Graham Ross

The Commissioner for Victims and Witnesses (Scotland) Bill is a Member’s Bill and was introduced in the Scottish Parliament on 27 May 2010 by David Stewart MSP. The Bill seeks to establish a commissioner in Scotland whose general function would be to promote and safeguard the interests of victims and witnesses.

This briefing includes information on; the proposals for a victims’ commissioner in Scotland; the provisions contained within the Bill: the Scottish Government’s Strategy for Victims (published in 2001); and the current legal framework and provision of services for victims and witnesses in Scotland.
CONTENTS

EXECUTIVE SUMMARY .................................................................................................................. 3

PROPOSAL FOR A VICTIMS’ COMMISSIONER FOR SCOTLAND ........................................... 4

THE BILL ....................................................................................................................................... 5

THE SCOTTISH STRATEGY FOR VICTIMS .............................................................................. 7

STATISTICS ................................................................................................................................. 8

LEGISLATIVE FRAMEWORK ...................................................................................................... 9

PROVISION OF SERVICES ....................................................................................................... 9

  Victim Support Scotland ........................................................................................................... 10
  Victim Information and Advice ............................................................................................... 10
  Scottish Children’s Reporter Administration ......................................................................... 10
  PETAL ....................................................................................................................................... 11
  Rape Crisis Scotland ................................................................................................................ 11
  Scottish Women’s Aid ............................................................................................................... 11
  Trafficking Awareness Raising Alliance ................................................................................ 11

FUNDING ..................................................................................................................................... 11

ENGLAND AND WALES ............................................................................................................. 12

  Victims’ Advisory Panel ........................................................................................................ 12
  Code of Practice for Victims .................................................................................................. 13
  National Victims’ Service ....................................................................................................... 13
  Victims’ Commissioner .......................................................................................................... 13

RECENT DEVELOPMENTS ...................................................................................................... 14

SOURCES ..................................................................................................................................... 14
EXECUTIVE SUMMARY

- A consultation document accompanying the draft proposal for a Victims’ Commissioner (Scotland) Bill was issued by David Stewart MSP on 1 April 2009 - Who Helps The Victims? It ran until 30 June 2009 and sought views on, amongst other things, whether there was a need for a victims’ commissioner; the perceived benefits of such a role; and issues in relation to the cost of establishing a commissioner.

- The Commissioner for Victims and Witnesses (Scotland) Bill was, together with explanatory notes and other accompanying documents, introduced in the Scottish Parliament on 27 May 2010 by David Stewart MSP. The Bill seeks to establish a commissioner in Scotland whose general function would be to promote and safeguard the interests of victims and witnesses. The policy memorandum states that the Commissioner would operate independently from government and, in line with other commissioners such as the Commissioner for Children and Young People, would not be subject to the direction or control of any member of the Scottish Parliament, any member of the Scottish Executive or the Scottish Parliamentary Corporate Body. It is intended that the Commissioner will develop the role in direct response to the needs of victims and witnesses.

- The key benefit of the role is identified as giving victims a dedicated person who would be focussed solely on championing victims’ rights. Other benefits would include promoting good practice amongst other victim support services and reviewing (and where necessary, reforming) the treatment of victims in the justice system.

- One of the main concerns with the establishment of such a commissioner related to the duplication of work carried out by existing support services for victims.

- The Scottish Strategy for Victims was published by the first Scottish Executive in 2001. The stated purpose of the Strategy is to ensure that all victims of crime in Scotland will be able to get support and assistance at all stages of the criminal justice process and thereafter if needed. The Strategy is currently the subject of further review by the present Scottish Government.

- There are various organisations in Scotland which provide information, emotional support and practical assistance to victims of crime and witnesses. These include Victim Support Scotland, Rape Crisis Scotland, Victim Information and Advice, Scottish Women’s Aid, PETAL and the Trafficking Awareness Raising Alliance.
PROPOSAL FOR A VICTIMS’ COMMISSIONER FOR SCOTLAND

A consultation document accompanying the draft proposal for a Victims’ Commissioner (Scotland) Bill was issued by David Stewart MSP on 1 April 2009 - Who Helps The Victims? It ran until 30 June 2009 and sought views on, amongst other things, whether there was a need for a victims’ commissioner; the perceived benefits of such a role; and issues in relation to the cost of establishing a commissioner.

