JUSTICE COMMITTEE

PRE-BUDGET SCRUTINY OF THE SCOTTISH GOVERNMENT’S DRAFT BUDGET 2019-20

SUBMISSION FROM VICTIM SUPPORT SCOTLAND

1. As the largest charity supporting people affected by crime across Scotland through the provision of practical help, emotional support and essential information, Victim Support Scotland (VSS) welcomes the opportunity to respond to a request for comment from The Justice Committee on their priority areas and current funding trends.

2. Our response focuses on the supplementary request on our position on the additional spending provided to the Crown Office and Procurator Fiscal Service (COPFS) to tackle sexual crime and domestic violence and provide extra court support for victims and witnesses.

3. Sexual crimes increased by 13% from 11,092 to 12,487 in 2017-18. There has been an upward trend in the reports of these crimes since 2010-11. As an organisation supporting victims of rape and attempted rape and other sexual crimes we are reassured that Scotland’s prosecutors and courts will receive extra funding to respond to the growth in sexual offence reports and to reduce the time cases take to progress through the justice system. The funds allocated to reduce delays and to help improve communication with victims of sexual offences is welcome. We hope this funding is part of a trend that places victims and witnesses at the heart of the justice system in Scotland.

4. Victims and witnesses tell us repeatedly that court delays cause serious frustration. Therefore, the proposed additional funding to assist trials to start at the earliest opportunity and minimise disruption and streamline suitable court locations is positive. However, we need to know what this means in practical terms of resourcing between statutory bodies, victims and witnesses, and the organisations who advocate on their behalf. A truly victim centred approach should be part of an overall ethos to increase collaboration between all those involved in the justice sector, where key information is communicated in an appropriate, sensitive and timeous manner.

5. We received 22,500 referrals from VIA in 2017/18, many of whom were victims of sexual assault, rape, domestic abuse, and stalking. Our court based services are available to provide support and we have a protocol with the Crown Office to help deliver on the needs of victims and witnesses of crime. Therefore, we understand the significance and are supportive of the extra funding allocated to Rape Crisis Scotland to place an advocacy worker in every rape crisis centre and to enable additional advocacy workers for those areas most in need. We will continue to promote and advance effective partnership working with Rape Crisis Scotland and other support organisations to ensure the best possible support is provided in accordance with victims’ wishes and in keeping with the Victims and Witnesses Act 2014.
6. It is positive that the importance of research into victims and witnesses experiences has been acknowledged, reflected by the funding awarded to the Scottish Centre for Crime and Justice Research to help understand the experience of victims of rape and sexual assault in the justice system. We would like to see this sort of approach continued and extended to other forms of crime (such as hate crime) so we are able to provide the most appropriate and long lasting support to victims, witnesses, their families, and their communities.

7. We are encouraged by the Chief Medical Officer’s Taskforce who will be working to ensure delivery of the new national standards for forensic medical examinations for victims of sexual offences. The Scottish Government investment to improve facilities for examinations should improve consistency of process, and importantly, reduce trauma for victims at an extremely distressing time.

8. VSS is satisfied there is a trend towards ensuring Victims’ rights are strengthened within the Scottish Justice System. We appreciate the need to take a big picture approach to crime to break the cycle of re-offending, in order to becoming a society where there is less crime and fewer victims of crime. We understand this will include exploring restorative and community based approaches with certain types of offenders. Whilst we agree with this in principle, this should never be at the expense of the physical and psychological well-being of victims and witnesses of crime. Any considerations must place their rights at the heart of decision making. Therefore, our criminal justice partner agencies should be resourced to minimise risk to victims and witnesses - in particular, as new electronic monitoring technologies and other rehabilitative measures are implemented.

9. We are supportive of the audit on the most effective and practical way to further embed the principles of the UN Convention on the Rights of the Child into policy and legislation. This includes the option of full incorporation into domestic law, including raising the minimum age of criminal responsibility from 8 to 12 through The Age of Criminal Responsibility (Scotland) Bill and affording children and vulnerable witnesses the right to give evidence away from a court room as part of The Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill.

10. VSS is encouraged that the Scottish Sentencing Council (SSC) are looking at ways to improve the clarity of sentencing rules and judgements, in particular with victims of sexual crime. We look forward to hearing more detail of their work plans in this area.

11. As an organisation that has been involved in the independent review on the laws covering hate crime in Scotland and one that has prioritised this area of crime as part of our three year strategy, we wish to ensure that new hate crime legislation is fit for purpose. This will help minimise the hugely damaging discrimination that impacts significantly on people’s lives and assist us to offer the most meaningful support to hate crime victims. As such, we look forward to working with the Scottish Government to help usher in Lord Bracadale’s recommendations in the months and years ahead.