



Criminal Justice Committee
Wednesday 30 September 2026
7th Meeting, 2026 (Session 7)

Victims' perspectives across the justice system

This paper provides background information for the Committee's evidence session on victims' perspectives across the justice system. Victims' experiences of the justice system can be shaped by a wide range of issues, including communication, support services, court processes, sentencing decisions, and the management of offenders in the community. The following sections highlight some examples of issues on which victims' organisations have expressed views, but are not intended to be exhaustive. Today's witnesses are:

- [Scottish Women's Aid](#) – a registered charity that campaigns and provides support in relation to domestic abuse.
- [Victims' Organisations Collaboration Forum Scotland](#) (VOCFS) – a group of organisations campaigning for and/or providing support to victims of crime.
- [Criminal Justice Voluntary Sector Forum](#) (CJVSF) – a collaboration of voluntary sector organisations working in criminal justice in Scotland.
- [Scottish Violence Reduction Unit](#) (SVRU) – part of Police Scotland that works to identify “innovative, evidence-based solutions to violence”.

This briefing provides background information to help inform the session. There is also a crossover with the Committee's recent introductory evidence sessions with organisations across the justice system – today's organisations may have views on many of the issues the Committee has been exploring over the last few weeks.

Victims' rights

The [Victims' Code for Scotland](#) sets out various rights of victims of crime. Broadly, these rights are to:

- minimum standards of service
- information
- participation
- protection
- support
- compensation and expenses

- complain.

Some specific rights of victims, and services they can access, are detailed below.

Right to request information

Any victim has the right to request case-specific information:

- “From Police Scotland - information about a decision not to proceed with a criminal investigation and any reasons for it, and a decision to end a criminal investigation and any reasons for it.
- From the Crown Office and Procurator Fiscal Service - if your case is not prosecuted, you have the right to be told the reasons why and to request a review of this decision.
- From the Scottish Courts and Tribunals Service - the dates of any court hearings, the final decision of a court in a trial or any appeal arising from a trial, and any reasons for it.” (Victim’s Code, page 4)

Victim Information and Advice Service

The Crown Office and Procurator Fiscal Service (COPFS) provides a [Victim Information and Advice Service](#) for certain victims considered to need extra support. This may include victims under the age of 18, those who are victims of domestic abuse, hate crime, sexual crime or stalking, or those who are involved in a jury trial.

The service aims to help victims understand the criminal justice process and can explain to a victim what is happening with their case, including providing information on hearing dates, bail decisions and sentences. It can also offer support in court, for example by arranging for special measures or providing a referral for support writing a victim impact statement (more information on both of these below).

Victim Notification Scheme

The [Victim Notification Scheme](#) is an opt-in scheme that is available where the offender in a case is sentenced to 18 months or more in prison.

There are two parts to the scheme. Under Part 1 a victim will be told within 48 hours:

- the date of the offender's release (but not their location after release)
- if the offender dies before being released
- if the offender is transferred out of Scotland
- if the offender is eligible for temporary release – e.g. for training programmes or home leave
- if the offender escapes or absconds (does not come back when recalled)

- if the offender returns to prison for any reason and it's connected to your case
- if a certificate has been granted giving the offender unescorted suspension of detention from hospital for the first time. (This means they can leave hospital for specific periods of time, without an escort or supervision.)

Part 2 gives a victim the right to send written comments to the Parole Board for Scotland when the offender is being considered for parole, or the Scottish Prison Service when they are considering releasing the offender with an electronic tag.

The Parole Board for Scotland and the Scottish Prison Service must inform the victim if they recommend or direct the release of the offender and if there are any conditions of the release that affect the victim or the victim's family.

The Victim Information Scheme is available for victims of offenders who are sentenced to less than 18 months' imprisonment. The information that victims are currently entitled to under this scheme relates only to the date of release.

The [report of an independent review of victim notification](#) was published in May 2023. It stated: "Our brief recognised that victims and victim support organisations had concerns about the current operation of the scheme in that it was seen as bureaucratic, difficult to navigate, disjointed and confusing. Concerns had been expressed about the level of take-up and that some victims may be failing to engage for reasons which were not entirely clear."

