

Equality Impact Assessment [EIA] Crime and Policing Bill

1. Name and outline of policy proposal, guidance, or operational activity

Title: Amendments to schedule 4 of the Modern Slavery Act 2015 to introduce:

- (i) A range of serious offences introduced by the Crime and Policing Bill –
 - a. Offence of possession of a weapon with intent to use unlawful violence,
 - b. Child Criminal Exploitation offence,
 - c. Child sexual abuse image generators,
 - d. Possession of advice or guidance about creating Child Sexual Abuse images,
 - e. Online facilitation of child sexual exploitation and abuse,
 - f. Sexual activity in the presence of a child,
 - g. Sharing an intimate photograph or film without consent and with the intention of causing B alarm, distress or humiliation,
 - h. Sharing an intimate photograph or film for the purpose of obtaining sexual gratification,
 - i. Taking or recording intimate photograph or film with intent to cause alarm, distress or humiliation,
 - j. Taking or recording intimate photograph or film for purpose of obtaining sexual gratification,
 - k. Installing etc. equipment to enable taking or recording of intimate photograph or film with intent to cause alarm, distress or humiliation or for purpose of obtaining sexual gratification,
 - l. Administering etc harmful substances (including by spiking),
 - m. Encouraging or assisting serious self-harm
 - n. Coerced internal concealment offence

- (ii) Terrorism offences listed in the Terrorist Offenders (Restriction of Early Release) Act 2020 not already included in schedule 4 -
 - a. Membership of a proscribed organisation,
 - b. Inviting/expressing support for a proscribed organisation,
 - c. Terrorist financing offences, including use of money for terrorist purposes,
 - d. Failure to disclose information in relation to terrorism,
 - e. Disclosure of information prejudicial to a terrorist investigation,
 - f. Collection of information useful to terrorists,
 - g. Publishing information about members of the armed forces,
 - h. Entering or remaining in a designated area,
 - i. Encouragement of terrorism,
 - j. Dissemination of terrorist publications,
 - k. Attendance at a place used for terrorist training,
 - l. Breach of police notification requirements,
 - m. Breach of Terrorism Prevention and Investigation measure,
 - n. Breach of Temporary exclusion order,
 - o. Offences under Part 7 of that Act: security of pathogens and toxins, and,
 - p. Disclosure of information etc relating to nuclear security.

Introduction:

Section 45 of the Modern Slavery Act 2015 (MSA 2015) provides a statutory defence against prosecution for victims of modern slavery who were compelled to carry out criminal offences as a result of their exploitation (adults); or committed offences as a direct consequence of being a

victim of modern slavery (children). Schedule 4 to the MSA 2015 contains a list of serious offences to which the section 45 defence does not apply. The list includes the most serious crimes such as sexual offences, some terrorism offences, modern slavery offences and serious violence offences.

In the 2021 report on Terrorism Acts¹, the Independent Reviewer of Terrorism Legislation (IRTL) recommended that schedule 4 to the MSA 2015 should be extended to include all terrorism offences. The report suggested that all terrorism offences are sufficiently serious to warrant an exemption from the section 45 defence. It also stressed that this change would simplify cases where numerous terrorism offences are being prosecuted together, ensuring prosecutorial consistency. Currently only a limited number of terrorism offences are listed in schedule 4, including sections 5 and 6 of the Terrorism Act 2006 (preparation of terrorist acts and training for terrorism respectively); while others, such as section 58 of the Terrorism Act 2000 (collection of information useful to terrorists) are in scope of the section 45 defence.

The Crime and Policing Bill will also introduce a range of new offences which will be incorporated into schedule 4 to the MSA 2015, including the new child criminal exploitation offence, coerced internal concealment offence and a range of new sexual and serious offences.

The purpose is to ensure that perpetrators of serious offences do not have access to the statutory defence, allowing prosecutors to exercise their judgement on whether the non-punishment principles are appropriate. This includes considering whether duress is a factor or whether it is in the public interest to prosecute.

2. Summary of the evidence considered in demonstrating due regard to the Public Sector Equality Duty.

Summary of current data available

Data on the use of the section 45 defence is not routinely recorded by the Crown Prosecution Service, police or the courts. As the section 45 defence can be raised at different stages through the criminal justice system, collecting data on its use is complex. A voluntary annual data requirement for forces to provide data to the Home Office on the use of the defence has been in place since 2023/24. However, it is recorded inconsistently across police forces, resulting in a lack of national data on its prevalence and impact. This limits our ability to assess the effect of this policy on protected characteristics.

While there is a lack of comprehensive national data, in demonstrating due regard to the Public Sector Equality Duty, our analysis of the impact of this policy has been informed by data sources from statutory agencies where available, for example police data held by the National County Lines Coordination Centre (NCLCC) and government statistics on knife and offensive weapon crime, and terrorism offences.

The below summary covers the current available data across several protected characteristics. We do not currently hold any relevant data on **gender reassignment, maternity and pregnancy, marriage or civil partnership, sexual orientation, or religion.**

¹[Terrorism Acts in 2021 « Independent Reviewer of Terrorism Legislation](#)

3. Consideration of limb 1 of the duty: Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act.

The Department has considered potential direct and indirect impacts of measures within the Bill below. Where direct and indirect discrimination is not addressed, that is because at this time the Department has assessed that there is no direct or indirect discrimination to be considered for that measure or in relation to a particular protected characteristic; the Department will keep this under review and update as necessary.

Age

Child Criminal Exploitation (CCE) offence

Indirect Discrimination

The addition of the CCE offence to schedule 4 indirectly only impacts adults because culpability for the CCE offence is limited to adults only. We consider the resulting disadvantage to adults is objectively justified as a proportionate means of achieving the legitimate aim of protecting children from the serious offence of CCE.

As culpability for the CCE offence is limited to persons aged 18 or over only, the decision to add the CCE offence to schedule 4 would (indirectly) affect adults only. Adding the CCE offence to schedule 4 negatively impacts adult victims of modern slavery who commit the CCE offence by preventing them from using the statutory defence in section 45 of the MSA 2015. In comparison, child victims of modern slavery cannot commit the CCE offence at all (though they may commit other similar offences, such as modern slavery and trafficking offences, which may also be listed in Schedule 4).

Furthermore, the nature of some forms of CCE means that some young adults may have been victims of criminal exploitation at some point previously and may still be victims now who have 'moved up' the chain to go on to exploit others. The limited available evidence suggests that adults aged between 22 and 30 make up the largest group of individuals recorded as involved in County Lines, a drug supply model associated with CCE.² The decision to add the CCE offence to schedule 4 may therefore also indirectly put this group of young adults at a particular disadvantage when compared to older adults.

The purpose of this offence is to achieve the legitimate aim of protecting children from the serious offence of CCE. The intended outcome is to stop adults from exploiting children by drawing them into criminality. The inclusion of the CCE offence in schedule 4 will help to achieve this aim by ensuring that the justice system can secure prosecutions against exploiters of children. It will ensure that perpetrators of CCE can be held accountable, even if they are a potential victim of modern slavery.

We consider this is justified because CCE poses a serious risk to children – our estimates show that there are currently around 14,500 children that have been identified as at risk or involved in CCE in 23/24³ – and the severity of harm caused by CCE can be high and long-

² National Police Chiefs' Council, County Lines – Strategic Threat Risk Assessment (2024).

³https://assets.publishing.service.gov.uk/media/67bda36c21d07694be8d7679/Crime_and_Policing_Bill_EN_1008__Violence_Against_Women_and_Girls_and_Protection_of_Children_and_Vulnerable_Adults_.pdf

lasting. This approach therefore seeks to balance protections for victims of modern slavery with the need to deliver justice for the serious crime of CCE.

The CCE offence is comparable in its potential seriousness to other offences which are included in schedule 4, as indicated by the maximum penalty of ten years' imprisonment. In particular, cases of CCE may also involve forced or compulsory labour and/or human trafficking and so perpetrators may in some cases currently be charged with offences under the MSA 2015, which are already included in schedule 4. The inclusion of the CCE offence in schedule 4 therefore ensures consistency and maintains parity with those offences. In addition, child sexual exploitation offences under the Sexual Offences Act 2003 are included in schedule 4 and so the inclusion of CCE is proportionate and consistent with the wider approach to child exploitation.

Disadvantages against adult victims of modern slavery who commit the CCE offence can be mitigated. The operational discretion of the police and the non-punishment principles as applied by the CPS will remain in place. This includes considering whether potential existing defences in the common law (such as duress) are relevant or whether it is in the public interest to prosecute. The CCE offence is also designed to allow for prosecutions against perpetrators who exploit children indirectly, i.e. through another, in order to pursue more senior gang members who are using more junior gang members to exploit children. This will be further supported by a power on the Secretary of State to issue (and, as appropriate, revise) statutory guidance to support implementation of the new CCE offence and the police to identify victims and to pursue the offenders behind these crimes. We will also consider how any such guidance can assist to counteract issues of 'adulthood' where black children are sometimes perceived to be older and more likely to be treated as perpetrators

We therefore consider that although adding the CCE offence to schedule 4 may lead to different impacts on age groups, this is objectively justified as being a proportionate means of achieving the legitimate aim of protecting children from the serious offence of CCE and therefore does not amount to indirect discrimination.

Terrorism Offences

We are not aware of any evidence to suggest that inclusion of these additional offences in schedule 4 will lead to a particular direct or indirect disadvantage on account of their age. The offences, and therefore exclusion of the section 45 statutory defence, will apply to all offenders regardless of this protected characteristic.

Breaches of youth diversion orders (YDOs) are not being added to schedule 4 because those would be summary offences only. We do not therefore consider that their omission has any particular impact on those who are or are not subject to YDOs.

Coerced Internal Concealment Offence (CIC)

Indirect Discrimination

This amendment may have an indirect negative impact on children and young adults as data suggests that this age group is more likely to be perpetrators of CIC than other age groups. Any indirect discrimination we believe would be a proportionate means of achieving the legitimate aim of protecting victims of CIC.

