Justice Committee

Scottish Government’s Draft Budget 2013-14

Written submission from Victim Support Scotland

Justice Portfolio Budget

Victim Support Scotland is grateful to be given the opportunity to comment on the Draft Justice Budget 2013-2014. We welcome the spending priority areas of the Justice Portfolio as set out in the Draft Budget (p65-68), all of which are conducive to our vision of no more victims, and to our mission of supporting individuals and communities, helping to rebuild lives and keeping people affected by crime at the heart of justice in Scotland. In particular, we welcome the Government’s expressed commitment to ensuring victims and witnesses have positive experiences of, and confidence in, the justice system, and are supported in their engagement with Justice agencies. We furthermore welcome the Government’s commitment to take forward the Victims and Witnesses Bill which seeks to improve services for victims and witnesses and place them at the heart of the justice system.

Courts Budget

We note that the budget for the Scottish Court Service is being cut by £8m between 2012 and 2015.

Victim Support Scotland welcomes the commitments set out on page 81 in relation to the Scottish Court Service; in particular, taking forward reforms to the structure and processes of the court through the Making Justice Work Programme, and continuing work to enhance the use of technology in how people access justice. We view this area as interlinked with improving services and support for victims and witnesses. However having considered some of the specific proposals / changes in which financial savings are apparently to be yielded we are concerned that some of the proposals could actually have an adverse effect of victims’ and witnesses’ experience of the courts and potentially impede on access to justice for victims and witnesses.

It is pertinent that decisions regarding the court service budget takes cognisance of any spending needs in relation to developing and improving victims’ and witnesses’ experience of the courts.

Reform of Scottish Courts

The Scottish Court Service has set out proposals to revise their court structures in order to achieve financial savings of around £2m per annum, with a further estimated saving of £6-8m from outstanding building maintenance costs. The wide-ranging proposals include plans to revise the High Court circuit, consolidate the number of courts with sheriff and jury business, transfer JP court business into sheriff courts, and perhaps
most significantly to close a number of smaller cluster sheriff courts from 2013 onwards. SCS also propose to increase use of videoconferencing and other arrangements to support vulnerable victims and witnesses.

Although we know that accommodation and facilities at some older courts is less than satisfactory at present, plans to close some courts and additionally relocate other court business to bigger cities, will have a major impact especially for victims and witnesses across many rural communities who are likely to face additional costs and inconvenience through additional travel time and costs incurred. Many of these towns are in rural communities already poorly served by public transport. The closures will see individuals in some remote towns face considerably lengthier, more costly and burdensome arrangements for getting to court. Some individuals could face bus journeys in excess of 2 hours just to get to court, with the additional burden of a very early start and up-front expenditure arising from the extra distances involved. Even where there is frequent bus or train services available, victims and witnesses could easily find themselves in the extremely distressing situation of being on the same bus/train as the accused.

While accepting there is an argument that inadequate facilities and low business volume at some courts might on their own justify closure, these decisions should always be balanced against the significant inconvenience and costs created.

One of the overriding principles of justice is that it should be accessible to the public and our local communities and of course the most important people in the justice system must always be the victims and witnesses. These moves have the potential to significantly inconvenience victims and witnesses and may well lead to less people attending court, with justice not being done, and more trials being delayed or even abandoned as a result.

Whilst we welcome the principle of offering flexibility for victims and witnesses to give their evidence through greater use of technology, we are cautious of how effective this will be in practice; our experience of its use in remote sites and cctv links is mixed, with equipment sometimes failing and actually causing disruption to court business and increased inconvenience for all concerned.

Reviewing and improving support and services to witnesses is fundamental to better quality evidence, court efficiency and, as a result, greater public confidence. In Victim Support Scotland’s Manifesto “No Going Back” we highlighted a number of areas where we believe improvements should be made in the rights and services available to victims and witnesses of crime, which includes court facilities (separate entrances, waiting rooms, refreshment facilities), training, scheduling of trials, stand-by arrangements of citations (allowing witnesses to wait at home), all witnesses to be offered special measures etc. In addition, we would like to see further attention being paid to the following areas to ensure support, rights and better quality of evidence can be delivered:
- Quality of evidence needs appropriate support, named contacts and certainty about scheduling
- Better witness experience – better information, facilities & safety
- Better identification of witness needs & shared preparation and action on it
- Better information about sentencing disposals and more use of range of disposals
- More communication between fiscal and witness
- Give witnesses clear, accessible information about what to expect and programme of preparation and aftercare
- Offer of special measures for all witnesses along with information about special measures – informed choice
- Cut time between initial report and trial
- Targeted training for everyone involved in the process
- Safety – separate exits, entrances & facilities

Identifying witnesses’ support needs early in the process is crucial for the system to be effective. Reviewing and improving services and support given to witnesses is not just about establishing a better witness experience, it is fundamental to better quality evidence and court efficiency. The needs of witnesses and the needs of the criminal justice system are interlinked and mutually dependent on each other. With a better service given to witnesses, they will feel safer and more content with the process, which will increase the quality of their evidence and their contribution to the process. A positive witness experience will also increase the likelihood of them engaging with the criminal justice system again, which reflects their trust in the system.

Thinking of needs and not just vulnerabilities may help to ensure that support is provided throughout (and beyond) the justice process. Victim Support Scotland has established Witness Services in every Sheriff and High Court. The Witness Service provides information and support to witnesses cited to give evidence in criminal trials. The Service also offers witnesses familiarisation visits prior to giving evidence. At the moment, we support many witnesses who turn up on the day with no prior notification whereas the majority of referrals from other agencies are witnesses who are perceived “vulnerable”. If automatic referral arrangements were set up to ensure that every witness cited is referred to the Witness Service, we may be able to assist the statutory agencies with their case progress information to witnesses and also with individual needs assessment to ensure that the person is offered the most suitable support and information to fit their individual needs. This in effect would lead to a better quality of evidence.

With the transfer of JP courts into sheriff courts, we are also interested in looking at how witness support can be effectively resourced for the JP courts to ensure that every person in Scotland has equal access to support and information services in connection with giving evidence. Having JP trial witnesses present in the same building as witnesses in sheriff court trials will bring significant challenges for our Witness Service, in terms of our ability to distinguish and provide an effective, fair and appropriate response to witnesses in both types of cases. Victim Support Scotland welcomes further
consideration as to how we can be supported / facilitated to be able to deliver a fair and effective service for all witnesses in criminal court buildings.

If further support and information is needed after the trial, the Witness Service can also (with the person’s consent) provide throughcare via our Victim Service, which is able to offer further information, emotional support and practical assistance back in the community.

Victim Support Scotland invites further consideration of these issues within the Justice budget spending allocations and determinations.

Victim Support Scotland
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