreement. This exercise of judgement about how to proceed and whether to report it to the police is a potential barrier and level of filtering that people in the community do not experience. If the decision is made not to report it, it can be difficult for a prisoner to report it themselves — they might be able to write to a local police station or ask a family to do so for them, but this has its own barriers.

Prison rules contain some guidance and information for prisoners who are victims which it would be helpful for the Victims' Code to reinforce.

Annex H of the Complaints Policy Framework<sup>6</sup> gives this advice to prisoners:

*“You can write to the Chief Officer of the local police force if you have evidence that a criminal offence may have been committed. If this concerns something that has happened in the prison you should consider whether you should raise the matter with a member of staff first. If necessary you can do this by writing to the governor/director using confidential access.”*

The framework also contains the following direction:

*“The prison must allow a prisoner who is a victim of a crime to report that crime to the police if they wish to do so, even if the prison has decided not to report that crime directly.”*

However, people who contact our service report practical challenges trying to report a crime on their own in these circumstances.

We are also aware that in some situations, where the circumstances of the crime meet certain criteria and the circumstances are sufficiently serious, the prison must report the crime to the police, even without the victims' consent. We are concerned that appropriate safeguarding does not always take place in these situations. It would be particularly useful for victims' services to be made available in these cases, as the victim may not feel able to access support from prison staff. Provision of victim services in prisons would support this process, provide advice and advocacy both for prisoners and staff and enable prisoners to access their rights as victims.

The welcome introduction of a legal duty on prisons to deliver the rights under the Code should now necessitate a codification of those duties so that the obligations of prisons and their staff are clear. We would recommend the creation of a new policy framework which sets out the duties of the prison service in enabling prisoners to exercise their rights under the Code. Furthermore, the implementation and operation of these duties in prison will need much greater oversight. The process should be

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<sup>6</sup> [Ministry of Justice \(2023\). Prisoner complaints policy framework.](#)

monitored and data around the numbers of victims receiving services in prison should be publicly available. Prisoners' rights under the Code and their entitlements as set out in prison service instructions need to be more closely aligned, and backed by appropriate information and guidance to prisoners, prison staff, statutory bodies and service providers.

### **Response to individual questions**

**Question 1A: Does the new information, in the blue box in Right 1 entitled 'When and how your needs will be assessed' help victims to understand how their needs will be assessed?' [Yes/No] Please explain your answer.**

No. For people in prison, there is a lack of clarity as to how prisons will facilitate contact with the police and the Victims and Witness Care Unit to ensure needs will be assessed at the initial point of contact, during the investigation and before giving evidence. Without this information, the directions in the draft Code will make little sense to people in prison. As highlighted above, we recommend that this information is published as part of a separate policy framework setting out the duties of the prison service in enabling prisoners to exercise their rights under the Code.

**Question 1B: Do you think needs assessments occur at the right stages of the criminal justice process (those stages are when a victim first engages with the police, during the investigation of the crime, and before giving evidence)? [Yes/No] Please explain your answer.**

Yes, but practically prisoners may face significant barriers to accessing a needs assessment at each of these stages. For instance, as highlighted above, prisons exercise some judgement about how to proceed when a crime is reported to them and whether to refer it to the police — a potential barrier and level of filtering that people in the community do not experience. Even if a crime is reported, the rules and restrictions of prison life mean that practically victims who are in prison may face significant barriers to ongoing engagement with the police and victims' services. This issue needs to be resolved through detailed consideration of how prison policies can be made to cohere with prisoners' rights under the Code. As highlighted above, we recommend the creation of a separate policy framework to be published alongside the Code.

**Question 1C: Do you think they cover the right information to inform necessary adjustments to the services provided to victims? [Yes/No] Please explain your answer.**

No. The needs and characteristics of victims in prison need to be understood by those responsible for conducting needs assessments and delivering services. This is vital to inform an effective needs assessment so that necessary adjustments can be made to services. For instance, the specific needs and vulnerabilities of victims in prison means they are more likely to be entitled to enhanced rights under the Code:

- People in prison are more likely to be victims of serious offences, including domestic abuse, sexual offences, and human trafficking and modern slavery.

