

Victim Support Scotland
Supplementary Information to the Criminal Justice Committee
Your Care Card

Victim Support Scotland offered supplementary information on the 'Your Care Card' resource and how it works.

[Your Care Card - Police Scotland](#)

The *Your Care Card* is a leave-behind resource offered by Police Scotland to victims of crime. It provides sources of information and support for victims, contact details for Victim Support Scotland, and links to the Victims' Code for Scotland and the Standards of Service for Victims and Witnesses. It includes a QR code directing victims to further information and support on the Police Scotland website. Also included are the contact details for the attending officer or relevant police contact and incident number.

In addition to providing a physical card, Police Scotland also offers the option of receiving the *Your Care Card* electronically by email. Police Scotland continues to explore opportunities for further technological improvements to support officers in delivering a high-quality service to victims and witnesses.

The *Your Care Card* was formerly known as the *Victim Care Card*. The change in name followed feedback from victims during consultation exercises, which highlighted the need for a more modern, accessible and user-friendly resource. As part of this process, Police Scotland reviewed both the language and design of the original card and engaged with victims' organisations to inform the development of the *Your Care Card*.

VSS and the Your Care Card

Police Scotland is legislatively obligated to provide victims with *Your Care Card*. However, helping victims to understand how that support could benefit them, or be accessed at any point in their journey, relies on a more proactive role for all police officers.

Unfortunately, despite an initial upturn in referrals since its introduction and significant efforts by Police Scotland to improve practice, supported by VSS, we are not seeing a sustained increase in the number of referrals. VSS continues to liaise directly with senior officials with Police Scotland to understand the operational implications of this.

If consent to share details with VSS to contact them is not given at the time of Police Scotland attending an incident, when the Your Care Card is offered, the onus is on the victim to proactively contact VSS during what can be an extremely traumatic period in their lives.

Improving referral rates

Supporting victims to contact Victim Support Scotland is crucial, as often this happens at a time when they may not have the confidence to reach out and access support proactively. There is limited opportunity within the dimensions of the card itself to provide any real detail of what support is available and what it looks like.

Therefore, uptake relies on Police Officers having the knowledge and understanding to explain the details of support available, whilst also responding to an incident. Anecdotal evidence, as well as actual referral numbers, indicate that this explanation does not necessarily take place as, despite training input from VSS, some Police Officers remain unaware of what VSS is and what support is provided. This has been evident in recent Senior Investigating Officer (SIO) training, in which several long-serving officers were not aware of Victim Support Scotland and the services we offer.

VSS notes that Section 52 of the Victims, Witnesses, and Justice Reform Act came into force on 1 October 2026. Section 52 requires Police Scotland to inform victims that victim support services are available, and what is meant by victim support services. Police Scotland is now also required to inform the victim that they are entitled to have their details passed to appropriate victim support service so that those services may contact the victim. The victim must also be informed of their right to discontinue the services in the future if they wish to do so.

This was a lesser provision than VSS had campaigned for. We had argued strongly for an automatic referral with an opt-out option, as we believe this provides victims with the best opportunity to access support. We eagerly anticipate details regarding what this new and strengthened provision means in reality. We understand that a report will be provided by Police Scotland at the end of a five-year period. We are concerned that this does not offer timely and urgent scrutiny over this important area.

We know victims need support to navigate the highly complex criminal justice system. If referral rates were increased, this would ease the potential trauma associated with engagement in this system.

Referrals in Scotland

VSS receives referrals to support victims from Police Scotland in two main ways:

1. Victims contacting VSS through the Your Care Card
2. Direct referrals at point of incident and retrospectively via Automatic Data Transfer (ADT)

For direct referrals, the way in which Police Scotland interprets UK GDPR legislation means that they require explicit consent from a victim before sharing their contact details with a victim support organisation. This interpretation of GDPR has dramatically decreased referrals to VSS from Police Scotland over the past 10+ years.

In comparison, in England, referrals are included specifically in the Victims' Code on the basis of Public Task. Individual Forces interpret this differently, and many forces do not operate on the need for explicit consent for referrals.

Significant partnership work has been undertaken between VSS and Police Scotland, and this has resulted in modest increases in referral numbers. Referral statistics from Police Scotland to VSS show:

- 2016/17 - 101,681 referrals
- 2017/18 - 48,721 referrals
- 2018/19 - 16,006 referrals
- 2019/20 - 14,884 referrals
- 2020/21 - 12,535 referrals
- 2021/22 - 12,855 referrals
- 2022/23 - 10,865 referrals
- 2023/24 - 10,961 referrals
- 2024/25 - 10,294 referrals
- 2025/26 - 10,997 referrals
- So far for 2026/27 we have received 5,386 referrals from Police Scotland.