In terms of take up of the scheme, the review stated that it was not possible "to identify any meaningful data on the take up of the scheme as a proportion of eligible victims, or to identify data on reasons why victims may not elect to register or what influences their decisions on registration itself or when they apply". The review did estimate that eligible cases could be around 2,700 per year (see page 59 for an explanation of how this estimate was reached). In a [letter to the session 6 Criminal Justice Committee](#) in February 2025, the then Minister for Victims and Community Safety stated: "In total, 364 victims registered onto the VNS (including VIS) in Scotland between 1 June and 31 December 2024."

The review set out 22 recommendations. The Scottish Government published a [response to the review](#) stating that it "agreed with or agreed in principle with the majority of the recommendations" (page 3). Some of these recommendations were taken forward in the Victims, Witnesses and Justice Reform (Scotland) Act 2025, of which relates to victims' rights to receive information and give views.¹ The Scottish Government's [Reform of the Victim Notification Scheme: report for Parliament - March 2026](#) sets out which sections of the 2025 Act address which recommendations and updates on the recommendations where progress is ongoing. of which relates to victims' rights to receive information and give views.² The Scottish Government's [Reform of the Victim Notification Scheme: report for Parliament -](#)

² Part 3 remains largely uncommenced. Sections 51 (Provision of transcript of record of trial to certain complainers) and 54 (Review of victim's right to receive information on fixed penalties) are the only ones currently in force. Section 35 (Single victim notification system) is partially in force – subsections (3) and (4) are in force.

[March 2026](#) sets out which sections of the 2025 Act address which recommendations and updates on the recommendations where progress is ongoing.

Victim Statement

For some more serious crimes victims have the right to provide a [victim statement](#) to the court. This is a written statement setting out in a victim's own words how the crime has affected them. It is given to the court after a guilty plea or guilty verdict but before a sentence is passed.

[Section 50](#) of the Victims, Witnesses, and Justice Reform (Scotland) Act 2025 (not yet in force) will increase the types of cases in which a person can make a victim statement to cover all offences prosecuted under solemn procedure.

Criminal injuries compensation

Victims of violent crime may be entitled to compensation. Claims are dealt with by the [Criminal Injuries Compensation Authority](#).³ Claims can be made for:

- mental or physical injury following a crime of violence;
- sexual or physical abuse;
- loss of earnings - where you have no or limited capacity to work as the direct result of a criminal injury;
- special expenses payments - these cover certain costs you may have incurred as a direct result of an incident. You can only ask us to consider special expenses if your injuries mean you have been unable to work or have been incapacitated to a similar extent for more than 28 weeks;
- a fatality caused by a crime of violence including bereavement payments, payments for loss of parental services and financial dependency; and funeral payments.

A number of eligibility criteria apply including that the incident has been reported to the police. The authority will also consider "if an applicant's behaviour before, during or after the incident makes it inappropriate to make a full or reduced award. This may be where their conduct caused or contributed to the incident". (See [CICA guidance](#) for full details on eligibility).

Special measures in court

Victims and witnesses who are considered "vulnerable" can use special measures when they give evidence. This is governed by [section 271 of the Criminal Procedure \(Scotland\) Act 1995](#).

³ The CICA is an agency of the UK Ministry of Justice and the power to amend the criminal injuries compensation scheme rests with the UK Government. The Scottish Government is in practice consulted on proposals for changes to the scheme.

Some victims and witnesses are automatically treated as vulnerable (those under 18, victims in cases of domestic violence, sexual offences, human trafficking or stalking), others may be assessed as vulnerable if:

- there is a significant risk that the quality of their evidence would be diminished by reason of mental disorder or fear or distress in connection with giving evidence at the hearing
- there is considered to be a significant risk of harm to the person by reason only of the fact that the person is giving or is to give evidence in the proceedings.

Special measures that may be used are outlined on the [COPFS website](#):

- having a supporter with the victim when they are giving evidence,
- giving evidence from behind a screen so that the victim does not have to see the accused (the accused can still see the victim on a tv screen),
- giving evidence using a live TV link,
- the statement given to the police can be read (or played if recorded) to form part of the victim's evidence (but some evidence would still have to be given at trial),
- giving evidence by Commissioner away from the courtroom before the trial takes place and the recording played in court at the trial,
- closing the courtroom so that members of the public are not allowed in when you are giving your evidence.