- People in prison are more likely to be vulnerable victims. A disproportionate number of people in prison have serious mental health conditions, learning difficulties and disabilities and poor physical health.
- A victim in prison is more likely to be intimidated or persistently targeted. A victim in prison is likely to have to live in close proximity with the perpetrator. Furthermore, offences in prison are often targeted and committed on a persistent and ongoing basis, for instance bullying and intimidation because of a debt.

Without sufficient understanding by practitioners, the needs of prisoners may not be identified or addressed. Furthermore, given the rules and restrictions of prison life, prisoners are also more likely to face significant barriers to accessing their rights under the Code compared to other members of the community. This should be accounted for as part of any needs assessment. We recommend that information about the needs and characteristics of the prison population is included as part of training to practitioners to support the effective implementation of the Code.

**Question 1E: What could agencies do to make sure that needs assessments are undertaken in a quality and trauma-informed way?**

See answer to 1C.

**Question 2A: Do you think a framework guiding criminal justice agencies' engagement with children should be introduced? [Yes/No] Please explain your answer.**

Yes. For children in custody and who are in contact with the criminal justice system, this framework will need adapting to ensure that their particular needs and circumstances are met.

Children in contact with the criminal justice system are some of the most vulnerable in our society. They have often suffered neglect and abuse, have care experience and high levels of mental health conditions or learning disabilities. This population are likely to need additional support to help them understand their rights under the Code and to engage with the police and victims' services. The large proportion of children in custody who are care-experienced may not have the benefit of a parent or guardian to assist them with understanding and exercising their rights.

Furthermore, the separation of children in custody from family and lack of access to email communication raises particular challenges to effective joint communication with the parent and child by the police and victims.

In these circumstances, the role of custody staff and youth offending teams will be crucial in enabling children to exercise their rights under the Code. The roles and responsibilities of youth custody staff and youth offending teams should be spelt out in guidance published alongside the framework.

We would also recommend that a separate framework is developed for engaging with young adults (aged 18–25). Evidence from criminology, neurology, and psychology demonstrates that young adults should be treated as a distinct group,

different from both children and older adults. The draft Code requires service providers to consider an individual's age and maturity in making adjustments to services. However, there appears to be no accompanying guidance regarding how an individual's age and maturity might impact on their engagement with services and what adjustments might need to be made.

**Question 3A. What information would be most valuable for victims going through the criminal justice process including during the investigation and pre-trial to access on a digital service?**

**Question 3B: What information should not be communicated digitally but instead conveyed through personal communication with victims?**

**Question 3C. What other considerations should be integral to the design of any digital victim service?**

The paucity of provision of information and communication technology in prisons and restrictions of prisoners' access to the internet means that a digital victims service could not be relied upon for engagement with prisoners. For the present time, therefore, an effective postal-based system of communication will need to be maintained to ensure prisoners can engage fully with victims' services and access their rights under the Code. In addition, print copies of the Code will need to be made available to prisoners. At the very least, we would recommend that a print copy of the Code, including a version in an easy read format, is sent to each prison library in all establishments in England and Wales.

**Question 4D: At which point(s) during criminal justice proceedings should victims be told about sentencing hearings and offender attendance?**

**Question 4E: What information would be useful to help victims understand why the judge may or may not decide to order the offender to attend the hearing?**

PRT opposed the provisions of the Victims and Courts Act introducing new powers for the court to compel a convicted person to attend a sentencing hearing and prison sanctions for contempt (including non-attendance).<sup>7</sup> We have significant concerns regarding the necessity and scope of these provisions and fear they will lead to unintended consequences, including for victims.

The failure of a convicted person to appear at a sentencing hearing can cause significant distress to victims. It is understandable therefore why some victims may want greater recourse in law to compel a convicted person to attend a hearing. However, in practice, the provisions in the Act add little to the existing powers (and limits) on the use of reasonable force which are available to require a convicted person to attend a hearing. Furthermore, there is no evidence that the additional prison sanctions introduced by the legislation will be effective in dissuading individuals from resisting attendance.