Victim Support Scotland
Supplementary Information to the Criminal Justice Committee
Priorities areas within the Victims, Witnesses and Justice Reform Act
(Scotland) 2025

During the meeting of the Criminal Justice Committee on Wednesday 9 September 2026, Victim Support Scotland was asked about:

1. VSS' views on priority areas for implementation within the Victims, Witnesses and Justice Reform (Scotland) Act 2025.

Further to this, VSS was subsequently asked to provide information on:

2. How referral pathways could be improved, and any changes VSS believes should be prioritised to improve access to support for victims and witnesses.

It should be noted that the Victims, Witnesses, and Justice Reform Act is some 129 pages long. VSS provided responses to the final list of amendments at Stage 3 (total 162) prior to the vote at the Scottish Parliament.

In terms of public and victims' interpretation of the implementation of an Act, the perception is that once it has been voted through or given Royal Assent, then it is already law. This is clearly not the case, and many regulations are required to enact the changes. Therefore, victims may have a false sense that changes are already in place.

The Act brought much welcome legislation and represented in some cases decades of campaigning for change. VSS, on behalf of the victims we represent, appreciated that the following regulations - not exhaustive - were prioritised in the first months of enactment:

- Abolition of the not proven verdict
- Changes to Parole Board Rules
- Right to referral by Police Scotland to victim support services
- CORO VNS and standards of service
- Court transcripts
- Exclusion zones
- NHOs consideration by the court, and domestic abuse cases
- Trauma-informed practice
- Victim statements – VSS is currently participating in workshops to assess options.

VSS have received updates from the Scottish Government on their plans for implementation to November 2026, and we await detail of plans beyond that date for the remainder of the Act.

Given the breadth of this Act, the information we have provided is a summary of some of the areas we view as a priority for implementation or clarification, at this point.

Priority areas for implementation

1. *Victims' Rights to receive information and to give views*

- *S.35 - Single Notification Scheme*
- *S.36 - Right of eligible persons to receive information in event of death or incapacity of victim*
- *S.37 - Victim notification and right to make representations where offender is a child*
- *S.38 - Provision of information where victim is a child*
- *S.39 - Notification of individual other than supporter to receive information*

Victim Support Scotland has consistently raised concerns about the delayed implementation of reforms to the Victim Notification Scheme. We have advocated for the swift implementation of the reforms as detailed in the 2023 Independent Review, some three years ago. These reforms are essential in ensuring that victims and their families have choice, control, and access to information relating to the offender in their case.

VSS highlights in particular the need to repeat the offer to sign up to the VNS at multiple points in a victims' journey through the criminal justice system. Victims' needs change over time, and it is not a linear path. We support the prospect of informed choice, offered regularly, and in a way that is trauma-informed. Whilst current numbers of victims signed up the VNS remain low in percentage terms, we cannot assume that this is because they do not wish to access this information or have made an informed choice.

If proposed changes to the VNS had been implemented before or concurrently with Emergency Early Release and Prison Release schemes, the numbers of victims who had been informed about the release of the prisoner in their case, could have been increased. VSS and SPS promoted this widely, but again it put the onus on a victim to make contact and find out if they were impacted. We acknowledge that every victim eligible to access this information was informed. However, for one of the early tranches this equated to only 2% of the prisoners released. Victim Support Scotland cautions that victims continue to

be at risk of not being informed about a prisoner's release eligibility or parole eligibility, if they are not currently signed up to the Victim Notification Scheme.

Separately, the eligibility criteria to access the VNS, remain inflexible for victims who want information about the prisoner in their case. This is proposed in the forthcoming consultation, alongside further long-awaited changes to the VNS. Given victims contributed to an independent review over three years ago, and will now be asked again for further views, it may create consultation fatigue and less engagement as no changes have been made to the scheme, in response to victims' feedback, since the review.

We note a Schedule within the Victims, Witnesses and Justice Reform (Scotland) Act 2025 which requires a regulation to consult on the VNS Code of Practice and express disappointment that this has yet to be laid. VSS had expected this consultation to be live by October 2026 or close to the start of the parliamentary session. However, there is no detail on the proposed timescale for this to be laid before parliament and therefore no proposed date for the consultation. Given this, it is likely that the consultation may go live by the end of this year and could extend into 2027 before conclusion, findings and then response. For victims actively waiting for these changes, this prolongs and adds to their trauma and frustration.