Adults between 22 and 30 years of age make up the largest group of individuals recorded as involved in county lines (either as victims or perpetrators). We consider that perpetrators of CIC are most likely to be young adults, however there is anecdotal evidence that children are sometimes involved in encouraging or coercing their peers to internally conceal. This suggests

that children and young adults could be more impacted by the addition of the offence to schedule 4 than other age groups.

Anecdotal evidence has indicated that perpetrators of CIC (who may be more likely to be children and young adults) could have initially been victims of this exploitative activity. While removal of the section 45 defence in relation to this offence may increase the risk that exploitation is not taken into account as part of the criminal justice process, we consider that there are existing processes in place to mitigate this risk. The operational discretion of the police and the non-punishment principles as applied by the CPS will remain in place. This includes considering whether potential existing defences in the common law (such as duress) are relevant or whether it is in the public interest to prosecute. The CIC offence is also designed to allow for prosecutions against perpetrators who exploit others indirectly, i.e. through another, in order to pursue more senior gang members who are using more junior gang members to carry out CIC. This will be further supported by a power on the Secretary of State to issue (and, as appropriate, revise) statutory guidance to support implementation of the new CIC offence and the police to identify victims and to pursue the offenders behind these crimes. We will also consider how any such guidance can assist to counteract issues of 'adulthood' where black children are sometimes perceived to be older and more likely to be treated as perpetrators.

The potential for indirect discrimination towards children and young adults who may be more likely to be perpetrators of CIC than other age groups is, we believe, a proportionate means of achieving the legitimate aim of protecting victims of CIC. We will monitor the impact of implementation of the offence on this cohort.

Equally, children and young people are at higher risk of being victims of CIC than other age groups and are therefore likely to benefit from this legislative change to schedule 4 because it will help to secure prosecutions against their exploiters by preventing perpetrators from using the section 45 defence.

Furthermore, we consider the addition of the CIC offence to schedule 4 is a proportionate means of achieving the aim of protecting victims of CIC as this offence is comparable in its potential seriousness to other offences which are included in schedule 4, as indicated by the maximum penalty of ten years' imprisonment. In particular, cases of CIC may also involve forced or compulsory labour and/or human trafficking and/or sexual offences (where items are inserted by the perpetrator into the victim's sexual organs) and so perpetrators may in some cases currently be charged with offences under the MSA 2015 or Sexual Offences Act 2003, which are already included in schedule 4. This also aligns with inclusion of the CCE offence in schedule 4 given that, where the victim of CIC is a child and the perpetrator of CIC is an adult, there is the potential for both the CIC and CCE to apply. The inclusion of the CIC offence in schedule 4 therefore ensures consistency and maintains parity with other offences. In addition, child sexual exploitation offences under the Sexual Offences Act 2003 are included in schedule 4 and so the inclusion of CIC is proportionate and consistent with the wider approach to child exploitation.

We therefore consider that although adding the CIC offence to schedule 4 may lead to different impacts on age groups, this is objectively justified as being a proportionate means of achieving the legitimate aim of protecting people from the serious offence of CIC and therefore does not amount to indirect discrimination.

Child sexual offences

Indirect Discrimination

This amendment could indirectly put adults at a particular disadvantage compared to children, as evidence shows offenders are more likely to be adults. We consider this to be objectively justified as a proportionate means of achieving the legitimate aim of prosecuting criminal behaviour that reflects the level of harm done to victims.

Schedule 4 already includes the most serious crimes including sexual offences, certain terrorism offences, modern slavery and serious violent crimes. The majority of offences to be added from the Crime and Policing Bill fall within the higher penalty range, aligning with the offences already listed in schedule 4.

Many of these new offences are child sexual offences, the majority of which are already covered in Schedule 4. Including these additional offences would help maintain consistency across the schedule and will prevent and deter any belief that accountability can be evaded by adult perpetrators. This measure would serve as a strong deterrent and reinforce the principle that such crimes will not go unpunished.

Offenders aged 21 – 49 years old are likely to be disproportionately impacted by this measure. Offenders aged 30 – 49 are overrepresented within those sentenced for sexual offences (45%) and offenders aged 21 – 39 are overrepresented within those sentenced for specific indecent images of children offences (“IIOC”) (44%)⁴. In this case, we can expect the inclusion of these offences in schedule 4 may indirectly put adults at a particular disadvantage. While it is expected that adult perpetrators will particularly be affected by these proposed measures, we consider this to be objectively justified. This will meet the legitimate aim of ensuring those who commit serious sexual (and child) offences do not have access to the statutory defence at section 45 of the MSA 2015. Inclusion of these offences will ensure that the justice system can secure prosecutions against offenders of serious sexual offences. It will ensure that perpetrators can be held accountable, even if they are a potential victim of modern slavery. Despite adults expected to be disproportionately affected, we consider the addition of these offences to be a proportionate means of achieving the legitimate aim of prosecuting criminal behaviour that reflects the level of harm to victims.

We consider the addition of these serious sexual offences to schedule 4 as a proportionate means of achieving this aim as they are comparable in their potential seriousness to other offences which are included in schedule 4. This amendment therefore aligns with the approach taken towards other serious offences which protect vulnerable individuals from harm. In particular, cases of sexual offences against adults and children may also involve forced or compulsory labour and/or human trafficking and so perpetrators may in some cases currently be charged with offences under the MSA 2015, which are already included in schedule 4. The inclusion of these additional sexual offences in schedule 4 therefore ensures consistency and maintains parity with those offences. In addition, all child sexual exploitation offences under the Sexual Offences Act 2003 are included in schedule 4.

Any disadvantages on the basis of age can be mitigated. The operational discretion of the police and the non-punishment principles as applied by the CPS will remain in place. This includes considering whether duress is a factor or whether it is in the public interest to prosecute.

⁴ [Criminal Justice Bill: sentencing equalities statement - GOV.UK](#)

Offence of possession of a weapon with intent to use unlawful violence

Indirect Discrimination

The addition of possession of a weapon to schedule 4 may indirectly discriminate against adults.

The addition of the serious violence offences to schedule 4 will apply equally to all perpetrators of these offences. Most people who are sentenced for knife or offensive weapon offences are adults. 85% of sentences in the year ending June 2024 were for adults, 15% were for children⁵. In this case, we can expect the inclusion of these offences in schedule 4 may put adults at a particular disadvantage.

While it is expected that adult perpetrators will particularly be affected by these proposed measures, we consider this to be objectively justified. This will meet the legitimate aim of ensuring those who commit serious offences do not have access to the statutory defence under section 45 of the MSA2015. Inclusion of these offences will ensure that the justice system can secure prosecutions against offenders of serious crimes. It will also ensure that perpetrators can be held accountable, even if they are a potential victim of modern slavery.

We consider this is justified because serious violence and knife crime poses a serious risk to adults between the ages of 20-29 and 30-39 who are admitted to hospital for assault by sharp instrument at a high rate (6.6 and 4.4 per 100,000 population, respectively). For other ages 50 plus less than 1 per 100,000 are admitted to hospital for assault by a sharp instrument and for ages 40-49 this is around 2-3 per 100,000⁶.

We consider the addition of these serious violence offences to schedule 4 as a proportionate means of achieving the legitimate aim of prosecuting criminal behaviour that reflects the level of harm done to victims. The offences are also comparable in their potential seriousness to other offences which are included in schedule 4, all with over two years maximum sentence. This amendment therefore aligns with the approach taken towards other serious offences which protect vulnerable individuals from harm.

Any potential disadvantages on the basis of age can be mitigated. The operational discretion of the police and the non-punishment principles as applied by the CPS, will remain in place. This includes considering whether duress is a factor or whether it is in the public interest to prosecute.

We therefore consider that although adding these serious offences to schedule 4 will lead to different impacts on age groups, this is objectively justified as being a proportionate means of achieving the legitimate aim of protecting victims from harm and prosecuting criminal behaviour and therefore does not amount to indirect discrimination.

⁵ Knife and Offensive Weapon Possession Sentencing Statistics: Year ending March 2023 main tables. The figures include those sentenced to community sentence, suspended sentence and immediate custody. This is in line with the proposed policy. [Knife and Offensive Weapon Sentencing Statistics: January to March 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/knife-and-offensive-weapon-possession-sentencing-statistics-january-to-march-2023)

⁶ [NHS admissions for assault with sharp objects by age group, England and Wales - Office for National Statistics](https://www.ons.gov.uk/peoplepopulationandcommunity/healthandcare/admissionsanddiagnoses/nhs-admissions-for-assault-with-sharp-objects-by-age-group-england-and-wales)

Encouraging or assisting serious self-harm

In relation to the impact on victims, one study of the prevalence of self-reported non-suicidal self-harm (NSSH) from 2000-2014⁷ found increases in prevalence across age groups, most notably in women and girls aged 16-24.

We are not aware of any evidence to suggest that inclusion of these additional offences in schedule 4 will lead to a particular indirect disadvantage on account of their age. The offences, and therefore exclusion of the section 45 statutory defence, will apply to all offenders regardless of this protected characteristic.

Administering etc harmful substances (including by spiking)

According to a spiking factsheet published on 21 December 2023⁸, the average age of victims of spiking (across all types of spiking, e.g., drink, needle, food, vape, etc.), is 26 years. This seems to suggest that victims of spiking, where such incidents are reported, are mainly younger individuals and they are likely to benefit more once this measure is introduced however spiking can be committed by an offender of any age.

We are not aware of any evidence to suggest that inclusion of these additional offences in schedule 4 will lead to a particular indirect disadvantage on account of their age. The offences, and therefore exclusion of the section 45 statutory defence, will apply to all offenders regardless of this protected characteristic.

Disability

Child Criminal Exploitation offence

Indirect Discrimination

We are not aware of any evidence to suggest that adding the CCE offence to schedule 4 will put persons at a particular disadvantage on account of their disability because we are not aware of any evidence to suggest that perpetrators of CCE are more or less likely to have a disability.