A total of 47 responses to the consultation were received. The summary of consultation responses indicates that a majority of respondents (77%) were fully supportive of the proposals. (Scottish Parliament 2010b) In principle, Victim Support Scotland supported the establishment of a commissioner stating:

“We look forward to seeing the development of the new office and hope it will play an active, tangible role in the protection and promotion of victims’ rights in Scotland”.

(Scottish Parliament 2010b)

The key benefit of the role was identified as giving victims a dedicated person who would be focussed solely on championing victims’ rights. Other benefits included promoting good practice amongst other victim support services and reviewing (and where necessary, reforming) the treatment of victims in the justice system.

Clare Connelly, Senior Lecturer in Law at the University of Glasgow, stated that for certain categories of victims, particularly those exposed to repeat victimisation, a commissioner could make a hugely positive impact on their treatment. The Union Unite also supported the proposal for a victims’ commissioner stating that it would make a significant difference to victims and families affected by crime. (Scottish Parliament 2010b)

One of the main concerns with the establishment of a commissioner related to the duplication of work carried out by existing support services for victims. For example, Victim Support Scotland pointed out that it would be important to ensure that the role of commissioner would bring something new for victims and not simply take existing roles from those other organisations already involved with victims. Similarly, Scottish Women’s Aid was concerned about the possibility of duplication, particularly as this may lead to reduced resources for existing groups.

Of the 24 respondents who commented on the costs involved in establishing a commissioner, 42% believed that the benefits of having a victims’ commissioner would outweigh the cost. For example, Unison Scotland accepted that there would be costs involved in establishing the post but felt that these would be outweighed by the increased support that victims of crime would receive.

Some respondents, while supportive of the creation of a victims’ commissioner, expressed reservations about potential costs, including that they should not impact negatively on existing victims’ services. Inverness South Community Council commented:

(…) in the present economic climate (…) any additional resources should be channelled through the local Victim Support Groups which are already in existence and doing a worthwhile job.

(Scottish Parliament 2010b)
THE BILL

The Commissioner for Victims and Witnesses (Scotland) Bill was, together with explanatory notes and a policy memorandum, introduced in the Scottish Parliament on 27 May 2010 by David Stewart MSP. The Bill seeks to establish a commissioner in Scotland whose general function would be to promote and safeguard the interests of victims and witnesses. The policy memorandum states that the Commissioner would operate independently from government and, in line with other commissioners such as the Commissioner for Children and Young People, would not be subject to the direction or control of any member of the Scottish Parliament, any member of the Scottish Executive or the Scottish Parliamentary Corporate Body. It is intended that the Commissioner will develop the role in direct response to the needs of victims and witnesses.

The Commissioner would be appointed by the Scottish Parliamentary Corporate Body with the agreement of the Parliament and would be appointed for a single period not exceeding eight years, with the actual period to be served decided at the time of appointment.

Under the Bill, the Commissioner would have a general and overriding function to promote and safeguard the interests of victims and witnesses. The Bill, amongst other things, sets out specific functions that the commissioner might exercise in order to fulfil his or her general function—

- promote awareness and understanding of the interests of victims and witnesses (by, for example, encouraging the consideration and understanding of issues affecting victims and witnesses)
- promote best practice in relation to victims and witnesses (by identifying initiatives and areas of best practice in Scotland and elsewhere)
- publish or otherwise disseminate information or ideas (in order to provide relevant, topical information to assist with policy or legislative developments)
- provide advice or guidance
- provide education or training
- promote, commission, undertake or publish research

The Commissioner would also be able to monitor and review any area of the law, or any policies or practices, of relevant public authorities and recommend changes. Before undertaking a review of any area of the law the commissioner would have to first consult with the Scottish Law Commission. The policy memorandum points out that the legal framework in Scotland in respect of victims and witnesses is complex and it is envisaged that the commissioner will undertake work to comprehensively establish the existing rights of victims and witnesses and circulate information in an accessible way.

The Bill also provides that the Commissioner would be able to investigate the policies and practices of relevant public authorities in relation to the interests of victims and witnesses. The Commissioner would have a relatively broad discretion as to the scope of any such investigation, as long as it related to a matter of particular significance to victims and witnesses. The policy memorandum indicates that the Commissioner’s investigatory function is likely to be reserved for serious matters, for example where there has been some form of systemic failure affecting victims or witnesses. The Commissioner would not be permitted to question the findings of any court, tribunal or inquiry in the course of an investigation.
The Commissioner would not have the power to investigate individual cases involving victims or witnesses as the member in charge of the Bill considered that this may potentially risk the majority of the commissioner’s time being spent undertaking such investigations, to the exclusion of core responsibilities. If, however, an individual case gave rise to a wider issue affecting victims or witnesses, the Commissioner could undertake an investigation into that issue.

