EXPLANATORY MEMORANDUM TO

THE VICTIM SUPPORT (SPECIFIED ROLES) REGULATIONS 2025

2025 No. 455

1. Introduction

1.1 This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 The Rt Hon Shabana Mahmood MP, the Secretary of State for Justice, can confirm that this Explanatory Memorandum meets the required standard.

2.2 Isla Scott, Deputy Director for Victims and Witnesses Policy and Strategy at the Ministry of Justice, can confirm that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Verona Taylor-Blackford at the Ministry of Justice, telephone: 07519 750 574 or email: verona.taylor-blackford@justice.gov.uk, can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The Regulations specify three victim support roles about which the Secretary of State will be required to issue guidance, pursuant to section 16 of the Victims and Prisoners Act 2024 ("the Act"). In these Regulations we have specified Independent Domestic Violence Advisers (IDVAs), Independent Sexual Violence Advisers (ISVAs), and Independent Stalking Advocates (ISAs) and intend to issue guidance about these roles on 9 May 2025 (IDVAs and ISVAs) and 2 February 2026 (ISAs).

4.2 The Regulations describe each of the specified roles: IDVAs provide independent support to victims of criminal conduct which constitutes domestic abuse (as defined by the Domestic Abuse Act 2021); ISVAs provide independent support to victims of criminal conduct of a sexual nature; ISAs provide independent support to victims of acts associated with stalking (as described in the Protection from Harassment Act 1997).

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdictions which the instrument forms part of the law of) is England and Wales.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales.

5. Policy Context

What is being done and why?

5.1 The Regulations specify IDVAs, ISVAs and ISAs. Under section 16(1) of the Act, the Secretary of State will be required to issue guidance about these roles. The guidance aims to improve the consistency of support delivered to victims by these roles and to strengthen multi-agency working by raising awareness of these roles among wider agencies.

What was the previous policy, how is this different?

5.2 There was no previous requirement to produce statutory guidance on IDVAs, ISVAs and ISAs.

6. Legislative and Legal Context

How has the law changed?

6.1 Section 16(1) of the Act provides that the Secretary of State must issue guidance about specified victim support roles. Section 16(3) of the Act sets out that "victim support roles" are roles performed by individuals which involve the provision of support to victims of criminal conduct (where the support relates to that conduct). Pursuant to section 16(3) of the Act, "specified" means specified in regulations made by the Secretary of State. Taken together, sections 16(1) and (3) mean that, once a role is specified in regulations by the Secretary of State, the Secretary of State will be required to issue guidance about that role. These Regulations specify victim support roles which the Secretary of State will now be required to issue guidance about under section 16(1).

Why was this approach taken to change the law?

6.2 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 Organisations who provide support to victims of domestic abuse, sexual violence and sexual abuse, and stalking were consulted on the descriptions of IDVAs, ISVAs and ISAs, respectively. Several organisations recommended the inclusion of "independent" to the definitions to underscore the centrality of this principle of the roles. This is now included in the descriptions in the Regulations.

7.2 We have undertaken targeted consultation with the victim support sector on the content of the IDVA and ISVA statutory guidance that we will publish in accordance with section 16. This took the form of a series of roundtables, alongside the opportunity to share written feedback. We have considered the feedback shared and have implemented recommendations where applicable.

8. Applicable Guidance

8.1 No guidance is being issued in relation to the operation of the regulations themselves. In accordance with section 16 of the Act, the Secretary of State will issue statutory guidance about the performance of the victim support roles specified in the Regulations.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because no significant impact on the private, voluntary or public sectors is foreseen. Impact assessments have been published in relation to the Act (including section 16) and copies can be obtained from the Ministry of Justice, 102 Petty France, London, SW1H 9AJ, or on the legislation.gov.uk website.[1]

Impact on businesses, charities and voluntary bodies

9.2 There is no significant impact on business, charities or voluntary bodies.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no significant impact on the public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 There is no plan to monitor or review this instrument.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 Pursuant to section 81 of the Act, we intend to commence section 16 by way of regulations on 9 May 2025. As such, we here rely on section 13 of the Interpretation Act 1978 to allow anticipatory use of the vires provisions contained in section 16, meaning we are able to lay these regulations on 7 April 2025. We consider that the making of these regulations is necessary to give full effect to section 16 in that the duty to issue guidance contained therein does not become effective unless and until roles are specified in regulations.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").

[1] https://www.gov.uk/government/publications/victims-and-prisoners-bill