



Home Office

Victim information requests: Code of Practice and counselling services definition Government consultation

This consultation begins on 08/04/2025

This consultation ends on 01/07/2025

About this consultation

To:	Representations are welcome from authorities which have duties under Chapter 3A of the Police, Crime Sentencing and Courts Act 2022 (as amended by the Victims and Prisoners Act 2024), authorised persons as listed within the Act, other professional bodies, interested groups and the wider public.
Duration:	From 08/04/2025 to 01/07/2025
Enquiries and responses (including requests for the paper in an alternative format) to:	Please email your enquiries and responses to tpmconsultation@homeoffice.gov.uk or write to: The Requests for Victim Information code of practice consultation Data and Identity Directorate 2 Marsham Street London SW1P 4DF
Response paper:	A response to this consultation exercise will be published on Gov.uk

Contents

Ministerial Foreword	2
Executive summary and introduction	3
Basic Information	5
Scope of the consultation	6
Summary of the duties	7
Questionnaire	9
About you	17
Contact details and how to respond	18
Complaints or comments	18
Extra copies	18
Publication of response	18
Representative groups	18
Confidentiality	18
Consultation principles	20

Ministerial Foreword

This government's unprecedented mission to halve violence against women and girls in a decade is an integral part of the wider mission to take back our streets and raise confidence in the police and criminal justice system. We are determined to improve the response to these awful crimes and ensure victims are properly supported from their first report to their experience at court.

The End-to-End Rape Review (2021) demonstrated that for too long victims have been exposed to requests for disproportionate amounts of their personal information during the course of investigations. The evidence shows these requests often seek to assess the victim's credibility rather than the facts of the case. Such excessive and unnecessary requests are not only distressing for victims, they also delay the investigative process.

To address this, the Victims and Prisoners Act 2024 introduces duties mandating that police and other authorised persons may only request victim information such as medical records when it is necessary and proportionate, and in pursuit of a reasonable line of enquiry. These duties also create special protections for victims' counselling records, reflecting the highly sensitive nature of these records. Under these new duties, requests for these most personal of records will only be legitimate when the material is likely to have substantive probative value to the reasonable line of enquiry being pursued. The police and other agencies will also have to commence an investigation with the presumption that it will not be necessary or proportionate to request a victims counselling information.

While there is more to do, I am confident the new duties will help protect the privacy and dignity of victims within the criminal justice system. However, before we can bring in these essential reforms, it is first necessary define counselling services, and to publish a code of practice to which authorised persons such as police must adhere. Alongside this consultation I have published a draft of the code and your feedback on this draft is essential in shaping a robust and effective code that upholds the rights of victims and supports a fair and effective legal process.

Thank you for your engagement and your commitment to this important work.

Jess Phillips MP

Parliamentary Under-Secretary of State for Safeguarding and Violence Against Women and Girls

Executive summary and introduction

This consultation invites your views on the proposed Code of Practice, which accompanies the newly introduced statutory duties under Chapter 3A of the Police, Crime, Sentencing, and Courts Act 2022. These duties create a framework that ensures police requests for a victim's third party material are made in a manner that is necessary, proportionate, and sensitive to the privacy of victims.

To achieve this, the Code of Practice encompasses several elements aimed at ensuring a fair, transparent, and respectful approach to handling victim information in criminal investigations.

Firstly, it sets out the responsibilities of authorised persons within the framework of existing legislation, including the Human Rights Act 1998, the Data Protection Act 2018 and the Equality Act 2010. This section of the Code also provides guidelines on the processes for accessing victim information, ensuring that all actions comply with these legal standards and protect the rights and privacy of victims.

Secondly, the Code offers details on making requests for victim information, focusing on ensuring that such requests are both necessary and proportionate, aligning with a reasonable line of enquiry in the investigation. Additionally, it includes guidance for authorised persons who may wish to request a victim's counselling records. This measure is crucial to maintaining the integrity and confidentiality of such records, which are often deeply personal and significant to the victim's wellbeing.

The Code also promotes transparency in communication. It provides guidelines to authorised persons on how to communicate effectively with both victims and third parties regarding requests for information. This includes issuing written notices that clearly outline the information being sought, the purpose of the request, and how the material will be handled once obtained. Such transparency is essential to build trust and ensure that victims and third parties understand the scope and implications of the information requests being made.