Victims, Witnesses and Justice Reform (Scotland) Act 2025

The Scottish Government's [policy memorandum](#) for the Victims, Witnesses and Justice Reform (Scotland) Bill described it as "ambitious in responding to the need to improve the experiences of victims and witnesses within Scotland's justice system, especially the victims of sexual crime".

The Bill became the [Victims, Witnesses and Justice Reform \(Scotland\) Act 2025](#) and provides for a number of different measures designed to improve victim experience, including:

- the establishment of a Victims and Witnesses Commissioner,
- seeking to embed the principle of trauma-informed practice,
- providing additional rights to victims to receive information and express views,
- establishing a sexual offences court,

- providing for independent legal representation for complainers in sexual offence cases in certain circumstances.

Most of the Act is not yet in force (having received Royal Assent on 25 October 2025). In a [written question](#) answered on 2 June 2026, Neil Grey, Cabinet Secretary for Justice stated that implementation of the Act “is being phased, reflecting the constrained financial environment and the time needed by justice partners to plan and deliver fundamental change in an effective and managed way.”

Implementing this Act effectively was the first ask in Victim Support Scotland’s [Manifesto for the Scottish Parliament Elections 2026](#).

Victim experience of the criminal justice process

A scoping and modelling project on [A Victim-Centred Approach to Justice in Scotland](#), commissioned by Victim Support Scotland, reported in November 2024 various concerns about victims’ experience of the criminal justice process:

- “A number of known sources of delays in decision-making”.
- “Various points of failure within the system” (these include organisations signposting to others, and organisations providing required information to the victim).
- “Inconsistencies in service delivery experienced by victim survivors within specific agencies. For example, positive interactions with Police Scotland or the Crown Office and Procurator Fiscal Service were reported, while other victim survivors found the dealings with the same agencies to be frustrating, distressing and traumatising.”
- “Inconsistencies in the service experienced as victim survivors moved between agencies. For example, while a victim-survivor had a supportive, caring and professional experience with the Scottish Courts and Tribunals Service, their contact with the Parole Board for Scotland was poor.”

The report stated: “Interestingly, the findings suggested that the current system has the potential to work well if it can achieve consistency in service delivery both within specific agencies, and across the various agencies involved.” (page 44).

Debbie Adams of Victim Support Scotland provided similar evidence to the Committee at its [9 September 2026 meeting](#):

“Consistency is an issue. Some people will have a fair and adequate experience, while others will find that the system is still not responsive to their needs. Consistent communication is also a key issue; we consistently hear that there is a lack of information and communication, particularly in summary cases. There is an issue with regard to speed, and you heard about the number of cases that go through. Everyone arrives at the same time and waits to see whether their trial will proceed on that day.

The system itself is highly confusing for people. Moreover, when I spoke recently to staff, they told me that their experience was that the victim information and advice available from other services can be inconsistent across all of the court system.”

The scoping and modelling project made four principal recommendations to address its findings:

1. Introduce an opt-out referral process to victim support services (rather than being provided with information about services so that they can opt-in),
2. Make having a single point of contact a standard service,
3. Enable streamlined data sharing through a Victim Passport,
4. Co-create a shared purpose aimed at “humanising” the criminal justice system.

Community management of offenders

Some of the concerns frequently expressed by victims’ organisations relate to how offenders are managed in the community. This may relate to:

- decisions to grant bail (and how bail is monitored)
- community disposals given on sentencing
- supervision on release from custody.

The Committee’s previous evidence session today on the balance between community and custodial sentences (see separate paper for background on that issue) is relevant to this topic, as are the prison and bail/remand sessions on 2 September 2026 – see [official report](#) and previous [SPICe briefing](#).

The subsections below provide some examples of concerns that have been raised from a victim perspective in each of these contexts.

Bail

Victim Support Scotland’s [response to the penal policy and sentencing Commission Call for Evidence](#) expressed concerns about steps being taken to increase the use of bail:

“This has been an area of great concern for victim support organisations. We have significant concerns regarding the availability of services and resources robust enough to adequately supervise offenders in the community and keep people safe. We would point to the 11% increase in offences committed by people on bail as an important indicator that we are not getting this right.”

