Justice Committee
Victims and Witnesses (Scotland) Bill
Written submission from Helen Richardson

1. General principles and standards of service

1.1 I am in general agreement with the general principles as set out in the Bill however some mechanism needs to be put in place to ensure these are monitored and adhered to, with rectification at the earliest opportunity should failings be noted.

1.2 I would suggest that an appropriate means of doing so would be the establishment of a Victims Commissioner who could promote, protect and safeguard the rights of victims as well as a wider role for Victim Support Scotland. Victims can often be in a heightened emotional state and may not always be able to understand let alone defend their rights, particularly when they have recently experienced such a traumatic event.

1.3 The general principles and standards of service requirements set down in the Bill should be monitored and publicly reported on a regular basis either through each of the identified organisations annual reporting requirement or through the suggested Victims Commissioner. Reporting should be in a clear and readable format and not laden with jargon.

1.4 A Victims Commissioner could assist in developing much needed joint working between the identified organisations. Instead of victims being passed between agencies for answers to their questions, a culture within these organisations needs to be developed that is victim focussed.

2. Disclosure of information

2.1 This section of the Bill presupposes that the requester is familiar with the criminal justice system and my experience was that it was not always clear which agency held the information. There needs to be clear pathways that signpost the victim through the systems as well as a single point of contact for the victim. An up to date case specific information hub would be of assistance however many victims may need support to access information.

2.2 Information on any appeals process should also be included as it is not always clear that there is an appeals system.

2.3 Any form of communication with victims must be written and/or spoken in plain English. Too often there is a tendency for information to be given that is hard to interpret without reference to legislation or a lawyer. A clear and intelligible form of communication that offers an explanation of the implications of the information should not be impossible to develop.

2.4 There is a need to use the confidentiality of data/information responsibly and not as a shield to hide behind and therefore decline to provide information. In my
experience the first response to queries about system and process information was rejection due to data confidentiality reasons. This is not acceptable when no personal data was being sought.

2.5 This will require a period of supported culture change in the identified organisations that, in my experience, are perpetrator focussed rather than victim focussed.

3. Victim statements

3.1 There should be guidance given to judges that all victim statements should be read out in court either by the victim or their representative. The current lottery of whether the victims voice is heard in court or not seems to depend on the judge sitting. The victim statement needs to be given equal weight and be heard in court.

4. Release of offender: victim's rights

4.1 The victim notification scheme should be widened and the opportunity for victims of mentally disordered offenders be given accorded an opportunity to be notified if the offender is to be moved/prepared for release.

4.2 Victims should be able to make representations in the Mental Health Tribunal system before release on licence.

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8 April 2013