Moreover, the Code stresses the importance of consultation with the Crown Prosecution Service (CPS). It highlights the need for early advice from the Crown Prosecution Service to ensure an appropriate approach is taken when gathering third party material. This collaboration helps to streamline the process and ensures that the information gathered is relevant and necessary for the prosecution's case, thereby safeguarding the rights of the victim while supporting the effectiveness of the investigation.

Special considerations are also made for vulnerable populations within the Code. It includes specific instructions for handling requests involving children and adults who lack the capacity to understand the nature of the request. This ensures that their rights and interests are protected and that they receive the necessary support throughout the process. The Code also details the considerations authorised persons should make when requesting information related to vulnerable victims, reinforcing the commitment to their protection and dignity. This includes taking into account the victim's unique circumstances and ensuring that any request for information does not further harm or distress them.

The legislation places additional duties on authorised persons where the requests relate to a victim's counselling information. It is therefore necessary for the Government to define counselling services. To that end this consultation asks a series of questions on counselling services which will help in producing an appropriate definition.

Why are we consulting?

The Secretary of State is required to prepare a Code of Practice to provide guidance to authorised persons regarding the duties contained within Chapter 3A of the PCSC Act 2022. The Secretary of State must consult:

- (a) the Information Commissioner,
- (b) the Commissioner for Victims and Witnesses,
- (c) the Domestic Abuse Commissioner,
- (d) such other persons as the Secretary of State considers appropriate.

We are taking this opportunity to consult the bodies listed above, as well as others who may be affected by these duties.

Following this consultation, the Secretary of State will consider any representations made about the draft Code. The Code will then be laid before Parliament before it comes into effect.

We are also taking this opportunity to consult as widely as possible on a counselling services definition in order ensure all those who may be affected have the chance to share their views.

Basic Information

To:	Representations are welcome from authorities which have duties under Chapter 3A of the Police, Crime Sentencing and Courts Act 2022 (as amended by the Victims and Prisoners Act 2024), authorised persons as listed within the Act, other professional bodies, interested groups and the wider public.
Duration:	12 weeks from 08/04/2025
Enquiries and responses:	Please email your enquiries and responses to tpmconsultation@homeoffice.gov.uk or write to: The Requests for Victim Information Code of Practice consultation The Data and Identity Directorate 2 Marsham Street London SW1P 4DF
After the consultation	Following the consultation period, responses will be analysed, and the draft Code will be revised as necessary. The revised Code will be laid before parliament for approval and a Government response to the consultation will be published on Gov.uk.

Scope of the consultation

Topic of this consultation	<p>This consultation is on the draft Requests for Victim Information Code of Practice, in Chapter 3A of the Police, Crime Sentencing and Courts Act 2022 (as amended by the Victims and Prisoners Act 2024).</p> <p>This consultation also seeks views on a definition of counselling services in the context of these duties.</p>
Scope of this consultation	<p>This consultation seeks representations on the draft Code of Practice and the definition of counselling services.</p>
Geographic Scope	<p>England and Wales.</p> <p>UK wide where they apply to:</p> <ul style="list-style-type: none">(a) a member of the Royal Navy Police, the Royal Military Police or the Royal Air Force Police;(b) a person designated by the Service Police Complaints Commissioner under regulation 36(2) of the Service Police (Complaints etc) Regulations 2023(c) a person who has been engaged to provide services consisting of or including the obtaining of information for the purposes of the exercise of functions by a person mentioned in paragraph (a) or (b) above.

Summary of the duties

The statutory duties relating to Victim Information Requests are set out in Chapter 3A of the Police, Crime Sentencing and Courts Act 2022 (as amended by sections 28 to 30 of the Victims and Prisoners Act 2024). They can be accessed here: [Victims and Prisoners Act 2024 \(legislation.gov.uk\)](https://legislation.gov.uk)

The duties generally extend and apply to England and Wales only. However, in their application to the service police they extend and apply across the United Kingdom.

Section 44A

Defines the statutory duty placed on authorised persons to only request victim information when they:

- Believe the third party holds the material being sought.
- Believe the material is relevant to a reasonable line of enquiry.
- Are satisfied that the material requested is necessary and proportionate in pursuit of a reasonable line of enquiry.
- If the information being requested are counselling notes they may only be made if (1) the presumption they are not necessary and proportionate has been rebutted and (2) if they are likely to hold substantive probative value to the reasonable line of enquiry.

Section 44B

Defines the statutory duty on authorised persons to provide information to the person about whom the third party material is being requested. This includes:

- Details about the information being sought.
- The reason why material is being requested.
- How the material will be used once obtained.
- The legal basis for the request.