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<sup>7</sup> [Prison Reform Trust. \(2025\). Prison Reform Trust Briefing on the Victims and Courts Bill, House of Commons, Second Reading, 20 May 2025.](#)

The risk of these provisions, therefore, is that they will set up expectations with victims that someone convicted of a crime will be required to attend a hearing, when this expectation cannot possibly be met. We recommend that the Ministry of Justice consults closely with victims' groups to mitigate this risk. Common sense would suggest that information about the scope and limits of the powers available to require someone to attend a hearing should be communicated to victims early in the process, as soon as possible after conviction, so that expectations can be set ahead of sentencing. The information provided should be clear, transparent and accurate, setting out the scope and limits of the powers, including examples of when it may not be possible or desirable to require the attendance of a convicted person at a hearing.

**Question 4F: Do you think that sentencing decisions are well understood by victims? [Yes/No] Please explain your answer.**

No. Research which has investigated victims' understanding of sentencing specifically is limited. However, victims' understanding is likely to mirror that of the public more generally. In 2022, the Sentencing Academy published a report on Public Knowledge of Sentencing Practice and Trends.<sup>8</sup> It found that knowledge of key elements of current sentencing practice is poor and has changed little in 30 years. It highlighted two principal areas in which public knowledge is poor:

1. The nature and consequences of some sanctions (e.g., 'What exactly is a suspended sentence order (SSO)?'; 'How onerous are the requirements of a community order?')
2. Estimates of current sentencing practice (e.g., 'What is the Average Custodial Sentence Length (ACSL) for specific crime types?'; 'What percentage of offenders convicted of such crime are sent to prison?').

Victims face the additional challenge of navigating complex legal processes and terminology and understanding how a sentencing decision has been reached in their individual case. In 2022 the Sentencing Council published research on public knowledge of and confidence in the criminal justice system and sentencing.<sup>9</sup> It found that those who had contact with the criminal justice system as victims were more likely than other groups to say that sentencing was both too lenient and too tough, indicating that views may become stronger in both directions, and may depend on the circumstances of the crime or sentencing. It also found high levels of confidence in understanding of sentencing terminology. However, qualitative discussions found that understanding was far more limited in reality.

**Question 4G: What materials do you think would be useful for victims to help increase their understanding of sentencing decisions?**

The Sentencing Council website currently includes a dedicated section for members of the public on 'How Sentencing Works'. This section uses simple language to

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<sup>8</sup> [Roberts, J., et al. \(2022\). Public Knowledge of Sentencing Practice and Trends. Sentencing Academy.](#)

<sup>9</sup> [Archer, N., et al. \(2022\). Public knowledge of and confidence in the criminal justice system and sentencing: 2022 research. Sentencing Council.](#)

explain a range of criminal justice matters such as types of sentence and the purposes of sentencing <https://sentencingcouncil.org.uk/about-sentencing/how-sentencing-works/>

It is also important that victims understand sentencing practices and trends in their wider historical and criminological contexts. The Sentencing Academy has produced an online Sentencing Hub which is designed to serve as a point of reference for anyone seeking to understand how sentencing operates in England and Wales <https://www.sentencingacademy.org.uk/about-the-sentencing-hub/>.

The Prison Reform Trust produces the annual Bromley Briefings Prison Factfile. Drawn largely from government statistics, and fully referenced, it provides an authoritative source of information on sentencing trends and prison conditions <https://prisonreformtrust.org.uk/project/prison-the-facts/>

In addition, for recommendations on how to improve the public's knowledge and understanding of sentencing more generally, we refer the Ministry of Justice to the report of the Justice Committee inquiry on public opinion and understanding of sentencing <https://committees.parliament.uk/work/6741/public-opinion-and-understanding-of-sentencing/>

**Question 4K: Do you think that a way for victims to express their views about an offender's release should be introduced, recognising that this cannot have an impact on the Parole Board's release decision? [Yes/No] Please explain your answer.**

No. Creating provision for victims to express their views about an offenders' release, when it is not possible for that view to have any impact on the release decision, will create false hope and further confuse victims as to the purpose and nature of the parole process. Instead, the government should invest resource in helping victims to understand the parole process and their existing rights within it.

**Question 4L: Please provide your views on how you think victims could express their views about an offender's release where it is decided by the Parole Board.**

See answer to question 4K.

