

## **Victims and Witnesses (Scotland) Bill**

### **VOX (Voices of Experience)**

As a former lecturer in English and Communications at the University of the Highlands and Islands, North Highland College campus, I must state that I find the continuing practice of challenging both victims and witnesses in such an outdated, confrontational manner incomprehensible in the twenty-first century. Basic communications demonstrates that, even when the family is gathered around the dinner table, we are more likely to get into an argument with the person sitting opposite us. Conversely, the person seated diagonally opposite us does not generate such hostility. We have learned, in a variety of face-to-face situations, to avoid intimidating or antagonising interviewees, simply by rearranging the furniture slightly, so that we meet them at an angle.

I believe that the Scottish Parliament should be proud to have incorporated a non-confrontational architecture into the assembly, thus avoiding the “yah boo” politics of Westminster. Likewise, the time-wasting procedure of counting the ayes and the nays has been superseded by procedures more in line with living in the digital age. Most professions have moved with the times, and abandoned the trappings designed to give the wearer an air of authority. Certainly, caps and gowns are less likely to be worn by teachers nowadays.

The only profession to hang on to such paraphernalia is the judiciary. Presumably, this is designed to instil fear into the criminal fraternity (which, of course, it no longer does). However, this “theatre” does, paradoxically, intimidate victims and witnesses, who are already scared by the prospect of seeing the perpetrators of crimes against them in the dock. Add to this the interminable waiting to be called, postponements of proceedings, and lack of preparation about what to expect, and we have a recipe for a disastrous experience.

I believe it could be helpful for both victims and witnesses to undergo some kind of “rehearsal” for the eventual “performance”. For it is very much like a theatrical event, with adrenalin playing a similar part to that it does in the actor: too much and he or she goes into panic mode; too little and the performance is unconvincing. Returning to teaching analogies, this is very much like preparing for an examination. The student needs to know his facts, of course, but if the examination takes place on unfamiliar territory, this can be sufficiently off-putting to seriously ruin the student’s chances of doing well. Where teachers are aware that change of venue is imminent, a visit to reconnoitre the new premises can help students to acclimatise themselves to the changed conditions.

Similarly, a visit to the law courts – and how many law-abiding citizens have any idea what these look like, except, vicariously from legal dramas and television series – would surely help avoid the shock of entering such an awe-inspiring institution for the very first time? Equally, more attention to adequate rehearsal of their roles beforehand might ensure a better performance by the victims and witnesses with less likelihood to say the wrong thing and ending

up in contempt of court or drying up and failing to provide the necessary evidence.

The recent case of the music teacher (Michael Brewer) from Chethams, the prestigious music college in Manchester, who was eventually found guilty of sexual crimes, provides us with an example of the traumatic ramifications (suicide) many years after the actual crime when a victim's (Frances Andrade) integrity is challenged by the perpetrator's defence team. It is hardly surprising that so few victims are prepared to give evidence in rape cases when the consequences for them are the equivalent of yet another rape – this time a psychological one. Admittedly, there are very occasionally cases where claims of rape are brought maliciously by females, but this does not license the character-assassination of perfectly innocent victims.

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