Section 44C

Sets out that requests made to third parties who hold information about a victim must be made in writing; and specify the information sought, the reasons for seeking the information and how the information will be dealt with once obtained.

Section 44D

Requires the Secretary of State to prepare a Code of Practice to explain the new duties, to add clarity on the expectations on policing and promote consistency in practice.

Section 44E

Lists the authorised persons to which the provisions apply:

1. a constable of a police force in England and Wales;
2. a member of staff appointed by the chief officer of police of a police force in England and Wales;

3. an employee of the Common Council of the City of London who is under the direction and control of a chief officer of police;
4. a constable of the British Transport Police Force;
5. an employee of the British Transport Police Authority appointed under section 27 of the Railways and Transport Safety Act 2003;
6. a constable of the Ministry of Defence police;
7. a National Crime Agency officer;
8. a person designated by the Director General of the Independent Office for Police Conduct under paragraph 19(2) of Schedule 3 to the Police Reform Act 2002;
9. a person who has been engaged to provide services consisting of or including the obtaining of information for the purposes of the exercise of functions by a person mentioned in any of paragraphs (a) to (h).

Section 44F

Sets out application of the duties in relation to the service police.

Questionnaire

We would welcome responses to the following questions set out in this consultation paper.

You do not need to answer every question.

Q1. Part 1 of the Code of Practice gives an overview of the guidance contained within the Code, and defines key terms used in the Victim Information Requests legislation.

To what extent do you agree or disagree that the introduction in the Code of Practice gives a suitable overview and background of the duties under Chapter 3A of the Police, Crime Sentencing and Courts Act 2022?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Please explain the reason for your answer.

Q2. Part 2 of the Code gives an overview of the purpose of the victim information request duties.

To what extent do you agree or disagree that the information in Part 2 provides a clear summary of the duties which authorised persons must adhere to under Chapter 3A of the Police, Crime Sentencing and Courts Act 2022 when requesting victim information?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Please explain the reason for your answer.

Q3. Part 3 of the Code provides an overview of how the new duties work alongside existing legislative frameworks, including the data protection regimes of the Criminal Procedure and Investigations Act 1996 (CPIA), Data Protection Act 2018 (DPA) and human rights legislation.

To what extent do you agree or disagree that the guidance that the Code of Practice provides on the compliance of the duties in accordance with data protection and human rights legislation is accurate?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Please explain the reason for your answer.

Q4. Part 4 of the Code offers guidance on determining whether a request for victim information is necessary and proportionate, in pursuit of a reasonable line of enquiry.

a. To what extent do you agree or disagree that the guidance offered in Part 4 of the Code on assessing necessity, proportionality, and relevance to a reasonable line of enquiry when complying with the duties is accurate?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Please explain the reason for your answer.

Q5. Part 4 also offers guidance on determining whether the presumption that a victim's counselling records are not necessary and proportionate can be rebutted (including the steps that must be taken) and how to assess whether the counselling records are likely to have substantive probative value before they can be requested.

a. To what extent do you agree or disagree that the guidance for requesting counselling records outlined in the Code is clear and practical for authorised persons?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

b. To what extent do you agree or disagree that the considerations set out in (location tbc) are the appropriate steps authorised persons should take when rebutting the presumption against necessity and proportionately?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Please explain the reason for your answer.

c. To what extent do you agree or disagree that the guidance for requesting counselling records offered in Part 4 of the Code will introduce stronger safeguards for victims' confidential counselling and therapy notes?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Please explain the reason for your answer.

Q6. In order to ensure the correct victim's personal records are given these additional protections, the Government must define in regulations what 'counselling services' for these measures means.

a. To what extent do you agree or disagree a counselling services definition needs to cover a range of psychological and emotional counselling and therapeutic approaches and support?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Please explain the reason for your answer.

b. To what extent do you agree or disagree that any definition should only apply to qualified practitioners and those undergoing such training?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Please explain the reason for your answer.

c. To what extent do you agree or disagree any definition should cover individual, family and/ or group services?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Please explain the reason for your answer.

d. To what extent do you agree or disagree that any definition should cover NHS, voluntary sector agencies and private practice?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Please explain the reason for your answer.

e. Are there any other factors the Government should consider when drafting a definition?

Q7. Part 5 of the Code provides guidance on providing information to a victim about whom information is being requested.

To what extent do you agree or disagree that the guidance the Code of Practice provides on provision of information to victims is suitable?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Please explain the reason for your answer.