**Question 5A: What do you think about requiring that victims be told about the Code when they report the crime, and when they have their needs (re) assessed?**

We agree.

**Question 5B: What do you think about the new requirement for police to offer victims a standard physical or digital product on the Code?**

The paucity of provision of information and communication technology in prisons and restrictions of prisoners' access to the internet means that a digital product on the Code would not be suitable for prisoners. For the present time, therefore, a full

standard physical copy will need to be made available to prisoners. In addition, to support general knowledge and understanding of the Code in prisons, we would recommend that a print copy of the Code, including a version in an easy read format, is sent to each prison library in all establishments in England and Wales.

**Question 5D: What materials do you think would help children engage with the Code (for example, a video)?**

Children in custody are among the most vulnerable in our society with high levels of mental health need and learning disability and poor educational attainment. They will need particular help and support from staff to help them engage with the Code and understand their rights. We recommend that training and guidance is given to custody staff to help them understand their responsibilities under the legislation. We would also recommend that an easy read version of the Code is made available in youth custody establishments in England and Wales. A video would not be a suitable medium given that children in custody do not have ready access to digital technology.

**Question 6A: Please provide any views relating to this additional information in the Code.**

Who is a victim under the Code — We welcome confirmation that a victim includes “those who have been exploited into committing criminal conduct” and that “these victims are rightly entitled to expect to receive the services within the Code.”

Right 9 — We refer the Ministry of Justice to the response of Why Me? for consideration of issues relating to access and entitlement to restorative justice services.

**Question 6B: Are there any further views you would like to share as part of this consultation which haven't been captured via responses to other questions?**

See the introduction to this submission and our central recommendation that:

*The welcome introduction of a legal duty on prisons to deliver the rights under the Code should now necessitate a codification of those duties so that the obligations of prisons and their staff are clear. We would recommend the creation of a new policy framework which sets out the duties of the prison service in enabling prisoners to exercise their rights under the Code. Furthermore, the implementation and operation of these duties in prison will need much greater oversight. The process should be monitored and data around the numbers of victims receiving services in prison should be publicly available. Prisoners' rights under the Code and their entitlements as set out in prison service instructions need to be more closely aligned, and backed by appropriate information and guidance to prisoners, prison staff, statutory bodies and service providers.*

**Question 7: Have we correctly identified the range and extent of the equalities impacts under this consultation in the Equality Statement? Please give reasons and supply evidence of further equalities impacts that are not covered as appropriate.**

People with protected characteristics are significantly over-represented in the prison system:

- Over a quarter (28%) of the prison population, 23,661 people, are from a minority ethnic group.<sup>10</sup>
- In 2024–25, almost a quarter of people enrolled and assessed for education in prison (23%) were identified as having a learning disability or difficulty.<sup>11</sup>
- 74% of women and 56% of men surveyed by inspectors in prison reported having mental health problems.<sup>12</sup>
- 36% of people in prison are estimated to have a physical or mental disability. This compares with 19% of the general population.<sup>13</sup>

Furthermore, we have highlighted in our previous responses to consultations on the Victims Code the high level of victimisation among the prison population, including among those with protected characteristics. For instance, a disproportionate number of women in prison have been subject to domestic violence and abuse. Therefore, it would be consistent with the government's obligations under the public sector equality duties for it to give consideration to how the rights enshrined in the Victims Code could be made more accessible to people in prison.

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<sup>10</sup> [Table 1.Q.7, Ministry of Justice. \(2026\). \*Offender Management Statistics quarterly: July to September 2025\* \[Dataset\]. Ministry of Justice.](#)

<sup>11</sup> [Tables 1.1 and 4.1, Ministry of Justice \(2025\). \*Prison Education and Accredited Programme Statistics 2024–25\* \[Dataset\].](#)

<sup>12</sup> [Table 2, HM Chief Inspector of Prisons \(2025\). \*Women's comparator workbook, Annual report 2024–25\*. HM Stationery Office.](#)

<sup>13</sup> [Cunniffe, C., van de Kerckhove, R., Williams, K., & Hopkins, K. \(2012\). \*Estimating the prevalence of disability amongst prisoners: results from the Surveying Prisoner Crime Reduction \(SPCR\) survey\*. Ministry of Justice.](#)