

Justice Committee

Scottish Government's Draft Budget 2018-19

Written submission from Victim Support Scotland

Introduction

1. Victim Support Scotland (VSS) is the lead voluntary organisation in Scotland assisting people affected by crime. We provide practical help, emotional support, and essential information to victims and witnesses. We are grateful to be given the opportunity to comment on aspects of the Scottish Government's Draft Budget 2018-19. The Crown Office and Procurator Fiscal Service (COPFS) is a key partner of VSS and we hope our contribution will prove useful to the Justice Committee.

Scrutiny on the COPFS budget

2. We understand that the COPFS 2017-18 budget of £111.1 million, represents a real terms reduction of £1.5 million in financial provision since the financial crisis of 2008. As such, there is a requirement for scrutiny on their budget so the criminal justice sector is fit for purpose and to ensure that victims and witnesses of crime are served in keeping with the Victims and Witnesses (Scotland) Act 2014.
3. VSS acknowledges positive steps taken regarding crime types that are widely known to impact heavily on victims. However, as COPFS is a busy and challenging environment, the impact on victims in some cases could be better prioritised. Our intention is to continue positive dialogue with COPFS about how we can provide our expertise towards driving up the standard of support experienced by victims and witnesses of crime in all cases.
4. We agree with the Justice Committee Report on the "*Role and Purpose of the Crown Office and Procurator Fiscal Service*" that "*churn*", or postponements, is inefficient and undermines confidence in the justice sector¹, and results in disappointment and re-traumatisation of victims and witnesses. We believe that when resources are allocated, COPFS should look to mitigate inefficiencies by avoiding scheduling trial dates which are unlikely to proceed and find a more streamlined way of notifying witnesses on the day of a hearing as to whether that hearing will proceed. As a long-time advocate of the Justice Digital Strategy we

¹ Justice Committee, 9th Report, Published 25 April, 2017, "*Role and Purpose of the Crown Office and Procurator Fiscal Service*" (Page 1).

hope its integration will result in coherent and effective changes, such as notification to those whose attendance is no longer required at trial.

5. We support COPFS's four strategies, namely, digital, estates, finance and workforce planning, to help reduce inefficiencies and free up resourcing for a more integrated and personable approach to supporting victims and witnesses of crime.
6. VSS has long supported modernisation of the Scottish Courts to ensure that victims and witnesses are provided with suitable, safe accommodation when they attend court. VSS believes access to justice remains an issue, especially with the threat of court closures; therefore we would like to reiterate that we have rent free office space in some courts that may be of assistance.
7. VSS accepts that COPFS is not the victims' lawyer and that the problem of inefficiency cannot be solved by the COPFS alone.

Interests of Victims

8. We believe that it is only correct in a democratic society that the prosecutor's role is to prosecute in the public interest and that as a consequence not every case will result in a court hearing. However, COPFS does have specific legal duties towards victims and witnesses who have legitimate expectations about their treatment during the prosecution process, including being listened to and treated respectfully and sensitively. The protection of these rights (particularly in the case of vulnerable witnesses) should always be to the fore, particularly when considering resourcing in relation to key agencies within the criminal justice sector.

Victim Information and Advice (VIA)

9. There have been welcome changes to the rights of victims and witnesses in recent years, placing additional responsibilities on COPFS. VSS has the skills and structures to potentially address issues, especially in relation to the Victim Information and Advice (VIA) service, which is expected to come under further strain in the coming years.
10. There has been a move away from the assessment of witnesses' vulnerability and discussion with them around their needs for support and protection. The time and resources of VIA is often taken up with the additional administrative work that has resulted from the automatic entitlement to special measures for specific categories of witnesses. The result is that many witnesses are not being provided with the measures that they need to support and protect them from the trauma of giving evidence.

11. We acknowledge that VIA is not intended as a service for all victims of reported crime and is not meant to be a victim support or counselling service. However, it does provide information on where such services can be accessed, which is where a charitable organisation such as VSS can and does play a crucial role in helping victims navigate the prosecution process before, during, and notably, after a trial.
12. VSS will continue to press the need to simplify a complex and sometimes confusing network of public and third sector organisations and agencies.
13. As we have proposed in the past, we believe a single point of contact for all victims (similar to our previous pilot project in Tayside) would provide the most effective structural response to many of the challenges faced within the criminal justice sector in Scotland.

Victim Support Scotland
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