Q8. Part 6 of the Code provides guidance about what must be included in the content of a Victim Information Request about a victim.

To what extent do you agree or disagree that the guidance the Code of Practice provides on provision of information to third parties is suitable to satisfy the duty?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Please explain the reason for your answer.

Q9. Part 7 of the Code provides advice to authorised persons about how they should actively seek early advice from the CPS where appropriate in an investigation.

To what extent do you agree or disagree that the guidance on how authorised persons should engage with the CPS to ensure they understand when early advice should be obtained is suitable?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Please explain the reason for your answer.

Q10. Part 8 of the Code provides information on how to best support vulnerable victims during the process of making a victim information request.

- a. To what extent do you agree or disagree that the guidance that the Code provides on how authorised persons should engage with vulnerable adults is suitable?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Please explain the reason for your answer.

- b. To what extent do you agree or disagree that the guidance that the Code provides on how authorised persons should engage with child victims is suitable?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Please explain the reason for your answer.

- c. To what extent do you agree or disagree that the guidance that the Code provides on how authorised persons should engage with adults without capacity is suitable?

Victim Information Request – Code of Practice consultation

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Please explain the reason for your answer.

Q11. Are there any gaps in the guidance that should be addressed?

Y/N

Please explain the reason for your answer.

Q12. Does the Code contain links to all relevant material that an authorised person would need to ensure lawful use of the duties?

Y/N

Please explain the reason for your answer

Thank you for participating in this consultation.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (for example, member of the public)	
Date	
Company name/organisation (if applicable)	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Victim Information Request – Code of Practice consultation

Contact details and how to respond

Please send your response by 01/07/2025 to:

Police requests for Third Party Material consultation

The Data and Identity Directorate

2 Marsham Street London SW1P 4DF

Email: tpmconsultation@homeoffice.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process, you should contact the Home Office at the above address.

Extra copies

Further paper copies of this consultation can be obtained from this address, and it is also available online at <https://www.gov.uk/government/consultations/victim-information-requests-code-of-practice>

Alternative format versions of this publication can be requested from tpmconsultation@homeoffice.gov.uk

Publication of response

A paper summarising the responses to this consultation will be published on Gov.uk.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation (GDPR) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In

view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>

Consultation principles, disclosure of responses and data protection principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles. These can be found here: <https://www.gov.uk/government/publications/consultation-principles-guidance> The Home Office, 2 Marsham Street, London, SW1P 4DF, is the data controller in respect of any information you provide in your answers. Your personal data is being collected and processed by the Home Office on the basis of informed consent. We will hold the data you provide for a maximum of 2 years. Further information can be found within the Government's Home Office Personal Information Charter. We will process the names and addresses, and email addresses provided by respondents, and information about which organisations respondents belong to, where this is provided. We will also process the information that you provide in relation to your responses. When the consultation ends, we will publish a summary of the key points raised on the Home Office website. This will include a list of the organisations that responded, but not any individual's personal name, address, or other contact details. All responses and personal data will be processed in compliance with the Data Protection Act 2018 and the UK General Data Protection Regulation. If you want some or all of the information you provide to be treated as confidential, it would be helpful if you could clearly identify the relevant information and explain why you consider it confidential in your response. Please note that we may be required by law to publish or disclose information provided in response to this consultation in accordance with the access to information regimes: primarily the Freedom of Information Act 2000 and the Data Protection Act 2018 and the UK General Data Protection Regulation. If we receive any request to disclose this information, we will take full account of your explanation but cannot give you an absolute assurance that disclosure will not be made in any case. We will not regard an automatic disclaimer generated by your IT system as a relevant request for these purposes. Once you have submitted your response to the consultation you will not be able to withdraw your answers from the analysis stage. However, under the Data Protection Act 2018 (and the UK General Data Protection Regulation), you have certain rights to access your personal data, and have it corrected or erased (in certain circumstances), and you can withdraw your consent to us processing your personal data at any time. You have the right to lodge a complaint to the Information Commissioner's Office about our practices, to do so please visit the Information Commissioner's Office website or contact the Information Commissioner at casework@ico.org.uk or: 18 Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF Telephone: 0303 123 1113 Textphone: 01625 545860 Monday to Friday, 9am to 4:30pm



© Crown copyright 2025

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at <https://www.gov.uk/government/consultations/victim-information-requests-code-of-practice>

Any enquiries regarding this publication should be sent to us at tpmconsultation@homeoffice.gov.uk.