2. Sexual Offences Courts

We welcome the introduction of a new sexual offences court but are concerned at the delay in its implementation. This delay means that there may be many cases which could have benefitted from being heard in these courts missing out.

In trying to understand why it has been delayed, we consider both financial and capacity resources to implement this.

VSS would be keen to join with criminal justice bodies to explore the challenges and possibilities of implementing this.

3. Special measures for vulnerable witnesses under the 1995 Act

- *S.101- Vulnerable witnesses under the 1995 Act: admission of the record of a prior examination as evidence in full*

Any provision of the Act which makes the court process more trauma informed for victims and witnesses must be enacted with pace.

4. Sexual Offences Cases: Further Reform

- S.104 - Sexual offences cases: anonymity and restriction on publications

Victim Support Scotland is supportive of provisions which provide greater protections for victims of sexual offences, and which is more inclusive of victims' experiences.

- *S.105 - Restrictions on evidence relating to sexual offences*

Any provision of the Act which makes the court process more trauma informed for victims and witnesses must be enacted with pace.

5. Victims and Witnesses Commissioner for Scotland and Victims' Charter

- *S.9 - Victims' Charter*

VSS welcomed the update that recruitment of a Victims' Commissioner is live. Once a Commissioner is appointed, creation of a Victims' Charter is anticipated as one of the early pieces of work to be carried out by the Commissioner. This would sit alongside the Victims' Code for Scotland and provide more detail on support that victims of specific crimes are entitled to legislatively. This raises a further question of whether the Victims' Code for Scotland also requires review. This is essential for protecting and promoting the rights of victims in Scotland.

VSS is committed to working in partnership with the Office of the Victims Commissioner and ensuring our roles are complementary for the benefit of victims and witnesses.

Outstanding regulations and timetable

VSS would welcome a legislative timetable for when the remaining parts of the Act will come into force.

The Sections listed below are the remaining sections from the Act that are not in force and do not have imminent plans for implementation. **PLEASE NOTE:** this is to the best of our knowledge and perhaps an update from Scottish Government officials may be beneficial for the Committee.

We acknowledge that this is a large bill and implementation is likely to take years. However, we feel that there would be a benefit in an implementation schedule (even in outline form) being produced so that victims, and organisations which support them, have visibility in relation to implementation of this important legislation.

Where we have shown a section (represented by S.) this is an area that is outstanding. If the section does not appear in the list, it means that the section is either implemented or there are plans for implementation. Again, this is to the best of our knowledge and is provided to illustrate the volume and scale of what is still to be achieved.

Part 1 – Victims and Witnesses Commissioner for Scotland

- S.2 - Functions
- S.3 - Civil function
- S. 4 – Engagement
- S.5 - Advisory Group
- S.6 - Power to work with others
- S.7 - General Powers
- S.8 - Restriction on exercise of functions
- S.9 - Victims’ Charter
- S.10 - Strategic Plan
- S.11 - Carrying out investigations
- S.12 - Initiation and conduct of investigation
- S.13 - Investigations: witnesses and documents
- S.14 - Reports on investigation
- S.15 - Power to gather information
- S.16 - Failure to supply required information
- S.17 - Offence of Commissioner disclosing confidential information
- S. 18 – Annual Report
- S.19 - Requirement to respond to annual report
- S.20 - Publication of responses to annual report

- S.21 - Reports
- S.22 - Protection from actions of defamation
- S.23 - Co-operation with Commissioner
- S.24 - Application of public authorities legislation
- S.25 - Interpretation of Part

Part 3 - Victims' rights to receive information and to give views

- S.33 - Victims right to information about plea agreements
- S.34 - Victims' right to be informed of decision not to prosecute or to discontinue proceedings
- S.35 - Single victim notification system
 - Only S.35(1) and S.35(3)(4) in force
- S.36 - Right of eligible persons to receive information in event of death or incapacity of victim
- S.37 - Victim notification and right to make representations where offender is a child
- S.38 - Provision of information where victim is a child
- S.39 - Notification of individual other than supporter to receive information
- S.40 - Transfers of convicted persons
- S.41 - Additional information to be provided to victims
- S.42 - Powers to modify information to be given and right to make representations
- S.43 - Co-operation with the Scottish Ministers for the purposes of sharing information with victims
- S.45 - Victim's right to receive information concerning offender subject to compulsion order by virtue of cross-border transfer
- S.46 - Information to be given concerning offender subject to compulsion order
- S.47 - Victim's right to receive information under section 17D after representations
- S.48 - Conditional discharge: relevant conditions
- S.49 - Suspension from detention within hospital grounds
- S.53 - Release on licence: reasons for decisions

We note that S.57, Licence conditions, exclusion zones, came into force on 1 August 2026, and seek an update and further information on its implementation.

