

## Prison Reform Trust Briefing on the Victims and Courts Bill

### House of Commons, Second Reading, 20 May 2025

In July 2024 the government included a commitment in the Kings speech to legislate to require people who have been convicted to attend their sentencing hearings. Such measures were originally planned in the Criminal Justice Bill 2023 by the then Conservative government, which subsequently fell following the announcement of a general election and the dissolution of parliament. An adapted version of these measures are now included in Clause 1 of the Victims and Courts Bill.

This briefing sets out our concerns about Clause 1 of the Victims and Courts Bill, which would enable the use of force to compel attendance at sentencing hearings and introduce new prison sanctions for non-compliance. We recognise the distress caused to victims when a convicted person fails to appear, but we believe these measures are disproportionate, unnecessary under existing law and policy, and risk unintended consequences for prison safety. We are particularly concerned about the potential for people entering custody with sanctions in place; and the impact these will have on safety — particularly in the first days in custody.

Furthermore, it could have the unintended consequence of damaging the confidence of victims and the wider public in the justice system by creating an expectation that prisoners must be forced to attend hearings which cannot realistically be fulfilled.

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### Clause 1: Power to compel attendance at sentencing hearing

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 defendant to attend a hearing. Clause 1 contains new section 41A Power to order offender to attend.

However, we have concerns regarding the scope and necessity of this provision, as well as the potential for unintended consequences.

**The government has dramatically expanded the scope of these powers from those originally proposed in the Criminal Justice Bill 2023.** The measures in Clause 1 now apply to any person awaiting sentence in the Crown Court and for any offence, rather than those awaiting sentence for an offence that must, or may, attract a sentence of life imprisonment. This represents a dramatic expansion in the number of people for whom force could legally be used to compel their attendance, and whom may be subject to the new prison sanction order.

**The clause also introduces a new power to impose attendance orders—prison sanctions for contempt.** This marks a concerning extension of judicial authority into prison operations, with potential to disrupt safety and the effective management of regimes. The proposed prison sanctions mirror existing disciplinary punishments, such as restricting family contact, placing individuals on the 'basic' level of the incentives and earned privileges scheme, and withholding prison wages. These measures can isolate individuals, heighten emotional distress, and increase vulnerability—particularly during the early days in custody. Preventing access to wages may also lead to debt, which is a known driver of intimidation, exploitation, and violence within prisons. The early days in custody are recognised as a period of heightened risk for self-harm and suicide.<sup>1</sup> These provisions could potentially result in a large number of individuals entering prison under sanction, potentially increasing risk to themselves and others. While the provision allows for governor discretion and further regulation, it remains unclear how these powers will function in practice or what safeguards will be in place.

**The powers proposed in Clause 1 are largely redundant.** Courts already have the authority to hold individuals in contempt for non-attendance, with sanctions of up to two years' custody. Custody officers are also already permitted to use reasonable force under existing policy. It is unclear what additional benefit these measures would provide. **Safety concerns in custody**

The government's own Impact Assessment (paras. 56–62) acknowledges several risks associated with Clause 1, which reinforce our concerns about safety in prison:

1. **Increased Use of Force.** The government's accompanying impact assessment notes that compelling attendance may lead to a greater use of force, which carries risks of injury to staff and prisoners, and may undermine relationships between prisoners and staff — a key factor in maintaining order and safety.<sup>2</sup>
2. **Entering prison with sanctions already in place.** This is especially concerning in the early days of custody, a period already associated with heightened risk of self-harm and suicide.<sup>3</sup> While the legislation allows for some discretion, paragraph 60 of the government's impact assessment concedes that expectations created by the legislation may pressure governors

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<sup>1</sup> HM Prison and Probation Service (2024). *PSI 07/2015: Early days in custody – reception in, first night in custody, and induction to custody.*

[https://assets.publishing.service.gov.uk/media/67488818ebabe47136b3a188/2024\\_11\\_04\\_PSI\\_07\\_2015\\_Early\\_Dates\\_in\\_Custody.pdf](https://assets.publishing.service.gov.uk/media/67488818ebabe47136b3a188/2024_11_04_PSI_07_2015_Early_Dates_in_Custody.pdf)

<sup>2</sup> Ministry of Justice (2025). *Victims and Courts: Courts Measures, Impact Assessment.* p14.  
[https://publications.parliament.uk/pa/bills/cbill/59-01/0233/Court\\_Measures.pdf](https://publications.parliament.uk/pa/bills/cbill/59-01/0233/Court_Measures.pdf)

<sup>3</sup> HM Prison and Probation Service (2024). *PSI 07/2015: Early days in custody – reception in, first night in custody, and induction to custody.*

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to apply sanctions inconsistently or inappropriately, undermining safer custody policies.<sup>4</sup>

3. **Disruption to prison regimes.** The impact assessment suggests that the logistics of compelling attendance could disrupt prison regimes, increasing tensions and reducing access to purposeful activity — both of which are known to contribute to safer environments.
4. **Diverting resources.** Paragraph 58 warns of additional burdens on prison and escort staff, which could divert resources from other essential safety and rehabilitation functions. This may compromise the ability of staff to manage vulnerable individuals effectively.

In light of these concerns, we urge MPs to scrutinise Clause 1 closely and consider whether its risks and unintended consequences outweigh its intended benefits. We recommend that the government instead focus on improving existing mechanisms for ensuring attendance and supporting victims, without compromising prison safety or legal proportionality.

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<sup>4</sup> Ministry of Justice (2025). *Victims and Courts: Courts Measures, Impact Assessment*. p14. [https://publications.parliament.uk/pa/bills/cbill/59-01/0233/Court\\_Measures.pdf](https://publications.parliament.uk/pa/bills/cbill/59-01/0233/Court_Measures.pdf)