As pointed out above, one of the main concerns expressed regarding the establishment of a commissioner related to the possible duplication of work with existing agencies. Section 5 of the Bill seeks to deal with this situation directly by providing that the Commissioner must seek to ensure, as far as practicable, that any activity undertaken by the Commissioner or on the Commissioner’s behalf does not duplicate any activity undertaken by others under any enactment.

The office of the Commissioner would be funded by the Scottish Parliamentary Corporate Body. The Financial Memorandum to the Bill sets out indicative costs on the Scottish Parliament for the first year (based on full-year estimates plus start up costs) and subsequent years of the Commissioner’s operation. The total cost (including start up costs) for the first year is estimated at £481,159, while costs for the second year are estimated at £408,159. The cost for subsequent years is estimated at £404,159. The Financial Memorandum points out that the Commissioner’s salary is aligned to that of the Scottish Commissioner for Children and Young People because of the similarity between that role and the proposed role for the Commissioner for Victims and Witnesses in terms of remit, functions and investigatory powers. Whilst it will be for the SPCB to determine the Commissioner’s salary, it is envisaged that it would be around £75,000 per annum plus employer’s pension and national insurance costs.

On 30 June 2010, the Scottish Parliament’s Justice Committee issued a call for written evidence on the proposals contained within the Bill. A total of 14 responses were submitted. The majority of those responding were in favour of the establishment of a commissioner in principle, although a number of concerns were raised, particularly in relation to the funding which would be required to establish the post.

Victim Support Scotland stated that it supported the establishment of a commissioner subject to its creation not impacting on funding settlements for current services to victims. It went on to state that a commissioner would have a vital role to play in the monitoring of relevant law, policies and practices and recommending changes to the Parliament but expressed concern that:

“(…) the stringent financial settlement for essential services to victims of crime such as those provided by Victim Support Scotland is not reduced further while at the same time additional funds are made available from the Scottish budget to fund a new administrative function such as the Commission”. (Scottish Parliament 2010c)

Children 1st also expressed support for the establishment of a commissioner but echoed concerns in relation to funding:

“(…) Children 1st agrees that there is a strong case for increasing and expanding the support available for victims and witnesses including through the introduction of a commissioner. However, we must stress that we firmly believe that such a post must not take precedence, in terms of funding allocation or policy priority, over the direct support needs and corresponding requisite funding exigencies of children and young people and victims and witnesses”. (Scottish Parliament 2010c)

Families Outside (a national independent charity which works on behalf of families affected by imprisonment in Scotland) stated that the justification for a victims’ commissioner should be
based on whether the needs of victims are being, or could be, addressed by other means. If there was evidence of gaps in existing services for victims then a victims’ commissioner would be welcomed. The charity expressed concerns about the Bill’s definition of a victim which includes persons who are victims of offences, victims of antisocial behaviour and family members of such victims. Families Outside argued that families affected by imprisonment, and prisoners’ children in particular, should also be recognised as victims of offences.

Neither the Association of Chief Police Officers in Scotland (ACPOS) nor the Scottish Government supported the proposal for a commissioner. ACPOS stated that partner agencies within the criminal justice community were already addressing relevant issues and that the functions proposed for the commissioner would involve duplication of effort. (Scottish Parliament 2010c)

The Scottish Government questioned the need for a commissioner given the recent track record of positive progress in supporting victims and witnesses. The Government’s response stated that one of the key benefits that the proposal seeks to achieve is a higher profile and greater support for victims and witnesses and argued that such issues already have a high profile within Government and that there is a strong track record of positive support for the bodies that deliver services to victims and witnesses. The Government was also concerned about the financial implications for front-line services should a commissioner be established.

