

## **Victims and Witnesses (Scotland) Bill**

### **Victim Support Scotland**

Victim Support Scotland welcomes the opportunity to provide written evidence to the Health and Sport Committee on the establishment of the National Confidential Forum as part of its Stage 1 consideration of the Victims and Witnesses (Scotland) Bill.

Victim Support Scotland is the largest third sector organisation in Scotland that provides practical and emotional support to victims, witnesses and persons affected by crime in Scotland. Annually, we offer support to around 180,000 victims and witnesses through our community based Victim Services which operates in every Local Authority area and our Court based Witness Service which operates in all Sheriff and High Courts in Scotland.

Victim Support Scotland supports the creation and overall purpose of a National Confidential Forum in offering adults placed in institutional care as children acknowledgement of their experience, including any of abuse and neglect. Importantly, this will enable participants to have their voices heard as well their experiences validated and acknowledged, which can contribute to their overall health and wellbeing.

#### **Confidentiality**

To ensure that National Confidential Forum is effective and meets the needs of participants, it is important that the Forum respects the confidentiality and anonymity of participants and complies with data protection legislation. This is especially important in relation to the reports that will be produced for Ministers providing a record of participants' experiences.

To ensure this is effective, it is crucial that participants are fully informed at the outset of what will be involved in the process. In particular, participants must be fully informed about any limits to confidentiality and what actions, if any, will be taken by the Forum should participant's disclose information or make accusations about incidents (or against individual or institutions) that could constitute a crime.

#### **Support for participants**

Victim Support Scotland strongly believes that participants should have access to support before, during and after hearings. Participants need to be appropriately supported throughout the process and treated with respect, sensitivity and compassion. Provision should be made for participants to pull out of the process at any time, and they should be informed of this at the outset.

Furthermore, the staff of the National Confidential Forum should ideally consist of people with sufficient training, skills and understanding to support and meet the needs of survivors of childhood abuse.

It is a massive and hugely courageous step for someone to describe their experience of childhood abuse in such an open, albeit confidential, forum. The process may awaken extremely painful memories and emotions such as shame, guilt, self-blame, fear, stigma, inability to trust etc. For some individuals, this will be especially difficult if they may never have previously discussed their experience or received any help or support.

It is important that participants have the option of who supports them throughout the process. We are very supportive of the proposal that participants can, if they wish, bring a family member or friend to support them, or someone from an external support service, such as Victim Support Scotland.

It is essential that the process, and all those working within it, adopt a person-centred approach, with all actions and decisions made in the interests of the participant. Crucially, such an approach should include:

- keeping individuals informed and involved in the process;
- allowing participants to express any concerns and to have these addressed;
- supporters and staff of the National Confidential Forum being attuned to the suitability or readiness of participants to take part in hearings;
- ensuring participants have adequate support in place to meet their needs and limit the risk of re-traumatisation.

Victim Support Scotland suggests that the following provisions should be available to facilitate participation:

- degree of flexibility/options regarding the manner and venue in which participants are heard (e.g. face-to-face, in their own home, via telephone or video link, written letter or email)
- information given in a manner which is most suitable to and easily understood by participants, taking account of, for instance, any literacy issues etc
- the application process is straightforward and easily understood
- participants are given assurances that their privacy and confidentiality will be respected and maintained
- participants can choose the gender of their support person.

There needs to be clear communication and referral links between the Forum and other agencies and support services. This is essential to ensure that those who need or want it, can receive additional support throughout the process and beyond. This will be important in ensuring that any justice-related issues that might arise are appropriately considered and addressed.

**Dorothy Cassidy**  
**Policy Officer**  
**Victim Support Scotland**

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