Children with neurodiversity, learning disabilities, mental health issues and substance abuse issues are at a higher risk of being victims of CCE and therefore are likely to benefit from adding the CCE offence to schedule 4 because it will help to secure prosecutions against their exploiters by preventing perpetrators, who target vulnerable children, from using the section 45 defence.

Coerced internal concealment offence

Evidence suggests that individuals with disabilities including mental health issues, neurodiversity, special educational needs and learning difficulties may be more at risk of exploitation than other groups. It is therefore possible that perpetrators of CIC who have been victims of exploitation themselves may be more likely to have a disability and therefore may be negatively impacted by increased criminalisation.

We consider that there are existing processes in place to mitigate this risk. The operational discretion of the police and the non-punishment principles as applied by the CPS, will remain

⁷ [Prevalence of non-suicidal self-harm and service contact in England, 2000-14: repeated cross-sectional surveys of the general population - PubMed](#)

⁸ [Spiking: factsheet - GOV.UK](#)

in place. This includes considering whether potential existing defences in the common law (such as duress) are relevant or whether it is in the public interest to prosecute. The CIC offence is also designed to allow for prosecutions against perpetrators who exploit others indirectly, i.e. through another, in order to “go after” more senior gang members who are using more junior gang members to carry_out CIC. This will be further supported by a power on the Secretary of State to issue (and, as appropriate, revise) statutory guidance to support implementation of the new CCE offence and the police to identify victims and to pursue the offenders behind these crimes.

Furthermore, individuals with disabilities may be more at risk of being victims of CIC and are therefore likely to benefit from this legislative change to schedule 4 because it will help to secure prosecutions against their exploiters by preventing perpetrators from using the section 45 defence. We believe any indirect impact on this protected characteristic would be a proportionate means of achieving the legitimate aim of prosecuting criminal behaviour that more appropriately reflects the harm done to victims by CIC and protecting the public.

Terrorism offences

There is no available data regarding the proportion of individuals convicted of terrorism related offences with disabilities. We do not assess that this measure will have a particular disadvantage for those with disabilities when compared with those who do not.

The CPS considers that the existing prosecutorial public interest test provides an appropriate basis to consider modern slavery and mental health concerns, with its specialist Counter Terrorism prosecutors are best placed to make consistent and informed decisions in these cases.

Additional Crime and Policing Bill offences including child sexual offences, spiking, administering etc harmful substances (including by spiking), assisting self-harm and possession of a weapon

Those who commit child sexual offences, possession of a weapon, spiking offences and assisting self-harm and who would in turn be excluded from the section 45 defence under schedule 4, would not be at any particular disadvantage on account of their disability. Inclusion of these offences in schedule 4 would ensure consistency with offences already listed in schedule 4 where most sexual and serious offences are excluded from the use of section 45.

By including child sexual offences, possession of a weapon, spiking offences and assisting self-harm in schedule 4, it will prevent and deter any belief that accountability can be evaded by perpetrators. This measure would serve as a strong deterrent and reinforce the principle that such crimes will not go unpunished. Inclusion of these offences will ensure that the justice system can secure prosecutions against offenders of serious crimes. It will ensure that perpetrators can be held accountable, even if they are a potential victim of modern slavery.

We also believe that any disadvantages on the basis of disability can be mitigated. The operational discretion of the police and the non-punishment principles as applied by the CPS, will remain in place. This includes considering whether duress is a factor or whether it is in the public interest to prosecute.

The CPS considers that the existing prosecutorial public interest test provides an appropriate basis to consider modern slavery and mental health concerns, with prosecutors best placed to make consistent and informed decisions in these cases.

Race

Statistics⁹ on race and the criminal justice system show that ethnic minorities (excluding white minorities) appear to be over-represented at many stages compared with the white ethnic group. Among ethnic minorities (excluding white minorities), black individuals were often the most over-represented.

Therefore, by preventing perpetrators of crime from claiming the section 45 defence, the proposed legislative amendments may impact on ethnic minorities (excluding white minorities) to a greater extent where they are successfully prosecuted as a result.

Child Criminal Exploitation offence

Indirect Discrimination

Available data suggests that individuals identified as being involved in County Lines, a drug supply model associated with CCE, are disproportionately black and inclusion of the CCE offence in schedule 4 may therefore indirectly have a greater impact on persons on account of their race. We consider this is objectively justified as a proportionate means of achieving the legitimate aim of protecting children from the serious offence of CCE.

We anticipate that there will be an indirect impact as a result of the differences in the demographic make-up of those affected by County Lines, a drug supply model associated with CCE. Available data show that the cohort of individuals identified as being involved in County Lines, both as victims and perpetrators, are disproportionately black.¹⁰ This suggests that the decision to add the CCE offence to schedule 4 would indirectly affect black people more than others in the context of county lines. Adding the CCE offence to schedule 4 may therefore put black victims of modern slavery at a particular disadvantage compared with others by excluding perpetrators of the CCE offence from using the statutory defence in section 45 of the MSA 2015.

However, although adding the CCE offence to schedule 4 may lead to different impacts on race, we consider it to be objectively justified as being a proportionate means of achieving the legitimate aim of protecting children from the serious offence of CCE. As explained in further detail above (see: *Age*), this amendment seeks to protect children from being drawn into criminality by ensuring that prosecutions can be secured against all perpetrators of CCE, an offence that we consider to be comparably serious to other offences that are included in schedule 4 as to warrant exclusion from the statutory defence in section 45 of the MSA 2015.

As above, the inclusion of the CCE offence is proportionate and consistent with the treatment of other offences which protect against child exploitation. Any potential disadvantages resulting from this decision against victims of modern slavery who are black and commit the CCE offence can be mitigated by the fact that the CPS still have a duty to apply the non-punishment principles, including considering whether duress is a factor or whether it is in the public interest to prosecute. The police similarly exercise operational discretion in the investigation of offences, and the Bill confers a power on the Secretary of State to issue (and, as appropriate, revise) statutory guidance to support implementation of the new CCE offence and the police to identify victims and to pursue the offenders behind these crimes. We will consider how any such guidance can assist to counteract issues of 'adulthoodification' where black children are sometimes less likely to be perceived by professionals as vulnerable and more likely to be treated as perpetrators.

⁹ [Statistics on Race and the Criminal Justice System 2018](#)

¹⁰ National Police Chiefs' Council, County Lines – Strategic Threat Risk Assessment (2024).

We therefore consider that although adding the CCE offence to schedule 4 may lead to different impacts on race, this is objectively justified as being a proportionate means of achieving the legitimate aim of protecting children from the serious offence of CCE and therefore does not amount to indirect discrimination.

Furthermore, children from ethnic minority backgrounds, especially black children, are also overrepresented as victims of CCE. Therefore, this would suggest that victims of CCE who are of ethnic minority backgrounds are likely to benefit from this legislative change to schedule 4 because it will help to secure prosecutions against their exploiters by preventing perpetrators, who target vulnerable children, from using the section 45 defence.

Coerced internal concealment offence

Indirect Discrimination

Available data suggests that individuals identified as being involved in county lines, a drug supply model associated with CIC, are disproportionately represented from certain communities and inclusion of the CIC offence in schedule 4 may therefore indirectly have a greater impact on persons on account of their race.

We anticipate that there will be an indirect impact as a result of the differences in the demographic make-up of those affected by County Lines, a drug supply model associated with CIC. Available data show that the cohort of individuals identified as being involved in County Lines, both as victims and perpetrators, are disproportionately black.¹¹ This suggests that the decision to add the CIC offence to schedule 4 would indirectly affect black people more than others in the context of county lines. Adding the CIC offence to schedule 4 may therefore put black victims of modern slavery at a particular disadvantage compared with others by excluding those of them who commit the CIC offence from using the statutory defence in section 45 of the MSA 2015.

However, although adding the CIC offence to schedule 4 may lead to different impacts on race, we consider it to be objectively justified as being a proportionate means of achieving the legitimate aim of protecting children and vulnerable adults from the serious offence of CIC. Adding the CIC offence to schedule 4 seeks to protect victims from the serious harm, mostly physical and psychological, that can be caused by CIC by ensuring that prosecutions can be secured against all perpetrators of CIC, an offence that is considered to be comparably serious to other offences that are included in schedule 4 as to warrant exclusion from the statutory defence in section 45 of the MSA 2015.

As above, the inclusion of the CIC offence is proportionate and consistent with the treatment of other offences which protect against exploitation. Any potential disadvantages resulting from this decision against victims of modern slavery who are black and commit the CIC offence can be mitigated by the fact that the CPS still have a duty to apply the non-punishment principles, including considering whether duress is a factor or whether it is in the public interest to prosecute. The police similarly exercise operational discretion in the investigation of offences, and the Bill confers a power on the Secretary of State to issue (and, as appropriate, revise) statutory guidance to support implementation of the new CCE offence and the police to identify victims and to pursue the offenders behind these crimes. We will consider how any such guidance can assist to counteract issues of 'adultification' where black children are sometimes less likely to be perceived by professionals as vulnerable and more likely to be treated as perpetrators.

¹¹ National Police Chiefs' Council, County Lines – Strategic Threat Risk Assessment (2024).

Furthermore, children from ethnic minority backgrounds, especially black children, are also overrepresented as victims of county lines. Therefore, this would suggest that victims of CIC who are of ethnic minority backgrounds are likely to benefit from this legislative change to schedule 4 because it will help to secure prosecutions against their exploiters by preventing perpetrators from using the section 45 defence.

Terrorism offences

Indirect Discrimination

Available data shows that individuals identified and involved in terrorism offences are disproportionately represented from certain communities, particularly those who self-define as Asian, and inclusion of these additional offences in schedule 4 may therefore indirectly have a particular disadvantage on persons on account of their race.

