

Victims and Witnesses (Scotland) Bill

South Lanarkshire Council

The proposal to create a duty on relevant justice organisations to set clear standards of service for victims and witnesses.

The current proposal in the Bill for the creation of minimum standards and the resultant publication of these standards does not include certain statutory bodies and any voluntary or third sector organisations. If the requirement could be extended to include any organisation who mainly or substantially provides a service to the victims and witnesses this would encourage a more seamless service for victims and witnesses. It would also allow for the services provided by a range of agencies to be compared and would hopefully result in an overall improvement in the services provided to victims and witnesses.

It is considered that one such minimum standard should be the publication and promotion of a complaints procedure.

The proposal to give victims and witnesses a right to certain information about their case.

This is a welcome proposal which will alleviate some of the frustration felt by some victims and witnesses. Further clarification of the circumstances when a qualifying person need not comply with a requesters submission as detailed in Subsection 4 of Paragraph 3, is needed. Overall though this is a very welcome development.

The proposal to give vulnerable witnesses a right to access certain special measures when giving evidence.

The widening of the definition of vulnerable witness and the extension of special measures to include victims and witnesses in relation to domestic abuse, trafficking and sexual offences is a very welcome development which will offer protection to a particularly vulnerable group of victims.

It is noted that the proposals in the Bill includes an 'opt out' clause for vulnerable witnesses who do not wish to be subject to special measures; again this is a very welcome development.

The proposal to require the Court to consider compensation to victims in certain cases.

In principal this is a positive development, which will reinforce the link between an offence being committed and a victim being acknowledged and compensated. Compensation orders are recognised as being an effective option for Courts to use. This proposal will hopefully increase their use and re-establish their role within the disposals available to Courts.

The proposal to introduce a victim surcharge and restitution orders, so that offenders contribute to the cost of supporting victims.

The introduction of a victim surcharge is a welcome development, which will assist in appropriate compensation being made to victims.

The proposal for restitution orders currently only applies to offences made under the Police and Fire Reform Act 2012; it is our view that the scope of restitution orders should be expanded to include any worker undertaking duties in the course of public service as defined by the Emergency Workers (Scotland) Act 2005.

Human rights implications arising from the victims and witnesses provisions in the Bill.

There were no concerns regarding human rights arising from the Bill.

Call for Evidence National Confidential Forum (NCF)

The functions and powers of the NCF (as set out in the Bill)

The proposals for the creation of the National Confidential Forum are welcome and provide an important opportunity to recognise and acknowledge the experience of people who have been in care, particularly those who had negative experiences.

Status of the NCF – housed as a sub-committee of the Mental Welfare Commission – and its independence.

It is important that Forum is seen by those acting as contributors as being independent of government and of organisations involved in providing residential care. The current proposals achieve that.

Support for participants before, during and after their input.

The arrangements make good provision for receiving testimony from people who may be in distress. The exemptions from defamation give a clear signal that full and honest testimony is welcome.

Other Aspects of the NCF

The reporting provision made in the Bill seems limited and perhaps consideration could be given to providing institutional care providers with greater insight into the findings of the forum.

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