THE SCOTTISH STRATEGY FOR VICTIMS

The Scottish Strategy for Victims (“the Strategy”) was published by the first Scottish Executive in January 2001. The stated purpose of the Strategy is to ensure that all victims of crime in Scotland are able to get support and assistance at all stages of the criminal justice process and thereafter if needed. The Strategy has three key objectives:

- better access to information
- increased support
- greater participation in the criminal justice system (Scottish Executive 2001)

The Strategy is based on international guidance. In particular, it has had regard to the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power which calls for victims to be treated with compassion and respect for their dignity; and to developing thinking in the European context on the position of victims in criminal proceedings.

The Strategy recognises that the responsibility for supporting victims of crime goes beyond the concerns of criminal justice agencies alone. As well as the Police, Crown Office and Procurator Fiscal Service, Scottish Court Service and Scottish Prison Service, local authorities have a considerable role to play, particularly social work departments and housing, as do health boards and trusts. A wide range of voluntary organisations, including Victim Support Scotland, Scottish Women’s Aid, the Scottish Rape Crisis Network, and Petal (see below) also play a key role in providing free, independent and confidential services to victims and have been instrumental in bringing about increased awareness of victims’ needs.

The former Scottish Executive published two progress reports on the Strategy in February 2003 and November 2004 as well as a review of the Strategy in 2005. The Strategy is currently the subject of further review by the present Scottish Government.

In a letter to the Parliament’s Justice Committee on 8 November 2010, the Cabinet Secretary for Justice announced that the present review would consist of three stages:
• a draft framework for action on victims would be circulated to stakeholders for comment, and include a number of specific questions about improving services for victims

• the Cabinet Secretary would chair a victims’ summit in Edinburgh on 17 January 2011 at which responses to the draft framework will be considered

• a final framework will then be published that takes into account responses to the draft document and the discussions at the victims’ summit

The draft framework document (attached to the letter) provides a brief background and places support for victims in the context of the Scottish Government’s overall purpose. It also outlines the progress that has been made so far in respect of the Victims’ Strategy and sets out four principles for action:

• introducing clearer standards and information for victims

• more focussed support

• improved participation

• improved co-ordination of policy and action

STATISTICS

It is difficult to accurately estimate the number of victims of crime due to the fact that many crimes go unreported for a variety of reasons. In Scotland, official statistics contained in annual recorded crime bulletins indicate the number of crimes recorded by the police.

Recorded Crime in Scotland, 2009-10 (Scottish Government 2010a) shows that crimes recorded by the police in Scotland decreased from 377,433 in 2008-09 to 338,028 in 2009-10, a decrease of 10 per cent. The number of offences increased slightly (1 per cent) from 560,291 in 2008-09 to 563,735 in 2009-10. Those figures, of course, do not include crimes and offences not reported to the police and thus, which do not make it into the recorded crime figures. The level of unreported crime is assessed through the Scottish Crime and Justice Survey (SCJS) which provides an alternative measure of crime to police recorded crime statistics.

The SCJS is based on 16,000 face-to-face interviews with adults (aged 16 or over) living in private households. The survey is designed to capture the views of a representative sample of Scotland’s population on their experiences, perceptions and attitudes towards crime and victimisation and their contact with the police and other parts of the criminal justice system. The SCJS can also provide an estimate of the proportion of crime which is not reported to the police. The main findings report (Scottish Government 2010b) of the latest survey shows that there were 945,000 crimes as measured by the SCJS in 2009-10. This included approximately 679,000 property crimes (72 per cent of all SCJS crime) involving theft or damage to personal or household property (including vehicles) and approximately 266,000 were violent crimes of assault or robbery (28 per cent of all SCJS crime). The report indicates that approaching two in five (37 per cent) of all SCJS crimes were reported to the police in 2009-10 which is similar to the 38 per cent measured in 2008-09. The most common reasons for not reporting a

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1 The term “crime” is generally used for more serious criminal acts; the less serious are termed “offences”. The distinction is made only for statistical reporting purposes and the “seriousness” of the offence is generally related to the maximum sentence that can be imposed.
crime/offence to the police was that the matter was too trivial or not worth reporting (see Figure 5.5 of the 2009-10 survey).

**LEGISLATIVE FRAMEWORK**

There have been a number of recent developments in legislation and policy in Scotland pertaining to both victims and witnesses. The following paragraphs provide a brief outline of major developments.