Published statistics on the operation of police powers under the Terrorism Act (TACT) 2000¹² show that those who self-define as Asian made up 31% of those convicted after a charge for a terrorism-related offence in Great Britain from terrorism-related arrests between 1 October 2021 to 30 September 2024. In comparison, only 9% of the general population self-define as Asian in England and Wales according to data from the Census 2021. As a result, we can expect the inclusion of these offences in schedule 4 may indirectly put adults at a particular disadvantage on the basis of race as statistically the majority of terrorist offenders, which would be excluded from use of the section 45 defence under schedule 4 as a result of this measure, self-define as Asian.

However, the breakdown of certain ethnic groups over others illustrated in the data reflects the nature of the terrorist threat in the UK at present, rather than any intention to target specific ethnic groups. We assess that any indirect impact of adding the remaining terrorism offences to schedule 4 is therefore justified and a proportionate means of achieving the legitimate aims of safeguarding national security, by ensuring that those who commit serious terrorism offences, even if they are a potential victim of modern slavery, do not have access to the statutory defence at section 45 of the MSA 2015. By adding further terrorism offences to schedule 4 that are comparably serious to those already listed, any potential particular disadvantage on the basis of race is proportionate in achieving the legitimate aim that serious terrorism offences are prosecuted consistently where they are tied to claims of modern slavery. Any potential disadvantages on the basis of race can be mitigated. The amendment will not remove protections for victims of modern slavery; the CPS consider that the existing prosecutorial public interest test provides an appropriate basis to consider modern slavery concerns, with its specialist Counter Terrorism prosecutors best placed to make consistent and informed decisions in these cases.

Sexual offences

Indirect Discrimination

Available data shows that individuals identified and involved in sexual offences and serious violence are disproportionately represented from certain communities and inclusion of these additional offences in schedule 4 may therefore indirectly have a greater impact on persons on account of their race.

¹² Operation of police powers under the Terrorism Act 2000: quarterly update to September 2024: quarterly data tables (<https://www.gov.uk/government/statistics/operation-of-police-powers-under-tact-2000-to-september-2024#documents>)

Data from the Ministry of Justice from the year ending June 2024 shows, where ethnicity is stated, that 83% of those sentenced for a sexual offence were of white ethnicity. People of white ethnicity are overrepresented as offenders of sexual offences and as a result, we would expect more white persons may be indirectly put at a particular disadvantage by these additional sexual offences in schedule 4. The breakdown of certain ethnic groups over others reflects the nature of the crime in the UK at present, rather than any intention to target specific ethnic groups. We assess any indirect impact on race is a proportionate means of achieving the legitimate aim of prosecuting criminal behaviour that reflects the level of harm done to victims.

This will meet the legitimate aim of ensuring those who commit serious sexual offences do not have access to the statutory defence at section 45 of the MSA 2015. Inclusion of these offences will ensure that the justice system can secure prosecutions against offenders and protect victims of sexual crimes. It will ensure that perpetrators can be held accountable, even if they are a potential victim of modern slavery. Any particular disadvantage, on the basis of race, is a proportionate means of achieving the legitimate aim of prosecuting criminal behaviour that reflects the level of harm done to victims and children.

We consider the addition of these sexual offences to schedule 4 as a proportionate means of achieving this aim because the offences are comparable in their potential seriousness to other offences which are included in schedule 4, all with over two years maximum sentence. This amendment therefore aligns with the approach taken towards other serious sexual offences which protect vulnerable individuals and children from harm.

We also believe that any disadvantages on the basis of race can be mitigated. The amendment will not remove protections for victims of modern slavery; the CPS considers that the existing prosecutorial public interest test provides an appropriate basis to consider modern slavery concerns.

Possession of a weapon

Indirect Discrimination

Available data shows that individuals identified and involved in possession of a weapon offences are disproportionately represented from certain communities and inclusion of these additional offences in schedule 4 may therefore indirectly have a greater impact on persons on account of their race.

Most individuals sentenced for knife or offensive weapon offences are white. In the year ending June 2024, 69% of those sentenced for these offences were white¹³. Consequently, it is likely that white individuals may be disproportionately affected by the additional serious offences outlined to be included in schedule 4.

There may be a disproportionate impact of the legislation on the black male population, and therefore under exclusion of schedule 4, because black males are sentenced at a higher rate for offences involving knives and offensive weapons, with black adults sentenced at a rate of 124 individuals per 100,000 black adults in comparison to 21 per 100,000 for white adults. It is possible that black people, in particular males, will receive convictions at a higher rate. Adding these offences to schedule 4 may therefore put black victims of modern slavery at a particular disadvantage compared with others by excluding those of them who commit these offences from using the statutory defence in section 45 of the MSA 2015.

¹³ [Knife and Offensive Weapon Sentencing Statistics: April to June 2024 - GOV.UK](#)

However, although adding these serious violence offences to schedule 4 will lead to different impacts on race, we consider it to be objectively justified as being a proportionate means of achieving the legitimate aim of protecting people from serious violence offences. This amendment seeks to protect victims by ensuring that prosecutions can be secured against all perpetrators of such crimes, offences that we consider to be comparably serious to other offences that are included in schedule 4 as to warrant exclusion from the statutory defence in section 45 of the MA 2015.

Potential disadvantages resulting from this decision against victims of modern slavery can be mitigated by the fact that the CPS still have a duty to apply the non-punishment principles, including considering whether duress is a factor or whether it is in the public interest to prosecute. The police similarly exercise operational discretion in investigation of offences.

Furthermore, the statistics show that people from black, Asian and other ethnic minority groups are more likely to be admitted to hospital after being assaulted with a sharp instrument and be victims of homicide¹⁴. Therefore, this would suggest that victims of these serious violence crimes who are of ethnic minority backgrounds are likely to benefit from this legislative change to schedule 4 because it will help to secure prosecutions against their offenders by preventing perpetrators from using the section 45 defence.

Religion or Belief

Terrorism offences

Indirect Discrimination

Available data shows that individuals identified and involved in terrorism offences are disproportionately represented from certain communities and inclusion of these additional offences in schedule 4 may therefore indirectly have a greater impact on persons on account of their religion or belief.

The UK's definition of terrorism, includes the use or threat of action where this is made for the purpose of advancing a cause, including a religious cause. As a result, the statistics on terrorist offenders may over-represent certain religions in comparison to the make-up of religious beliefs across the UK. Custody data provided by His Majesty's Prison and Probation Service and the Scottish Prisons Service show that as of 30 September 2024, there were 254 individuals in custody for terrorism and terrorism-connected offences in Great Britain. Of those who self-declared their religion and did not fall into the unrecorded category, 72% were Muslim, 21% were Christian and 4% declared they had no religion. Given these statistics, the measure could have a disproportionate indirect effect on Muslim victims of modern slavery who are also prosecuted for terrorism offences. However, we are unable to assess whether this impression in the data is reflected in the characterisation of section 45 cases, including protected characteristics, because this data is not collected in respect of section 45 cases.

Moreover, the predominant representation of certain religious beliefs likely to be captured by this policy reflects the nature of the terrorist threat in the UK. We therefore consider any potential indirect differential impact of the measure on those of different religious beliefs to be objectively justified as a proportionate means of achieving the legitimate aim of protecting the public from serious terrorism offences. This amendment seeks to protect victims by ensuring that prosecutions can be secured against all perpetrators of such crimes, that we consider to be comparably serious to other offences, and terrorism offences, that are included in schedule 4 as to warrant exclusion from the statutory defence at section 45 of the MSA 2015.

¹⁴ [Knife and Offensive Weapon Sentencing Statistics: April to June 2024 - GOV.UK](#)

In principle, if any disproportionate impact on the basis of religious belief occurs from the proper operationalisation of the policy, such impact is expected to be objectively justified. However, as a mitigating factor, the amendment will not remove protections for victims of modern slavery; the CPS considers that the existing prosecutorial public interest test provides an appropriate basis to consider modern slavery concerns, with its specialist Counter Terrorism prosecutors best placed to make consistent and informed decisions in these cases.

Sex

Child Criminal exploitation

Indirect Discrimination

Available data suggests that individuals identified as being involved in county lines, a drug supply model associated with CCE, are disproportionately male and inclusion of the CCE offence in schedule 4 may therefore indirectly have a greater impact on persons on account of their sex. We consider this is objectively justified as a proportionate means of achieving the legitimate aim of protecting children from the serious offence of CCE.

We anticipate that there will be an indirect impact as a result of the differences in the demographic make-up of those affected by County Lines, a drug supply model associated with CCE. Data from the National County Lines Coordination Centre suggest that over 80% of those involved in county lines¹⁵, both as victims and perpetrators, are male. This suggests that the decision to add the CCE offence to schedule 4 may indirectly affect males more than females in the context of county lines. Adding the CCE offence to schedule 4 may therefore put male victims of modern slavery at a particular disadvantage compared to females by excluding perpetrators of the CCE offence from using the statutory defence in section 45 of the MSA 2015.

However, although adding the CCE offence to schedule 4 may lead to different impacts on the basis of sex, we consider it to be objectively justified as being a proportionate means of achieving the legitimate aim of protecting children from the serious offence of CCE. As explained in further detail above (see: *Age*), this amendment seeks to protect children from being drawn into criminality by ensuring that prosecutions can be secured against all perpetrators of CCE, an offence that we consider to be comparably serious to other offences that are included in schedule 4 as to warrant exclusion from the statutory defence in section 45 of the MSA 2015.

As above, the inclusion of the CCE offence is proportionate and consistent with the treatment of other offences which protect against child exploitation. We also believe that potential disadvantages resulting from this decision against victims of modern slavery who are male and commit the CCE offence can be mitigated by the fact that the CPS still have a duty to apply the non-punishment principles, including considering whether duress is a factor or whether it is in the public interest to prosecute. The police similarly exercise operational discretion in investigation of offences and the Bill confers a power on the Secretary of State to issue (and, as appropriate, revise) statutory guidance to support implementation of the new CCE offence and the police to identify victims and to pursue the offenders behind these crimes. We will consider how any such guidance can assist to improve identification of females in CCE.