The response highlights two particular issues:

“Particularly, we have serious concerns regarding the removal of Section 23D from the Criminal Procedure (Scotland) Act⁴, which we believe has the potential to increase harm towards women and girls. There have been numerous instances where a man released on Bail for a violent crime has gone on to kill their partner, including when bail conditions have been in place restricting contact.”

“Victim Support Scotland is calling for stricter regulations on the location where someone is released on Bail to. Particularly, we ask that offenders are not released to the home of their partner if there is any history of domestic violence or abuse. This should apply to all offenders of any crime type and apply regardless of whether the domestic violence charge was perpetrated towards their current partner.”

The CJVSF’s [response](#) to the Independent Sentencing and Penal Policy Commission Call for Evidence stated that “a more preventative approach to reduce the risk of people entering the justice system in the first place” had to be adopted and highlighted the importance of ensuring “appropriately resourced community bail support options” were available across Scotland. It stated: “Unfortunately, in recent years, we have already seen some services close due to a loss of funding.”

Community sentences

Scottish Women’s Aid have published their [response](#) to the Scottish Government [consultation on the prison population and penal reform](#). It states that:

“Community disposals have never been demonstrated to be safe. Short sentences offer small but welcome safe spaces but cannot and should not be considered adequate outcomes. They can also be problematic for families who depend on child maintenance and financial support from the abuser. (Given the woeful compliance rates for child maintenance orders, perhaps these could a be added to conditions of release?).”

It highlights five things that Scottish Women’s Aid consider necessary to improve responses to abusers serving non-custodial sentences (or those released from custody).

- “1. Improved electronic monitoring, implemented with input from survivors and specialist services.
2. Revised risk assessment processes that adequately weigh the risks of coercive and controlling behaviours.

⁴ This section was repealed by section 3 of the Bail and Release from Custody (Scotland) Act 2023. Before its repeal, section 23D provided that bail is only to be granted in exceptional cases if the accused is being prosecuted under solemn procedure for a violent, sexual, domestic abuse, or drug trafficking offence and has a previous conviction under solemn procedure for any such offence.

3. Consistent use and monitoring of non-harassment orders.
4. Intensive supervision of released offenders where needed.
5. Timely and robust responses to breaches.”

The response also states that community sentencing options should be developed in communities: “Confidence in the system cannot be built unless the system reforms itself from the bottom up”.

The CJVSF’s [response](#) to the Independent Sentencing and Penal Policy Commission Call for Evidence also commented on the way that community sentences are designed:

“Members highlighted the importance of ensuring interventions are designed and used in a way which meets people’s needs and encourages and supports individuals to both comply with sentencing measures and to work towards better outcomes for themselves, their families and the wider community. An important way of developing more flexible sentencing models will be to involve people who have experience of participating in community sentencing processes. Members also noted the importance of having conversations with people who have not complied with community sentencing processes to better understand the reasons for non-compliance.”

The CJVSF response also stated that:

“Increasing public understanding and confidence in community sentencing was identified as a key driver in informing policy and in decisions around investment levels in community sentencing. Members called for better information provision to help increase public understanding of the value of community sentences and to challenge some of the misconceptions that exist.”

The CJVSF also raised resourcing concerns again in this context:

“For community sentences and other community-based options to be effective, however, they need to be fairly resourced. Current funding arrangements for third sector partners, however, are rarely in line with fair funding principles and members continue to report problems with the current model.”

Victim Support Scotland’s [response to the penal policy and sentencing Commission Call for Evidence](#) stated:

“A common concern we hear from victims is the confusion and trauma that can accompany a lack of understanding and clear explanation of the community justice system. Victim Support Scotland wants to see prompt, clear and robust communication with victims taking place when a community

order is granted. We cannot presume that victims understand what it means for someone to be convicted of a crime but not granted a custodial sentence. Ensuring that victims are given clear explanations of what the community order means, and how this may impact them, is vital to having a trauma informed Justice System.”