Part 5 – Special Measures in Civil Cases

No part in force

Part 7 – Sexual Offences Courts

No part in force

Part 8 – Special measures for vulnerable witnesses under the 1995 Act

- S.101- Vulnerable witnesses under the 1995 Act: admission of the record of a prior examination as evidence in full

Part 9 – Sexual Offences Cases: Further Reform

Anonymity for victims

- S.104 - Sexual offences cases: anonymity and restriction on publications

Restrictions on evidence relating to sexual offences

- S.105 - Restrictions on evidence relating to sexual offences

Independent legal representation for complainers

- S.106 - Applications to admit certain evidence relating to sexual offences: rights of complainers

Part 11 – Enforcement of protective orders made outwith Scotland

- S.109 - Offences relating to protective orders made outwith Scotland

Part 12 – Domestic Abuse Cases

- S.110 - Review in relation to connected proceedings

Views on how referral pathways could be improved:

The workstream of the Victim's Task Force, Victim-Centred Approach, undertook an extensive piece of work on mapping the system. The diagram is available at Appendix 3 of the report '[A Victim-centred Approach to Justice in Scotland: Scoping and Modelling Project](#)' which included identification of sources of delays in decision-making and various points of failure within the system. Some of these relate to referrals. The Justice Digital Front Door project is undertaking a proof-of-concept to take forward some key recommendations from this review.

In England and Wales, the Victims' Code explicitly states that a victim should be referred within two days of a crime. Some forces in England and Wales interpret this so that referrals are made on the basis of Public Task. This allows for organisations to process personal data where it is necessary to perform a task in the public interest or exercise official authority. VSS campaigned for similar or equal measures in Scotland, which would take the onus off victims to be proactive in seeking support in what may already be a heightened time of emotion.

Within court:

Currently, automatic referrals to victim support organisations are only made for victims and witnesses who are subject to special measures. Victims who are not subject to special measures receive no automatic referral, despite potentially having support needs. Consequently, a substantial number of victims and witnesses may be missing out on valuable support during the court process.

VSS is extremely supportive of a more robust referral process with all criminal justice partners, with support offered to all victims and witnesses, at multiple points throughout their journey to ensure that they have adequate opportunity to request support.

VSS has seen a 19% decrease in referrals from the Victim Information and Advice Service (VIA) from 2024-25. We originally considered that the reduction could have been an unintended consequence of the rollout of Summary Case Management, but our initial research has been unable to confirm this. VSS is collaborating with Police Scotland and COPFS to establish joint protocols that guarantee all individuals impacted by the crime and/or justice process that require assistance are proactively supported to access to a support referral pathway. From experience, we know this is likely to be a protracted process.

Victim Support Scotland

Supplementary Information to the Criminal Justice Committee

Removal of Section 23D

While providing evidence on court delays at the meeting of the Criminal Justice Committee on Wednesday 9 September 2026, Victim Support Scotland was asked:

What has been the impact or effect of this Parliament's decision to remove section 23D of the Criminal Procedure (Scotland) Act 1995 in relation to bail?

What has been the impact of that post the passing of the victims act?

In response, VSS offered to provide supplementary information regarding the removal of Section 23D of the Criminal Procedure (Scotland) Act 1995 by the Bail and Release from Custody (Scotland) Act 2023.

VSS Position:

Victim Support Scotland campaigned strongly against the repeal of Section 23D.

When the Bail and Release from Custody (Scotland) Bill was introduced, Victim Support Scotland strongly argued for the preservation of vital safeguards within the process of bail.

It could be argued that the removal of these protections has left many victims vulnerable to a number of further harms including further physical and psychological abuse, serious assault, non-fatal strangulation and in some recent and most tragic cases, death at the hands of the perpetrator. [Our colleagues at Scottish Women's Aid also provided commentary on this, stating that women and children "are still not safe" due to Scotland's bail laws.](#)

However, there is not sufficient data available to VSS to claim this direct correlation.

Consequently, a review of cases in which bail would have been denied under Section 23D is required to fully understand the impact of its removal.

With Section 23D removed, all cases now rely on a [single bail test](#) with no exclusions or exceptions.