We therefore consider that although adding the CCE offence to schedule 4 may lead to different impacts on the basis of sex, this is objectively justified as being a proportionate means

¹⁵ National Police Chiefs' Council, County Lines – Strategic Threat Risk Assessment

of achieving the legitimate aim of protecting children from the serious offence of CCE and therefore does not amount to indirect discrimination.

Furthermore, male children are also overrepresented as victims of CCE. Therefore, this would suggest that victims of CCE, who are male, are likely to benefit from this legislative change to schedule 4 because it will help to secure prosecutions against their exploiters by preventing perpetrators, who target vulnerable children, from using the section 45 defence.

Coerced internal concealment

Indirect Discrimination

Available data suggests that individuals identified as being involved in county lines, a drug supply model associated with CIC, are disproportionately male and inclusion of the CIC offence in schedule 4 may therefore indirectly have a greater impact on persons on account of their sex.

Available data show that the cohort of individuals identified as being involved in County Lines, both as victims and perpetrators, are disproportionately male.

We anticipate that there will be an indirect impact as a result of the differences in the demographic make-up of those affected by County Lines, a drug supply model associated with CIC. Data from the National County Lines Coordination Centre suggest that over 80% of those involved in county lines¹⁶, both as victims and perpetrators, are male. This suggests that the decision to add the CIC offence to schedule 4 may indirectly affect males more than females in the context of county lines. Adding the CIC offence to schedule 4 may therefore put male victims of modern slavery at a particular disadvantage compared to females by excluding those of them who commit the CIC offence from using the statutory defence in section 45 of the MSA 2015.

However, although adding the CIC offence to schedule 4 may lead to different impacts on the basis of sex, we consider it to be objectively justified as being a proportionate means of achieving the legitimate aim of protecting children and vulnerable adults from the serious offence of CIC. This amendment seeks to protect people from the serious harm, mostly physical and psychological, caused by CIC by ensuring that prosecutions can be secured against all perpetrators of CIC, an offence that we consider to be comparably serious to other offences that are included in schedule 4 as to warrant exclusion from the statutory defence in section 45 of the MSA 2015.

As above, the inclusion of the CIC offence is proportionate and consistent with the treatment of other offences which protect against child exploitation. We also believe that potential disadvantages resulting from this decision against victims of modern slavery who are male and commit the CIC offence can be mitigated by the fact that the CPS still have a duty to apply the non-punishment principles, including considering whether duress is a factor or whether it is in the public interest to prosecute. The police similarly exercise operational discretion in investigation of offences and the Bill confers a power on the Secretary of State to issue (and, as appropriate, revise) statutory guidance to support implementation of the new CCE offence and the police to identify victims and to pursue the offenders behind these crimes. We will consider how any such guidance can assist to improve identification of females.

Furthermore, boys and men are also overrepresented as victims of county lines, and therefore victims of CIC are more likely to be male. Therefore, this would suggest that victims of CIC, who are male, are likely to benefit from this legislative change to schedule 4 because it will

¹⁶ National Police Chiefs' Council, County Lines – Strategic Threat Risk Assessment

help to secure prosecutions against their exploiters by preventing perpetrators, who target vulnerable children, from using the section 45 defence.

Terrorism offences

Indirect Discrimination

Available data shows that individuals identified and involved in terrorism offences are disproportionately represented as male and inclusion of these additional offences in schedule 4 may therefore indirectly have a greater impact on persons on account of their sex.

Published statistics on the operation of police powers under TACT 2000¹⁷ show of the 245 persons arrested for terrorism-related activity in the year ending 30 September 2024, 82% were male. This means that the measure could place individuals at a particular disadvantage on the basis of sex. This suggests that the decision to add the additional terrorism offences to schedule 4 could indirectly disproportionately affect males. Adding the terrorism offences to schedule 4 may therefore put male victims of modern slavery at a particular disadvantage compared to females by excluding those of them who commit terrorism offences from using the statutory defence at section 45 of the MS 2015.

However, although adding the terrorism offences to schedule 4 could lead to different impacts on sex, we consider it to be objectively justified as a proportionate means of achieving the legitimate aim of protecting national security. This is because this measure seeks to protect victims by ensuring that all serious terrorism offences are excluded from the scope of the statutory defence in section 45 of the MSA 2015, meaning that defendants of alleged crimes under these offences cannot rely on the defence.

As a mitigating factor, the amendment will not remove protections for victims of modern slavery; the CPS considers that the existing prosecutorial public interest test provides an appropriate basis to consider modern slavery concerns, with its specialist Counter Terrorism prosecutors best placed to make consistent and informed decisions in these cases.

Sexual offences

Indirect Discrimination

Available data shows that individuals identified and involved in serious violence and sexual offences as perpetrators are disproportionately represented as male and inclusion of these additional offences in schedule 4 may therefore indirectly have a greater impact on persons on account of their sex.

Data on sexual offences and serious violence suggests that men are disproportionately represented as perpetrators. As a result, the inclusion of these offences in schedule 4 may indirectly place men at a particular disadvantage when compared to women.

Men are more likely to be impacted by this measure as they are overrepresented amongst those sentenced for sexual offences. In the year ending June 2024, men accounted for 97% of sentences for a sexual offence and 99% of sentences for specified IIOCs, in comparison to

¹⁷ Paragraph 2.6, "Operation of police powers under the Terrorism Act 2000 and subsequent legislation: Arrests, outcomes, and stop and search, Great Britain, quarterly update to September 2024". (<https://www.gov.uk/government/statistics/operation-of-police-powers-under-tact-2000-to-september-2024/operation-of-police-powers-under-the-terrorism-act-2000-and-subsequent-legislation-arrests-outcomes-and-stop-and-search-great-britain-quarterly-u>)

78% of those sentenced overall¹⁸. In this case, we can expect the inclusion of these offences in schedule 4 to indirectly put men at a particular disadvantage by including these additional sexual offences in schedule 4. This reflects the nature of the crime in the UK at present, rather than any intention to target a specific sex. We assess any indirect impact on men as a proportionate means of achieving the legitimate aim of prosecuting criminal behaviour that reflects the level of harm done to victims.

Adding serious sexual offences to schedule 4 is the means of meeting the legitimate aim of ensuring those who commit serious sexual offences do not have access to the statutory defence at section 45 of the MSA 2015. Inclusion of these offences will ensure that the justice system can secure prosecutions against offenders and protect victims of sexual crimes. It will ensure that perpetrators can be held accountable, even if they are a potential victim of modern slavery. Any particular disadvantage, on the basis of sex, is a proportionate means of achieving the legitimate aim of prosecuting criminal behaviour that reflects the level of harm done to victims and children.

We consider the addition of these sexual offences to schedule 4 as a proportionate means of achieving this aim because the offences are comparable in their potential seriousness to other offences, including sexual offences, which are included in schedule 4, all with over two years maximum sentence. This amendment therefore aligns with the approach taken towards other serious sexual offences which protect vulnerable individuals and children from harm.

Any disadvantages on the basis of sex can be mitigated. The amendment will not remove protections for victims of modern slavery; the CPS considers that the existing prosecutorial public interest test provides an appropriate basis to consider modern slavery concerns.

Possession of a weapon

Indirect Discrimination

Available data shows that individuals identified and involved in possession of a weapon offences as perpetrators are disproportionately represented as male and inclusion of these additional offences in schedule 4 may therefore indirectly have a greater impact on persons on account of their sex.

The Home Office expects most convictions under these serious violence offences to be for people who are male. This is because more males are sentenced for offences involving knives and offensive weapons than females. In the year ending March 2023, 93% of people sentenced were male¹⁹. This suggests that the decision to add these serious violence offences to schedule 4 may (indirectly) disproportionately affect males. Adding the offences to Schedule 4 may therefore put male victims of modern slavery at a particular disadvantage compared to females by excluding those of them who commit serious violence offences from using the statutory defence in section 45 of the MSA 2015.

However, although adding these offences to schedule 4 will lead to different impacts on the basis of sex, we consider it to be objectively justified as a proportionate means of achieving the legitimate aim of protecting victims from serious violence offences. This amendment seeks to protect victims by ensuring that prosecutions can be secured against all perpetrators of such crimes, offences that we consider to be comparably serious to other offences that are included in schedule 4 as to warrant exclusion from the statutory defence in section 45 of the MSA 2015.

¹⁸ [Statistics on Women and the Criminal Justice System 2023 \(HTML\) - GOV.UK](#)

¹⁹ [Knife and offensive weapon sentencing statistics - GOV.UK](#)

Furthermore, the current statistics on sex reflects the nature of the crime in the UK. We assess any indirect impact on the basis of sex is a proportionate means of achieving the legitimate aim of prosecuting criminal behaviour that reflects the level of harm. Males are also disproportionately admitted to hospital for assault by sharp objects and overrepresented as victims of serious violence offences, with 91% of those admitted to hospital for assault by sharp objects being male²⁰. Therefore, this would suggest that victims of these crimes, who are predominantly male, are likely to benefit from this legislative change to schedule 4 because it will help to secure prosecutions against their exploiters by preventing perpetrators from using the section 45 defence.

Any potential disadvantages resulting from this decision against victims of modern slavery who are men and commit serious violence offences can be mitigated by the fact that the CPS still have a duty to apply the non-punishment principles, including considering whether duress is a factor or whether it is in the public interest to prosecute. The police similarly exercise operational discretion in investigation of offences. In principle, if any disproportionate impact on the basis of sex occurs from the proper operationalisation of the policy, such impact is expected to be objectively justified.

Administering etc harmful substances (including spiking) offence

Indirect Discrimination

Available data shows that individuals identified and involved in administering etc harmful substances (including spiking) as perpetrators are disproportionately represented as male.

We understand that, in general, men commit more spiking offences than women and therefore we can expect the inclusion of the spiking offence in schedule 4 may indirectly put men at a particular disadvantage. This is a proportionate means of achieving the legitimate aim of protecting people from being administered a harmful substance without their consent, and ensuring prosecutions can be brought against perpetrators.

