Welcome

Victim Support Scotland welcomes the introduction of the Victims and Witnesses (Scotland) Bill. We regard the Bill as a major step forward in improving the position of victims and witnesses of crime in Scotland. The Bill clearly demonstrates a positive steer in the direction of travel. Critical elements are the rights, support and protections it provides to victims and witnesses of crime. For any justice system to be effective it must ensure victims and witnesses are, at all times, treated with dignity, respect and recognition by the criminal justice agencies and professionals operating within it. Effective national legislation must provide adequate recognition, support, protection, assistance and remedies for victims and witnesses of crime.

This evidence may be read in conjunction with our accompanying document ‘For Justice’.

1. The victim surcharge fund

Victim Support Scotland strongly supports the introduction of the Victim Surcharge Fund. We regard it as an essential source of assistance providing immediate practical support in the aftermath of crime.

Victim Support Scotland believes that the victim surcharge should be applied to all convictions and fines.

It will be important that the definition of “support services” for the purposes of the fund is sufficient to enable access to support in the aftermath of crime.

2. Duty to refer victims to support

Victim Support Scotland calls for the Bill to include a duty on the police to ensure that all victims are referred to appropriate victim support organisations, such as Women’s Aid, Rape Crisis and Victim Support Scotland.

All victims should have access to support and assistance in the aftermath of crime; it is essential that the needs of victims are assessed by appropriately trained professionals to maximise the potential of victims to recover and to return, as speedily as possible, to a normal life. Early intervention can have a substantial effect on a victim’s recovery. The police have a critical immediate role in facilitating victims’ access to support and assistance.
Victim Support Scotland would welcome any discussion regarding the practical manner in which such referrals could be undertaken.

3. Training of professionals in contact with victims and witnesses

Victim Support Scotland calls for the Bill to include provision that all professionals, including statutory agencies and victims organisations, in contact with victims and witnesses must receive appropriate training. This is fundamental to ensuring victims and witnesses are treated appropriately and that professionals are knowledgeable on the rights of victims and witnesses.

4. Services to families of murder victims and young victims of crime

Victim Support Scotland believes more needs to be done in Scotland to ensure all people affected by crime, including those who choose not to report a crime to the police, have access to both universal and specialised / tailored services to meet their needs.

Fewer than 100 families are bereaved by crime each year in Scotland. Yet there are no effective national services in place for these victims. It is a similar picture for children and young people affected by crime. There is now a clear body evidence demonstrating that young people are significantly more likely to be victims of crime than the general population. Yet very few get any support in the aftermath.

Victim Support Scotland therefore calls on the Justice Committee to review support for these specific groups as part of its overall consideration of the Bill, to ensure they have access to services that can provide the necessary support and assistance to support and protect them in the aftermath of crime.

5. Right to object to special measures for witnesses

Of all the provisions in the Bill, the introduction of a right for parties to object to the use of special measures is the greatest concern to Victim Support Scotland.

Victim Support Scotland calls for the removal of this provision from the Bill.

This provision will have extremely negative consequences for witnesses; most notably it will increase witness’ anxieties around attending court and giving evidence, as well as slowing down the trial process and negatively impacting on the quality of evidence provided by witnesses.

6. Access to appropriate measures for evidence giving

Victim Support Scotland supports extending access to existing measures, special or otherwise, to all witnesses.
We strongly believe that a **range of standard measures should be routinely available to all victims of crime in Scotland.** The purpose of measures should be primarily to reduce anxieties and make witnesses more comfortable giving their evidence. This in turn is conducive to better quality evidence and therefore is in the interests of justice.

7. Improved treatment of all witnesses at court

Victim Support Scotland is aware that the basic needs of witnesses are currently not always being met. We believe witnesses giving evidence ought to have certain provisions and standards directly and routinely available to them when giving evidence in court, including:

- Direct access to water in the court room
- Access to refreshments at all times while in the court building
- Sit down when giving evidence
- Natural ventilation and lighting
- Reading materials
- Separate waiting room from the accused / accused' family
- No unnecessary waiting time

8. Civil witnesses in court

Victim Support Scotland would wish to draw the attention of the Justice Committee to the fact that present provisions do not extend to civil witnesses in Scotland’s courts. Many participants in civil court cases are affected by crime, for instance in relation to domestic violence, antisocial behaviour orders, fatal accident inquiries, forced protection orders etc. In the 21st century all witnesses contributing to justice should be entitled to care and support from the system, whether in the criminal justice arena or the civil justice arena. **Victim Support Scotland believes provisions and standards for witnesses should expressly apply to witnesses involved in the civil justice system,** as well as those involved in the criminal justice system.