The Protection from Abuse (Scotland) Act 2001 – the bill preceding this Act (the first Committee Bill to be introduced in the Scottish Parliament) arose from a proposal of the then Justice and Home Affairs Committee in its 2000 report, *Proposal for a Protection from Abuse Bill*. The committee had concluded that the law afforded inadequate protection to individuals at risk of abuse. The effect of the 2001 Act is to entitle any individual who has obtained, or who is applying for, an interdict against another individual for the purpose of providing protection from abuse to apply to the court to have a power of arrest attached to the interdict. This is regardless of whether the interdict is a matrimonial interdict or not. In other words, in order to obtain a power of arrest it is no longer necessary to demonstrate any particular personal relationship to the alleged abuser. Instead the court simply has to be satisfied that granting the power is necessary to protect the applicant from the risk of abuse through a breach of interdict. If the court is satisfied that granting the power is necessary, the court will grant the order.

The Sexual Offences (Procedure and Evidence) (Scotland) Act 2002 – contains provisions which prevent the accused in a sexual offence case from personally cross-examining the complainer and seeks to strengthen existing measures restricting the extent to which evidence can be led regarding the character and sexual history of the complainer.

The Criminal Justice (Scotland) Act 2003 – includes provisions on victims' rights and implements aspects of the Scottish Strategy for Victims (see above). It establishes the following rights for victims: the right to make and submit a written 'victim statement' to the court; the right to receive information about the release or escape of an offender; and the right to receive information from and make representations to the Parole Board for Scotland. It also contains provisions which give the police the power to pass on information about victims of crime to prescribed bodies that provide counselling and support.

The Vulnerable Witnesses (Scotland) Act 2004 – deals with special evidential and procedural matters for vulnerable witnesses in relation to both criminal and civil proceedings. In relation to criminal cases, it introduced further restrictions on accused persons conducting their own defence, including: a discretionary power to prohibit accused from conducting their own defence in cases involving vulnerable witnesses and an automatic prohibition in cases involving child witnesses under the age of 12.

The Criminal Justice and Licensing (Scotland) Act 2010 – includes provisions on witness statements, witness anonymity orders and special measures for child witnesses and other vulnerable witnesses.

**PROVISION OF SERVICES**

There are a number of organisations in Scotland which provide information, emotional support and practical assistance to victims of crime and witnesses. The following paragraphs provide a snapshot of some of those organisations and their work.
Victim Support Scotland

Since it was established in 1981, Victim Support Scotland has become the lead organisation in Scotland providing emotional support and practical assistance to victims of crime. The organisation incorporates: a community based Victim Service which exists in all local authority areas; a Witness Service which is based in every sheriff court and the High Court; and a Youth Justice Service which is specifically focussed on assisting the victims of youth crime, developing services in this area and working closely with the Scottish Children’s Reporter Administration (SCRA), the Association of Chief Police Officers (ACPOS) and local Youth Justice Teams. The Victim Support Scotland website states:

Victim Support works to improve and increase knowledge about victims and witnesses through research studies, projects, appropriate publicity and information materials. The organisation has been instrumental in raising the profile of victims and witnesses in the public, parliamentary and criminal justice arenas. The organisation has become a major player in the criminal justice system, influencing government policy and helping to improve the experience of victims and witnesses of crime.

The Victim Support Scotland Annual Report 2008-09 (2009) points out that during 2008-09:

- the Victim Service received 86,140 referrals from the police and other agencies, in relation to a total of 88,978 individual victims of crime
- overall contacts made within the Witness Service totalled 81,269
- the Youth Justice Service supported 901 people

Victim Information and Advice

The Victim Information and Advice (VIA) service was set up by the Crown Office and Procurator Fiscal Service in recognition of a perceived gap in meeting the information needs of victims and witnesses. Following pilot projects of a Victim Liaison Office in Aberdeen and Hamilton in 2000 and 2001 respectively, VIA was officially launched as a COPFS service in June 2002. The roll-out of the service to cover all of Scotland was completed in December 2004. It seeks to help victims by providing information and advice about how the criminal justice system works, what victims and witnesses can expect if, for example, they are required to attend court and keeps victims informed about the progress of their case. The service is restricted to victims and witnesses of crimes reported to the Procurator Fiscal which involve domestic abuse; racially or religiously aggravated crime; sexual offences; child victims and witnesses; and other serious crimes.

Since the launch of VIA, statistics (Crown Office and Procurator Fiscal Service 2009) show that the number of cases handled and people receiving the service has increased significantly. The number of referrals in 2008-09 increased by 7 per cent over 2006-07 levels after dropping back in 2007-08. The number of service users has shown a more marked increase of 14 per cent over the same period.

