Justice Committee
Victims and Witnesses (Scotland) Bill
Written submission from Diane Greenaway

1. I am a former member of the Crown Office and Procurator Fiscals Service, who has set up a specialist trauma support service in Ayrshire called HALO Support Community Interest Company, (Healing and Looking Onwards ) to address the disparity of support to those persons and their families in Ayrshire significantly affected by trauma, through the loss of a loved one to murder and culpable homicide, unexplained death, fatal accident, and missing persons, or through being a victim or witness to a crime.

2. Over my 26 years in COPFS, 21 years of which I was a Precognition Officer I required to investigate serious criminal cases, by interviewing the necessary victims and witnesses, liaising with the police and expert witnesses to ensure that all of the available evidence was obtained and presented by way of a Precognition to Crown Counsel for a decision on whether proceedings would be taken. I was then involved in all aspects of trial preparation, witness problems, and when required I would attend the trial to assist the Advocate Depute prosecuting the case. The person precognoscing the case had a lot of responsibility in relation to victims and witnesses, as the Victim Information and Advice role, in my opinion is quite restrictive.

3. During my career I worked in 7 different offices throughout Scotland (including Glasgow and Edinburgh), and also completed a secondment in the Communications Department in Crown Office, as a Communications Officer. I also acted as an ad hoc High Court Sitting Manager at Kilmarnock High Court.

4. Latterly I was seconded to the Ayrshire High Court Unit from 2007-2012, where I was involved in many high profile murders, and serious criminal cases. I personally supported countless victims and witnesses through the justice system, and have always been passionate about victim’s rights. I am aware that a number of victims have attempted suicide through being affected by trauma and lack of support in the aftermath of a crime or loss. I am aware of two particular young victims who committed suicide in sexual cases, and this caused me considerable sadness, as convictions had been achieved in both cases. It confirmed to me how important it was for support to be tailored to a victim’s needs and that it was essential that support continued on completion of the court case. A one size fits all approach does not work.

Such was my determination for helping victims and witnesses, upon taking early retirement from COPFS in March 2012, I felt compelled to try and address the problem and use my experience to help bring about change. I set about ensuring I clearly understood the present services available locally, speaking with victim’s families, present support organisations and criminal justice partners, seeking their advice, and ideas for improvement.
5. This confirmed to me that there is a fundamental lack of collaboration between present support organisations, and COPFS with many organisations not understanding the basic court processes, and COPFS not being fully aware of the support available locally. Without this informed knowledge, the persons organisations seek to support cannot hope to clearly understand the role of being a witness in court. It is therefore not surprising that there are so many unhappy and misinformed victims and witnesses.

6. My research confirmed that those persons who receive support for domestic abuse and sexual crime throughout Scotland, receive a far more superior and comprehensive service, from Scottish Government funded charities, ranging from counselling, group support, and treatments. In contrast persons affected by all other crime, including the most serious crimes like murder, and culpable homicide receive a more restrictive service by Victim Support Scotland, who do not offer similar services. The exception to this is the valuable specialist support provided by PETAL Support, (a victim / next of kin run organisation) in Lanarkshire who offer support for persons affected by murder, culpable homicide, and suicide. The only other support available for persons affected by murder in Scotland is presently offered by the families and next of kin of person who have lost a loved one.

There is no equivalent support for persons affected by fatal accidents, missing persons, and unexplained deaths in Scotland. It should be noted that each of these categories has the potential to turn into a criminal case; therefore in my mind support must be offered at the outset.

7. There should be no disparity of service dependent on type of crime, whether the person is a victim or witness, or the area in which a person lives. Trauma and how a person reacts to being involved in a crime, is an entirely individual matter and a one size fits all approach does not work. Often a witness can require more support than a victim. Support should be assessed at the outset and continuously monitored, and tailored to a person’s needs. Minimum and clear standards of the support and information available by each organisation should be regulated by a proposed Scottish Victim and Witness Alliance, or Victim’s Commissioner. A victim / witness should be entitled to be told of pertinent and relevant case related information at certain agreed times.

8. I cannot stress strongly enough the need for dedicated, consistent and informed support persons (Case Companions) who have essential experience of criminal justice processes, and not just experience of having previously been through the system as a victim of a crime, or an individual who does voluntary work. The reason I suggest this is that it is often difficult to promote a process which you yourself, have a negative experience of. I would suggest a balance of both experiences is essential to effectively advocate of behalf of, offer regular informed, emotional and practical support, and make the process of being a victim / witness more bearable. A standard and comprehensive service to address the aforementioned issues requires to be provided nationally.

9. The issue of a Victim Surcharge requires to be carefully re-examined with more emphasis on serious crime, and less on road traffic crime.
The proceeds of the proposed Victim Surcharge should be available for all victims to access, and benefit from, and administered by an independent body or Victims Commissioner.

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16 April 2013