9. Rights of victims in the justice system

Victim Support Scotland has identified a number of rights of victims and witnesses that we believe need to be included or strengthened, in the Bill and in practice:

- **Right to information:**
  - **Case-specific:** We welcome the duty to provide certain case-specific information to victims. Rather than placing the onus on the victim to “request” the information, the information should be **routinely/proactively offered** to the victim by the relevant agencies
  - **General:** Victims should have a right to receive certain generic information, including: where and how to report the crime; where and how to access support services; information about the criminal justice system; protection
measures; criminal injuries compensation; Interpretation and translation services.

- **Right to support in the aftermath of crime:** all victims should be able to access appropriate support in the aftermath of crime. This should include: access to practical and emotional support; advocacy; assistance with matters related to housing, employment and social issues; financial assistance, assistance with the criminal justice process. Victims should be able to receive support in a method of their choosing.

- **Right to minimum quality standards of service:** Clear performance measurements, reporting mechanisms and complaints procedures are required to ensure agencies are held to account for the delivery of standards. Victim Support Scotland calls for the Bill to include a duty on agencies to measure performance against the standards and to report annually, to Scottish Parliament and the Scottish Ministers on performance. Victims must be proactively informed about the standards they should expect and about procedures for making a complaint. **Victim Support Scotland would support extending the list of prescribed agencies upon whom there is a duty to set standards of service to include all statutory and non-governmental victims’ organisations.**

- **Right to review a decision not to prosecute:** Article 11 in the EU Directive calls on Member States to ensure that victims have the right to review a decision by the authorities not to prosecute. **Victim Support Scotland calls for this to be included in the Bill.**

- **Right to reimbursement of expenses when attending court as a witness or interested party:** Many family members and victims of for example murder, rape, serious sexual and violent crime will want to attend court, even if they are not cited to give evidence. Victim Support Scotland calls for the Bill to include provision for all witnesses and interested parties to have their expenses covered in respect of attending court.

- **Right to protections in relation to media reporting:** Victim Support Scotland calls on the Justice Committee to include in the Bill restrictions regarding the manner in which the media may portray victims and witnesses of crime, such that no intrusive details and no image of the victim or his/her family should be published before, during or after the trial unless the victim has consented to such publication.

10. **Victim impact statements**

Victim Support Scotland welcomes the Bill giving wider opportunity to submit a victim impact statement to the court. We believe it is time for a wider review of victim impact statements. **Victim Support Scotland calls on the Justice Committee to provide in the Bill for victims to give statements orally directly to the court.**
11. Victim statements to the parole board

Victim Support Scotland welcomes the new extension giving victims the right to provide information orally, in person, to the Parole Board. However Victim Support Scotland calls for the Bill to give the opportunity to all victims of crime to give evidence directly to the Parole Board.

12. The Victim Notification Scheme

Victim Support Scotland welcomes the improvement in terms of the Bill providing more victims the opportunity to access information from the Victim Notification Scheme.

We believe however that all victims should have the opportunity to receive information about the release, escape, transfer etc. of the offender, regardless of the length of the sentence or the crime committed. The safety and protection of, and any risk to, victims should be the primary consideration when considering who should be eligible to receive information about the release of offender.

13. Definitions

The Bill does not include a definition of who should be included in the definition of “victims” or “family members”. Victim Support Scotland believes this should be clarified to ensure all people affected by crime have routine access to the rights and support to which they are entitled.

Closing remark

Victim Support Scotland hopes that the above comments are helpful. We look forward to engaging in further discussion and consultation with the Justice Committee to assist in further developing and enhancing the Bill and ensuring the best possible outcomes for victims and witnesses of crime in Scotland.