Given the limitation on time an accused person can be legally held, there are significant time pressures to inform decisions for sentencers. This underlines the importance of:

- Sufficient time and resource to complete a robust risk assessment.
- Incorporation of victim feedback, especially when the person being bailed has been charged with domestic abuse.
- Information sharing between agencies involved with the accused.

The desire to reduce Scotland's prison population, including the single bail test that does not allow for bail to be refused without a 'good reason' no matter the crime, cannot come at the expense of victim safety.

There is a clear need to address the wider risks faced by women and girls, as well as domestic abuse offences committed whilst on bail. Many organisations point to the greatest risk of significant harm that arises when charges have been made, or when a woman is planning or preparing to leave an abusive relationship.

When a person is released on bail, they are given certain license conditions. These may or may not include the use of Electronic Monitoring (EM).

When conditions include EM Bail, radio frequency technology is currently being used.

We welcome the [First Minister's announcement of a GPS bail pilot scheme to be rolled out in 2027](#). We are particularly interested in the proposed pilot in Tayside, as well as learnings to be taken from how GPS monitoring has operated in England and Wales.

We are aware of some drawbacks and unintended consequences of using GPS technology in place of radio frequency, which we urge the Committee to consider. These centre around:

- The requirement of the offender to charge the GPS battery daily
- The increased size and weight of a GPS battery, compared to a radio frequency battery
- Challenges with pinpointing the offender's exact location

Consequently, the use of GPS technology within EM bail may not bring the desired safeguards.

EM bail, whether radio frequency or GPS enabled, simply tells you where someone is at a certain time. It does not prevent the perpetrator accessing a victim or their family or committing further crimes. Ultimately, this means that proposals must consider:

- the practical implementation of EM bail which uses GPS technology
- resources available within the electronic monitoring provider or Police Scotland to respond appropriately and proportionately to breaches
- response times and actions in relation to a breach of bail conditions

Given the questions and queries raised in relation to EM bail using GPS technology, these same concerns extend to Home Detention Curfew (HDC). This is where eligible offenders

are released from prison on licence conditions which include electronic monitoring, having served 15% of their sentence.

Impact on confidence in the justice system

Where bail is granted for offenders with a history of offending behaviours, especially domestic abuse or violent assault, it can be highly distressing and dangerous for victims and their families. Granting bail to such offenders can also undermine confidence in the justice system, as it may leave them feeling unsafe and unable to effectively safety plan due to the uncertainty of offender's movements and the ongoing risk of further harm.

Victims' experiences

Victim Support Scotland provides dedicated support to the families of victims who have been killed or murdered. To highlight the potential impact of bail instead of custody, we have provided case studies relating to murder cases in which release on bail was a factor.

Case 1:

Date: February 2026

One family member's partner was murdered by someone who was on bail for other serious offences. They were supported by VSS.

"The man who murdered my partner was out on bail for serious assault, bail for serious assault is a serious misjudgement. How can the people making these decisions live with themselves? Those committing these crimes have no consequences, the families are the ones who must face the consequences. Why do the accused's rights matter more than the lives of our loved ones? I'll never be able to see my partner again, where is our right to be safe from violence?"

Case 2:

Date: January 2026

Case 2 concerns a death which occurred in Scotland, where the family is being supported by our colleagues at Victim Support England. This case resulted in the death of a woman murdered by a perpetrator in Scotland, whilst on bail.

Before the perpetrator went on to murder the victim, he had been charged with serious assault and later found guilty of a more serious charge of attempted murder. The perpetrator was released on bail with an electronic tag and condition to not approach the victim.

At the sentence hearing, the family learned that the perpetrator had previously been released on bail on two other occasions – the family is unaware of the specific charges - before eventually murdering the victim whilst subject to an electronic tag as part of bail conditions.

This case has raised concerns for the family regarding the repeated granting of bail to the perpetrator. These concerns are especially pronounced in relation to the initial serious assault on the victim, which was later reclassified as attempted murder after recorded footage of the incident became available.

For VSS, this case example highlights:

1. Concerns about the appropriateness of (EM) bail in cases involving serious domestic abuse and violent offending, regardless of whether there is a prospect of a sentence of two years or less.
2. That previous offences are an indicator of future risk
3. That risks for the victim, especially those in cases of domestic abuse or violent offending escalate dramatically when charges have been brought.

These cases show the serious impact releasing violent offenders on bail can have, whether or not there is a prospect of them receiving a custodial sentence of two years or more. Remanding perpetrators in custody, particularly people charged with crimes of violence against women and girls, is therefore essential for the protection of not only the previous victims, but also the wider public.