Scottish Children’s Reporter Administration

Most children who are suspected of criminal activity and who may need compulsory measures of supervision are dealt with through the Children’s Hearings System rather than the criminal courts. Historically, victims were not legally entitled to receive information about the outcomes of cases dealt with by the Children’s Hearings System. However, the Criminal Justice (Scotland) Act 2003 allowed victims to receive information about relevant outcomes whilst also protecting
the children’s right to confidentiality. The Scottish Children’s Reporter Administration (SCRA) now provides an information service to victims of youth crime across Scotland. The aims of the service, which was rolled out nationally in September 2009, are:

- to provide victims of youth crime with access to general information about the Children’s Hearings System
- to provide specific information to victims (and certain others) about what has happened in their cases
- to protect the rights of children or young persons to confidentiality

PETAL

The PETAL (People Experiencing Trauma and Loss) support group was established in 1994 to provide specialised support services for the families and friends of murder and suicide victims.

Rape Crisis Scotland

The first two rape crisis centres opened in Glasgow in 1976 and Edinburgh in 1978. The Rape Crisis Scotland website points out that the service originally relied on voluntary contributions and occasional small grants, and that although funding improved from 1983 onwards it remained patchy and short term. Between 1994 and 1996 the constitution for a new Scottish Rape Crisis Network was drafted and approved by the Inland Revenue. This subsequently became Rape Crisis Scotland (formerly the Scottish Rape Crisis Network) with a national office funded by the Scottish Government. Rape Crisis Scotland currently has nine affiliated member and three associate member centres. The Scottish Government supports Rape Crisis Scotland and local centres through the Rape Crisis Specific Fund. The fund provides core funding for local rape crisis centres and is specifically aimed at services to support women who have been raped or sexually assaulted (see section on Funding below).

Scottish Women’s Aid

Scottish Women’s Aid is the lead organisation in Scotland working towards the prevention of domestic abuse. An important aspect of the organisation’s work is ensuring that women and children with experience of domestic abuse have access to the services they need, both from local women’s aid groups and other relevant agencies.

Trafficking Awareness Raising Alliance

The Trafficking Awareness Raising Alliance (TARA) was established in 2005 to help and support women who may have been trafficked for the purpose of commercial sexual exploitation. The organisation provides a comprehensive assessment of needs, and offers a range of support services including crisis accommodation.

FUNDING

The Scottish Government currently provides funding for many of the organisations mentioned above. For the period 2008-09 to 2010-11, it awarded over £44 million to tackle violence against women and children, including domestic abuse. Of that £44 million, £10 million was designated
for implementing the National Domestic Abuse Delivery Plan for Children and Young People and almost £2 million has been allocated to the ASSIST (Advocacy, Support and Information Services Together) service established to support victims, regardless of gender, who attend the domestic abuse court in Glasgow. Other areas of funding include: every Rape Crisis Centre in Scotland; the Scottish Domestic Abuse Helpline; National Rape Crisis Helpline and the National Offices of Scottish Women’s Aid and Rape Crisis Scotland.

The Scottish Government has also worked closely with Victim Support Scotland providing funding of over £4 million a year. The Government has also provided funding (£208,203) and assistance to PETAL in 2010-11 and has assisted that organisation with its plans to introduce a service that will be accessible to the families of homicide victims across Scotland. In 2009-10, the Government provided £236,000 of grant aid to the Trafficking Awareness Raising Alliance (TARA) which supports women who may have been trafficked for the purpose of commercial sexual exploitation. Funding was also provided to Migrant Helpline to support other adult victims of human trafficking.

In a debate on violence against women on 23 December 2010, the Housing and Communities Minister, Alex Neil MSP, announced that funding levels for three national funds would be maintained in 2011-12:

“Members will be aware that recently, in answer to an oral question from Malcolm Chisholm, I gave an assurance that the violence against women fund, the children’s services Women's Aid fund and the Rape Crisis specific fund would remain a top priority for the Scottish Government. I am therefore pleased to confirm to members that we will continue to fund those three important funds at the same level for 2011-12. The violence against women fund will receive £3.5 million, the children’s services fund will receive £4.16 million and the Rape Crisis fund will receive £700,000.