Data on spiking suggests that women are disproportionately represented as victims. According to the spiking factsheet published on 21 December 2023²¹, women were disproportionately affected with almost 74% of victims of spiking being women. As a result, the inclusion of these offences in schedule 4 is likely to benefit women because it will help to secure prosecutions against their exploiters by preventing perpetrators from using the section 45 defence.

Although adding these offences to schedule 4 may lead to different impacts on sex, we consider it to be objectively justified as being a proportionate means of achieving the legitimate aim protecting victims from spiking. This amendment seeks to protect victims by ensuring that prosecutions can be secured against all perpetrators of such crimes, offences that we consider to be comparably serious to other offences that are included in schedule 4 as to warrant exclusion from the statutory defence in section 45 of the MSA 2015.

We assess any indirect impact on the basis of sex is a proportionate means of achieving the legitimate aim of prosecuting criminal behaviour that reflects the level of harm. We also believe that any disadvantages on the basis of sex can be mitigated. The amendment will not remove protections for victims of modern slavery; the CPS considers that the existing prosecutorial public interest test provides an appropriate basis to consider modern slavery concerns.

²⁰[SN04304.pdf](#)

²¹[Spiking: factsheet - GOV.UK](#)

4. Consideration of limb 2: Advance equality of opportunity between people who share a protected characteristic and people who do not share it.

The Department has considered potential direct and indirect impacts of measures within the Bill below. Where advancing equality of opportunity is not addressed, that is because at this time the Department has assessed that the measures will not have a positive or negative effect on advancing equality of opportunity between people who share a protected characteristic and people who do not share; the Department will keep this under review and update as necessary.

Age

Child Criminal Exploitation

Adding the CCE offence to schedule 4 could advance the equality of opportunity of children because it will help prevent children from being drawn into criminality.

Criminal exploitation is a serious disadvantage that is suffered by children. Our estimates show that there are currently around 14,500 children that have been identified as at risk or involved in child criminal exploitation in 23/24²², and we know this is likely to be a significant underestimate of the scale of the problem.

This amendment seeks to further strengthen the criminal justice system's response to CCE by helping to secure prosecutions against perpetrators. The potential benefits are increased prosecutions and a deterrent against criminals from recruiting and exploiting children. The intended outcome is a stronger legal framework for protecting children from CCE which stops adults from drawing children into criminality and therefore minimises the harm suffered by children who are criminally exploited.

In doing so, adding the CCE offence to schedule 4 could also encourage children to participate in public life. CCE victims may not be in education or employment or training. By preventing children from being drawn into criminal lifestyles they could be encouraged to participate in productive and positive activities instead.

However, adding the CCE offence to Schedule 4 could have a negative impact on advancing the equality of opportunity of adults by excluding them from using the section 45 defence for a CCE offence. We consider this is justified because, as above, the purpose of this amendment is to strengthen the justice system's ability to stop adults from exploiting children by drawing them into criminality. The CCE offence seeks to address the pre-existing disadvantage of children that exists by way of the imbalance of power between an adult who uses a child for a criminal purpose.

The negative impact on the advancement of equality of opportunity of adults is also mitigated by the fact that (as explained above) the operational discretion of the police and the non-punishment principles as applied by the CPS will remain in place. This will be further supported by a power on the Secretary of State to issue (and, as appropriate, revise) statutory guidance

²²https://assets.publishing.service.gov.uk/media/67bda36c21d07694be8d7679/Crime_and_Policing_Bill_EN_1008__Violence_Against_Women_and_Girls_and_Protection_of_Children_and_Vulnerable_Adults_.pdf

to support implementation of the new CCE offence and the police to identify victims and to pursue the offenders behind these crimes.

Coerced internal concealment

Adding the CIC offence to schedule 4 could advance the equality of opportunity of children and young people, who we know are at increased risk of criminal exploitation and therefore more likely to be at risk of CIC, because it will help prevent them from being caused or compelled to internally conceal and, therefore, protect them from the physical and psychological harms that could reduce their life opportunities.

Stakeholders working in the field have reported that there is limited support for children in understanding the impacts from CIC and the safe removal of items. Increased activity to prosecute CIC as an offence could lead to greater awareness of the harm caused and support victims by either reducing involvement or seeking support.

Evidence suggests that children and young adults who have been victims of exploitation may be more likely to be involved in perpetrating CIC therefore adding the CIC offence to Schedule 4 could have a negative impact on advancing the equality of opportunity of these age groups by excluding them from using the section 45 defence for a CIC offence. We consider this justified because, as set out above, mitigations are in place to reduce the risk of child/young adult victims of criminal exploitation being criminalised by this new offence and, given the seriousness of the offence, inclusion of the CIC offence is necessary to protect children and vulnerable adults from this harmful crime.

Disability

Child Criminal Exploitation

Adding the CCE offence to schedule 4 could advance the equality of opportunity of disabled children, who we know are at increased risk of CCE, because it will help prevent them from being drawn into criminality.

Criminal exploitation is a serious disadvantage that is suffered by children. Children with neurodiversity, learning disabilities, mental health issues and substance abuse issues are at a higher risk of being victims of CCE. Therefore, as explained in further detail above, this amendment seeks to minimise this disadvantage to disabled children who are criminally exploited or at risk of criminal exploitation by further strengthening the criminal justice system's ability to secure prosecutions against perpetrators. In doing so, it could encourage children with a disability to participate in public life by protecting them from being drawn into criminal lifestyles.

We do not consider there are additional steps that can be taken in relation to this amendment to meet the needs of persons with a disability that are different from the needs of persons who do not have a disability.

Coerced internal concealment

Adding the CIC offence to schedule 4 could advance the equality of opportunity of people with disabilities, who we know are at increased risk of criminal exploitation and therefore more likely to be at risk of CIC, because it will help prevent them from being caused or compelled to internally conceal and, therefore, protect them from the physical and psychological harms that could reduce their life opportunities.

It will, as well as existing offences and the new CCE offence, aim to advance the equality of opportunity for victims, including persons with a disability who may be at greater risk and more vulnerable to being placed in situations which could result in physical and psychological harm, by reducing their likelihood of exploitation and risk of being coerced to internally conceal an object for criminal purposes.

Evidence suggests that individuals with disabilities may be more likely to be victims of exploitation and therefore may be more likely to be involved in perpetrating CIC, given that victims of exploitation are often used to recruit and exploit other victims. Adding the CIC offence to Schedule 4 could have a negative impact on advancing the equality of opportunity of those with a disability by excluding them from using the section 45 defence for a CIC offence. We consider this justified because, as set out above, mitigations are in place to reduce the risk of victims of criminal exploitation being criminalised by this new offence and, given the seriousness of the offence, inclusion of the CIC offence is necessary to protect vulnerable individuals from this harmful crime.

Race

Child Criminal Exploitation

Adding the CCE offence to schedule 4 could advance the equality of opportunity of children from ethnic minority backgrounds, especially black children, who are currently overrepresented as victims of CCE, because it will help prevent them from being drawn into criminality.

Available data show that the cohort of individuals identified as being involved in County Lines, a drug supply model associated with CCE, both as victims and perpetrators, are disproportionately black.²³

Criminal exploitation is a serious disadvantage that is suffered by children. Therefore, as explained in further detail above, this amendment seeks to minimise this disadvantage to black children who are criminally exploited or at risk of criminal exploitation by further strengthening the criminal justice system's ability to secure prosecutions against perpetrators. In doing so, it could encourage black children to participate in public life by protecting them from being drawn into criminal lifestyles.

Adding the CCE offence to Schedule 4 could have a negative impact on advancing the equality of opportunity of black adults by excluding them from using the section 45 defence for a CCE offence. However, as explained in further detail above, we consider this is justified because, as above, the purpose of this amendment is to strengthen the justice system's ability to stop adults from exploiting children by drawing them into criminality. The CCE offence seeks to address the pre-existing disadvantage of children that exists by way of the imbalance of power between an adult who uses a child for a criminal purpose.

The negative impact on the advancement of equality of opportunity of black adults is also mitigated by the fact that (as explained above) the operational discretion of the police and the non-punishment principles as applied by the CPS, will remain in place. This will be further supported by a power on the Secretary of State to issue (and, as appropriate, revise) statutory guidance to support implementation of the new CCE offence and the police to identify victims and to pursue the offenders behind these crimes.

²³ National Police Chiefs' Council, County Lines – Strategic Threat Risk Assessment (2024).

Coerced internal concealment

Available data show that the cohort of individuals identified as being involved in County Lines, a drug supply model associated with CIC, both as victims and perpetrators, are disproportionately black.²⁴

Adding the CIC offence to schedule 4 could advance the equality of opportunity of black people, who we know are at increased risk of criminal exploitation and therefore more likely to be at risk of CIC, because it will help prevent them from being caused or compelled to internally conceal and, therefore, protect them from the physical and psychological harms that could reduce their life opportunities.

The potential benefits of adding CIC to schedule 4 will ensure a more effective enforcement response against perpetrators. Therefore, we expect any activity to result in improved outcomes for vulnerable people, regardless of race, who are likely to be victims of CIC as well as for those involved in CIC who are victims of exploitation including children from ethnic minority backgrounds, especially Black children, who may be overrepresented as victims of CIC.

Evidence suggests that black individuals may be more likely to be victims of exploitation and therefore may be more likely to be involved in perpetrating CIC, given that victims of exploitation are often used to recruit and exploit other victims. Adding the CIC offence to Schedule 4 could have a negative impact on advancing the equality of opportunity of black individuals by excluding them from using the section 45 defence for a CIC offence. We consider this justified because, as set out above, mitigations are in place to reduce the risk of victims of criminal exploitation being criminalised by this new offence and, given the seriousness of the offence, inclusion of the CIC offence is necessary to protect children and vulnerable adults from this harmful crime.

Terrorism offences

We have assessed that adding further serious terrorism offences to schedule 4 will have a neutral impact on advancing equality of opportunity between people who share a protected characteristic and people who do not share it, because the measure will apply to all regardless of their race. Furthermore, we do not consider that there is a way to achieve a positive impact in this regard through this measure.

However, the measure could indirectly discriminate on the basis of race given the overrepresentation of individuals who self-identify as Asian in the terrorist offender cohort (as at September 2024). In light of this, the measure could have a negative impact on advancing equality of opportunity on the basis of race. However, as a mitigating factor, the existing prosecutorial public interest test will continue to apply and provides an appropriate basis to consider modern slavery concerns, with its specialist Counter Terrorism prosecutors best placed to make consistent and informed decisions in these cases.

Possession of a weapon

Available data suggests that individuals of Black, Asian or other ethnic minority backgrounds are overrepresented as victims of serious violence crimes (assault with a sharp weapon). Therefore, as explained in further detail above (in limb one), this amendment seeks to minimise this disadvantage to people of ethnic minority backgrounds by further strengthening the criminal justice system's ability to secure prosecutions against perpetrators. In doing so, it

²⁴ National Police Chiefs' Council, County Lines – Strategic Threat Risk Assessment (2024).

could encourage ethnic minority individuals to participate in public life by protecting them from becoming victims of such crimes and potentially being drawn into criminal lifestyles.

Available data suggests that individuals of Black ethnicity are also likely to be disproportionately impacted by the legislation and offence, and therefore under exclusion of schedule 4, because they are sentenced at a higher rate for offences involving knives and offensive weapons. Therefore, adding these serious violence offences to Schedule 4 could have a negative impact on advancing the equality of opportunity of black persons by excluding them from using the section 45 defence for a serious violence offence. However, as explained in further detail (in limb 1) we consider this is justified because, as above, the purpose of this amendment is to strengthen the justice system's ability to prosecute perpetrators and protect victims from such crimes.

Any negative impact on the advancement of equality of opportunity on the basis of race is also mitigated by the fact that (as explained above) the operational discretion of the police and the non-punishment principles as applied by the CPS, will remain in place.

Sex

Child Criminal Exploitation

Adding the CCE offence to schedule 4 could advance the equality of opportunity of male children, who are currently overrepresented as victims of CCE, because it will help prevent them from being drawn into criminality.

Criminal exploitation is a serious disadvantage that is suffered by children. Available data suggests that male children are overrepresented as victims of CCE. Therefore, as explained in further detail above, this amendment seeks to minimise this disadvantage to male children who are criminally exploited or at risk of criminal exploitation by further strengthening the criminal justice system's ability to secure prosecutions against perpetrators. In doing so, it could encourage male children to participate in public life by protecting them from being drawn into criminal lifestyles.

Available data suggests that males are also overrepresented as perpetrators of CCE. Therefore, adding the CCE offence to Schedule 4 could have a negative impact on advancing the equality of opportunity of male adults by excluding them from using the section 45 defence for a CCE offence. However, as explained in further detail above, we consider this is justified because, as above, the purpose of this amendment is to strengthen the justice system's ability to stop adults from exploiting children by drawing them into criminality. The CCE offence seeks to address the pre-existing disadvantage of children that exists by way of the imbalance of power between an adult who uses a child for a criminal purpose.

Any negative impact on the advancement of equality of opportunity of male adults is also mitigated by the fact that (as explained above) the operational discretion of the police and the non-punishment principles as applied by the CPS, will remain in place. This will be further supported by a power on the Secretary of State to issue (and, as appropriate, revise) statutory guidance to support implementation of the new CCE offence and the police to identify victims and to pursue the offenders behind these crimes.

Coerced internal concealment

Available data suggests that male children are overrepresented as victims of CCE and are therefore likely to be overrepresented as victims of CIC.

Adding the CIC offence to schedule 4 could advance the equality of opportunity of males, who we know are at increased risk of criminal exploitation and therefore more likely to be at risk of CIC, because it will help prevent them from being caused or compelled to internally conceal and, therefore, protect them from the physical and psychological harms that could reduce their life opportunities. Equally, it could improve equality of opportunity for females, given the new offence may increase identification of female victims, helping them to access support and protection.

The potential benefits of adding CIC to schedule 4 will ensure a more effective enforcement response against perpetrators. Therefore, we expect any activity to result in improved outcomes for the vulnerable people, regardless of sex, who are likely to be victims of CIC – but also where barriers to the identification of women and girls are reduced.

Evidence suggests that males may be more likely to be victims of exploitation and therefore may be more likely to be involved in perpetrating CIC, given that victims of exploitation are often used to recruit and exploit other victims. Adding the CIC offence to Schedule 4 could have a negative impact on advancing the equality of opportunity of males by excluding them from using the section 45 defence for a CIC offence. We consider this justified because, as set out above, mitigations are in place to reduce the risk of victims of criminal exploitation being criminalised by this new offence and, given the seriousness of the offence, inclusion of the CIC offence is necessary to protect children and vulnerable adults from this harmful crime.

Terrorism offences

We have assessed that adding further serious terrorism offences to schedule 4 will have a neutral impact on advancing equality of opportunity between people who are male or female, because the measure will apply to all regardless of their sex. Furthermore, we do not consider that there is a way to achieve a positive impact in this regard through this measure.

However, the measure could indirectly discriminate on the basis of sex given the overrepresentation of males in the terrorist offender cohort (as at September 2024). In light of this, the measure could have a negative impact on advancing equality of opportunity on the basis of age. However, as a mitigating factor, the existing prosecutorial public interest test will continue to apply and provides an appropriate basis to consider any modern slavery concerns, with its specialist Counter Terrorism prosecutors best placed to make consistent and informed decisions in these cases.

Sexual offences

Available data suggests that women are overrepresented as victims of sexual offences. Therefore, as explained in further detail above (in limb one), this amendment seeks to minimise this disadvantage to women (and children) who are victims of sexual offences or violence by further strengthening the criminal justice system's ability to secure prosecutions against perpetrators. In doing so, it could encourage women to participate in public life by protecting them from being victimised and building trust in the justice system.

Available data suggests that males are also overrepresented as perpetrators of sexual offences. Therefore, adding sexual (child) offences to Schedule 4 could have a negative impact on advancing the equality of opportunity of male adults by excluding them from using the section 45 defence for a sexual offence. However, as explained in further detail above (see: limb one), we consider this is justified because, as above, the purpose of this amendment is to strengthen the justice system's ability to prosecute perpetrators and to stop male adults from committing serious sexual offences.

The negative impact on the advancement of equality of opportunity of male adults is also mitigated by the fact that (as explained above) the operational discretion of the police and the non-punishment principles as applied by the CPS, will remain in place.

Possession of a weapon

Available data suggested that males are disproportionately admitted to hospital for assault by sharp objects and overrepresented as victims of serious violence offences, with 91% of those admitted to hospital for assault by sharp objects being male. Therefore, as explained in further detail above (in limb one), this amendment seeks to minimise this disadvantage to men who are victims of serious violence offence by further strengthening the criminal justice system's ability to secure prosecutions against perpetrators and protect victims. In doing so, it could encourage men to participate in public life by protecting them from becoming victims of such crimes and potentially being drawn into criminal lifestyles.

Available data suggests that males are also overrepresented as perpetrators of serious violence offences. Therefore, adding serious violence offences to Schedule 4 could have a negative impact on advancing the equality of opportunity of male adults by excluding them from using the section 45 defence for a serious violence offence. However, as explained in further detail above (see: limb one), we consider this is justified because, as above, the purpose of this amendment is to strengthen the justice system's ability to prosecute perpetrators and to stop male adults from committing serious violence offences.

The negative impact on the advancement of equality of opportunity of male adults is also mitigated by the fact that (as explained above) the operational discretion of the police and the non-punishment principles as applied by the CPS, will remain in place.

Spiking

Spiking is a serious disadvantage that is suffered by women, as well as men albeit to a lesser extent. Available data suggests that women are overrepresented as victims of spiking. Therefore, as explained in further detail above (see: limb one), this amendment seeks to minimise this disadvantage to women who are at risk of such an offence by further strengthening the criminal justice system's ability to secure prosecutions against perpetrators. In doing so, it could encourage women to participate in public life by protecting them from being victims of such crimes. Therefore, these measures have the potential to improve quality of life and opportunities for women in spaces where these offences are committed.

We understand that, in general, men commit more spiking offences than women and are therefore more likely to be disproportionately impacted as offenders. Therefore, adding the spiking offence to schedule 4 could have a negative impact on advancing the equality of opportunity of male adults by excluding them from using the section 45 defence for a spiking offence. However, as explained in further detail above (see: *limb one*), we consider this is justified because, as above, the purpose of this amendment is to strengthen the justice system's ability to prosecute perpetrators and protect victims from such crimes.

The negative impact on the advancement of equality of opportunity of male adults is also mitigated by the fact that (as explained above) the operational discretion of the police and the non-punishment principles as applied by the CPS, will remain in place.

5. Consideration of limb 3: Foster good relations between people who share a protected characteristic and persons who do not share it.

The Department has considered whether these measures will foster good relations between people who share a protected characteristics and persons who do not share it. Where a measure is not addressed, the Department has not identified any impacts; this will be kept under review.

Age

Improving the identification and prosecution of perpetrators and the safeguarding of victims may result in an improvement in trust and confidence among communities where people see that decisive action is being taken and prosecutions being made, particularly in communities where these crimes are prevalent. Where section 45 can't be used, individuals will feel more confident that their perpetrators will be held accountable.

Child Criminal Exploitation

As above, CCE is a serious harm that is committed by adults against children and which fuels violence and criminality within communities. The aim of this measure is to better protect children from being exploited in this way and drawn into criminality by ensuring that all adult perpetrators can be held accountable.

In doing so, it seeks to reduce and tackle prejudice against, and promote understanding of, vulnerable children by adults. By seeking to balance protections for adult victims of modern slavery with the need to deliver justice for the victims of the serious crime of CCE, there may be a positive impact on relations between adults and children. It may also result in an improvement in trust and confidence among communities in the criminal justice response to CCE.