In addition, we will continue our support for a range of activity, including provision of funding to Scottish Women's Aid, Rape Crisis Scotland, the national helplines, including the men’s helpline, the ASSIST—advice, support, safety and information services together—project and the Caledonian programme. Our investment from the equality budget in 2011-12 will be £11.58 million. That is a tangible illustration of the high priority that this Government continues to attach to tackling domestic abuse and other forms of violence against women”. (Scottish Parliament 2010a)

In its Draft Budget 2011-12 (Scottish Government 2010b), the Scottish Government allocated £5.6 million for victim/witness support.

ENGLAND AND WALES

Many of the organisations which provide information, emotional support and practical assistance to victims of crime and witnesses in England and Wales replicate those in Scotland – for example, Victim Support, Rape Crisis, Women’s Aid, etc. The following paragraphs outline the framework for victims in England and Wales.

Victims’ Advisory Panel

The Victims’ Advisory Panel was a statutory, advisory non-departmental public body established in March 2003 to enable victims of crime to have a say both in the reform of the criminal justice system and in related developments in services and support for victims of crime. It consisted of people who themselves had been victims of various crimes such as burglary, anti-social
behaviour and hate crime, were family members of murder victims or who provided support to victims.

The terms of reference for the panel involved advising the UK Government on the views of victims of crime with particular reference to their interaction with the criminal justice system and its agencies. Its remit also included offering views and advice on the prevention of crime from a victim’s perspective, and generally contributing to developing and safeguarding the rights of victims. The final 3 year tenure of the Panel expired in July 2009. Its End of Tenure Report July 2006 – July 2009 was published in March 2010. In October 2010, the Ministry of Justice announced that, as part the UK Government’s commitment to increasing transparency, accountability and efficiency, the Victims’ Advisory Panel was to be abolished.

**Code of Practice for Victims**

The Code of Practice for Victims of Crime was established under provisions in the Domestic Violence, Crime and Victims Act 2004 and was launched on 4 April 2006. It sets out the minimum standards of service victims can expect to receive from each agency within the criminal justice system, and offers an enhanced service for vulnerable or intimidated victims.

**National Victims’ Service**

On 27 January 2010, the then Justice Secretary, Jack Straw MP, announced details of a new National Victims Service which was rolled out to all victims of crime across England and Wales on 1 April 2010. Under the Service, which is delivered primarily by Victim Support, all victims of crime are entitled to:

- immediate emotional support from a trained support worker;
- an in-depth review of their practical, emotional, health, security and housing needs;
- an individually tailored support plan;
- support seven days a week if required; and
- tailored information about what is likely to happen in their case and practical advice

**Victims’ Commissioner**

The Domestic Violence, Crime and Victims Act 2004 (as amended by the Coroners and Justice Act 2009), created the post of a Victims’ Commissioner for England and Wales. Louise Casey was appointed as the first Victims’ Commissioner in March 2010. In the year preceding the appointment of the Commissioner, Sara Payne served as ‘Victim’s Champion’. The Victims’ Champion was a time-limited appointment for one year which enabled focus to be given to victims’ issues while the UK Parliament considered the legislative proposals which led to the office of Victim’s Commissioner being established. The report ‘Redefining Justice’ was published by the Victims’ Champion in November 2009.

The Victims’ Commissioner is an independent role appointed through an open recruitment exercise. The Commissioner reports directly to ministers. The Commissioner’s role includes:

- working across the criminal justice system to improve the support for victims and witnesses, including victims of antisocial behaviour
• reviewing the Code of Practice for victims of crime (see above) which provides a guarantee to victims of crime of the level of service they are entitled to

RECENT DEVELOPMENTS

• In October 2010, Her Majesty’s Inspector of Constabulary in Scotland and the Inspectorate of Prosecution published the report of a Joint Thematic Inspection on victims in the criminal justice system

• In August 2010, the Scottish Government issued a consultation on the Disclosure of Information to Victims of Mentally Disordered Offenders

• In July 2010, the European Commission launched a consultation on improving rights of victims of crime and violence

• In May 2010, the Domestic Abuse (Scotland) Bill was introduced in the Scottish Parliament. The Domestic Abuse (Scotland) Bill is a Member’s Bill and was introduced by Rhoda Grant MSP on 27 May 2010. It has two main policy objectives - to increase access to justice for victims of domestic abuse; and to enable police and prosecutors to provide a more robust response to breached civil protections orders

SOURCES


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