Race

Improving the identification and prosecution of perpetrators and the safeguarding of victims may result in an improvement in trust and confidence among communities where people see that decisive action is being taken and prosecutions being made, particularly in communities where these crimes are prevalent. Where section 45 can't be used, individuals will feel more confident that their perpetrators will be held accountable.

Child criminal exploitation offence

Available data show that the cohort of individuals identified as being involved in County Lines, a drug supply model associated with CCE, both as victims and perpetrators, are disproportionately black.

Therefore, this measure may result in an improvement in community relations (in particular, through tackling prejudice and promoting understanding) between people of different races and improved trust and confidence in the criminal justice response to CCE where the police and courts are better able to prosecute adults who draw black children into county lines drug supply and other crime. By aiming to better protect those children from being drawn into crime by exploiters, it may help to challenge negative stereotypes about the association of black teenagers with crime and better recognise them as victims.

On the other hand, excluding perpetrators from the section 45 defence may be perceived as denying protection to black adults, some of whom have themselves been exploited into gangs and crime. However, we consider the rationale behind this amendment is justified because, as explained above, the purpose is to strengthen the justice system's ability to stop adults from exploiting children, of all races, by drawing them into criminality. We consider that any negative perceptions about this measure are mitigated by the fact that (as explained above) the operational discretion of the police and the non-punishment principles as applied by the CPS, will remain in place. This will be further supported by a power on the Secretary of State to issue statutory guidance to support implementation of the new CCE offence.

Coerced internal concealment

We are not aware of any evidence which indicates that a standalone criminal offence of CIC would limit or hinder the fostering of good relations between people of different colour, nationality, ethnicity or ethnic origins.

However, it should be noted that young people, in particular young Black men, are stopped and searched at higher rates. Furthermore, evidence from the Lammy Review (2017) and research by the Children's Commissioner (2019), which show that racially minoritised young people are disproportionately vulnerable to criminal exploitation but are often criminalised rather than safeguarded²⁵. We have no evidence suggesting any such risk would increase by removing availability of the defence. Furthermore, we are unaware of ways in which this measure will promote understanding or improve relations between people of different races. However, the measure will apply to all alleged offenders regardless of race, so we assess that a worsening in relations between people of different race is unlikely.

The CIC offence will complement existing powers to prosecute this type of exploitation, and the potential benefits of increasing prosecutions means that practitioners may find it easier to identify victims and improve the understanding of the harms and risks of this activity, enabling appropriate safeguards to be applied. The new CCE offence will also include an enforcement response against perpetrators and protection of victims.

Possession of a weapon

Statistics show²⁶ that ethnic minorities are more likely to be victims of violent crime and to be admitted to hospital after being assaulted with a sharp instrument. There may therefore be a positive impact for the relations between people from different races if, as a result of related activity, there are fewer victims of knife crime and better prosecution of such crimes. However, it is also important to acknowledge that public and institutional responses to knife crime have historically been shaped by racial prejudice, particularly in the disproportionate association of young Black men with violent crime. This has contributed to over-policing, community mistrust, and the reinforcement of harmful stereotypes and as a result could hinder the fostering of good relations between different races.

We are unaware of ways in which this measure will promote understanding or improve relations between people of different races. The measure will apply to all alleged offenders regardless of race, so we assess that a worsening in relations between people of different ages is unlikely.

²⁵ <https://assets.publishing.service.gov.uk/media/5a82009040f0b62305b91f49/lammy-review-final-report.pdf>

²⁶ <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/crimeinenglandandwalesannualsupplementarytables>

Disability

Improving the identification and prosecution of perpetrators and the safeguarding of victims may result in an improvement in trust and confidence among communities where people see that decisive action is being taken and those who commit serious crimes are punished, particularly in communities where these crimes are prevalent.

Child Criminal Exploitation

Children with neurodiversity, learning disabilities, mental health issues and substance abuse issues are at a higher risk of being victims of CCE. Therefore, this measure seeks to reduce and tackle prejudice against, and promote understanding of, disabled children and may result in an improvement in relations between people with a disability and those who do not share this protected characteristic, as well as improved trust and confidence in the criminal justice response to CCE where the police and courts are better able to prosecute adults who draw disabled children into crime.

Stalking

Adding stalking to schedule 4 is likely to lead to better protections for people who are more likely to be victims of stalking. The groups with the highest prevalence of being victims of stalking and therefore are more likely to positively benefit from the measures are those who identify themselves as having a disability. We do not consider there are any implications for fostering good relations between people who share protected characteristics and those who don't.

Improving the identification and prosecution of perpetrators and the safeguarding of victims may result in an improvement in trust and confidence among communities where people see that decisive action is being taken and prosecutions being made, particularly amongst individuals who have a disability. Where offences are excluded from the statutory defence, individuals with a disability will feel more confident that their perpetrators will be held accountable for the crimes committed against them.

We have no evidence suggesting any such risk would increase by removing availability of the defence. Furthermore, we are unaware of ways in which this measure will promote understanding or improve relations between people with a disability and those without. However, the measure will apply to all alleged offenders regardless of disability, so we assess that a worsening in relations between people with a disability and those without is unlikely.

Sex

Improving the identification and prosecution of perpetrators and the safeguarding of victims may result in an improvement in trust and confidence among communities where people see that decisive action is being taken and prosecutions being made, particularly in communities where these crimes are prevalent. Where section 45 can't be used, individuals will feel more confident that their perpetrators will be held accountable.

Child Criminal Exploitation

Available data suggests that males are more likely to be involved in CCE as both victims and perpetrators.

Therefore, this measure may result in an improvement in community relations (in particular, through tackling prejudice and promoting understanding) between males and females and improve confidence in the criminal justice response to CCE where the police and courts are

better able to prosecute adults who draw male children into county lines drug supply and other crime. By aiming to better protect those children from being drawn into crime by exploiters, it may help to challenge negative stereotypes about the association of teenage boys with crime and better recognise them as victims.

On the other hand, excluding perpetrators from the section 45 defence may be perceived as denying protection to vulnerable male adults, some of whom have themselves been exploited into gangs and crime. However, we consider the rationale behind this amendment is justified because, as explained above, the purpose is to strengthen the justice system's ability to stop adults from exploiting children, of all races, by drawing them into criminality. We consider that any negative perceptions about this measure are mitigated by the fact that (as explained above) the operational discretion of the police and the non-punishment principles as applied by the CPS, will remain in place. This will be further supported by a power on the Secretary of State to issue statutory guidance to support implementation of the new CCE offence.

Stalking

Adding stalking to schedule 4 is likely to lead to better protections for people who are more likely to be victims of stalking. The groups with the highest prevalence of being victims of stalking and therefore are more likely to positively benefit from the measures are women. Perpetrators of stalking are more likely to be male. We do not consider there are any implications for fostering good relations between people of different sex.

Improving the identification and prosecution of perpetrators and the safeguarding of victims may result in an improvement in trust and confidence among communities where people see that decisive action is being taken and prosecutions being made, particularly amongst women where this crime is most prevalent. Where offences excluded from the statutory defence, individuals will feel more confident that their perpetrators will be held accountable for the crimes committed against them.

Furthermore, the measure will apply to all alleged offenders regardless of sex, so we assess that a worsening in relations between people of different sex to be unlikely.

Possession of a weapon

More males are sentenced for offences involving knives and offensive weapons than females. Improving the identification and prosecution of perpetrators and the safeguarding of victims may result in an improvement in trust and confidence among communities where people see that decisive action is being taken and prosecutions being made, particularly in communities where these crimes are prevalent. Where offences excluded from the statutory defence, individuals will feel more confident that their perpetrators will be held accountable for the crimes committed against them.

We have no evidence suggesting any such risk would increase by removing availability of the defence. Furthermore, we are unaware of ways in which this measure will promote understanding or improve relations between people of different sex. However, the measure will apply to all alleged offenders regardless of sex, so we assess that a worsening in relations between people of different sex is unlikely.

Gender Reassignment, Maternity and Pregnancy, Religion or Belief and Sexual Orientation

Improving the identification and prosecution of perpetrators and the safeguarding of victims may result in an improvement in trust and confidence among communities where people see that decisive action is being taken and prosecutions being made, particularly in communities

where these crimes are prevalent. Where section 45 can't be used, individuals will feel more confident that their perpetrators will be held accountable.

Stalking

Adding stalking to schedule 4 is likely to lead to better protections for people who are more likely to be victims of stalking. The groups with the highest prevalence of being victims of stalking and therefore are more likely to positively benefit from the measures are those who identify themselves as bisexual and transsexual. We do not consider there are any implications for fostering good relations between people who share protected characteristics and those who don't.

We have no evidence suggesting any such risk would increase by removing availability of the defence. Furthermore, we are unaware of ways this measure will promote understanding or improve relations between people with this protected characteristic and those without. The measure will apply to all alleged offenders regardless of this characteristic, so we assess that a worsening in relations between people with this characteristic and those without is unlikely.

Improving the identification and prosecution of perpetrators and the safeguarding of victims may result in an improvement in trust and confidence among communities where people see that decisive action is being taken and prosecutions being made, particularly amongst individuals who identify themselves as bisexual and transsexual. Where offences are excluded from the statutory defence, individuals who are bisexual or transsexual will feel more confident that their perpetrators will be held accountable for the crimes committed against them.

6. Declaration and sign off.

I have read the available evidence, and I am satisfied that this demonstrates compliance, where relevant, with section 149 of the Equality Act 2010 and that due regard has been had to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.

Review date: The proposals considered in this document will be reviewed throughout the legislative process and will be subject to the normal post-legislative review three to five years after Royal Assent.

SCS Name & Title: Hannah Pooley, Head of Modern Slavery Unit

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Date: 2 December 2025

For monitoring purposes all completed EIA documents and updated EIAs must be sent to the PSED Team at PSED@homeoffice.gov.uk

Date sent to PSED Team: 2 December 2025