Release from custody

Victim Support Scotland opposed the Prisoner (Early Release) (Scotland) Bill, having asked for amendments that were not agreed to (see details of requested amendments in this [news release](#)). This Bill (now Act) reduced the proportion of a sentence that has to be served before automatic release from 50% to 40% from 11 February 2025. From 12 May 2026 this was further reduced to 30% by the Prisoners (Early Release) (Miscellaneous Amendment and Transitional Provisions) (Scotland) Regulations 2026. Victim Support Scotland’s [response to the penal policy and sentencing Commission Call for Evidence](#) stated:

“The concerns with this scheme have been that there has been insufficient risk assessment of individuals being released and a failure to proactively contact and prepare victims for the release of the perpetrator in their case. This has been shown to have placed victims and the wider public at heightened risk.”

The response also expressed concerns about proposals relating to automatic early release of long-term prisoners:

“Ordinarily, these offenders would be eligible for parole once they have served their minimum tariff. The risk assessment undertaken as part of the parole process is a vital aspect of the Justice System and safeguards against the most violent offenders from being released into the community early. Prisoners are incentivised to partake in rehabilitative programs and education to increase their likelihood of being granted parole.

We not only risk losing the vital risk assessment safeguard, but also any incentive for people to participate in programs aimed at reducing future offending. We cannot risk losing these two vital crime prevention safeguards by opening the scheme to longer term prisoners.”

The CJVSF’s [response](#) to the Independent Sentencing and Penal Policy Commission Call for Evidence raised concerns about parts of the Bail and Release from Custody (Scotland) Act 2023 which have not yet been implemented that could support offenders on release:

“The Bail and Release (Scotland) Act 2023 offers real opportunities for strengthening collaborative working around pre-release arrangements. However, the Bail and Release (Scotland) Act 2023 Implementation Group has not met for over a year and we are particularly concerned that no date appears to have been set for section 12 (the section which relates to multi-agency planning) to be brought in to force. Both the emergency early release

programme in the summer of 2024 and the change to release points introduced in February 2025 highlighted the importance of having strong pre release planning arrangements in place to ensure that people receive the services and support they need in the lead up to and post-release.”

Court delays

The Committee looked at court delays and user experience on 9 September 2026 – see [official report](#) and previous [SPICe briefing](#). Debbie Adams of Victim Support Scotland stated in that meeting:

“I do not want to understate the depth of trauma and the fact that you have to carry it with you and that there is no resolution until you can get to trial. That process is difficult in and of itself. Those who have to carry that trauma also worry about their ability to keep their evidence in their head and to give their best evidence on the day. That is why special measures are so important—as I have said, progress has been made on them and the requirements in that respect. However, we also have to consider what else might be happening in relation to the crime— for example, whether the accused is on remand or on bail—and the fact that the longer the delay, the greater a person’s chance of bumping into the accused in their community.

More broadly, we need to think about the economic impacts on people of court delay and adjournments; in order to turn up, you have to get cover for childcare or take time off work, and then you might have to come back again. Colleagues have also spoken about the educational impact on children, but the stress and trauma of the situation also affects interpersonal relationships.”

The Scottish Government’s [Domestic Abuse Court Experiences Research: the perspectives of victims and witnesses in Scotland](#) found that for the domestic abuse victims featured in that report:

“Delays were substantial and represented one of the most difficult aspects of the process

Delays left participants feeling exposed and vulnerable, with several reporting a view that the court process was used by the accused to continue to assert control. (page 43)”

Domestic violence

Both the HM Inspectorate of Constabulary in Scotland and the HM Inspectorate of Prosecution in Scotland have highlighted concerns about victims’ experiences of the criminal justice process in cases of domestic violence.

The HM Inspectorate of Constabulary in Scotland’s [Thematic Review of Domestic Abuse - Phase 1](#) (January 2023) highlighted a need for:

“Prioritisation of training which should include trauma informed practices and an element of lived experience of victims to address problematic and outdated attitudes

Improved and more cohesive methods of communicating with victims throughout investigations” (page 7).

HM Inspectorate of Prosecution in Scotland’s [report on the prosecution of domestic abuse cases at sheriff summary level](#) (April 2024) highlights a range of concerns, including:

- victims reporting a poor experience of the justice process (not limited to the role of the COPFS)
- too many cases which could have been prepared more effectively and efficiently, and in which victims’ individual needs were not addressed
- a risk that the Victim Information and Advice service for summary domestic abuse cases may become a “letter-writing service, rather than one in which staff proactively support and engage with victims in a way that is tailored to individual needs” (page 4).

The Scottish Government’s [Domestic Abuse Court Experiences Research: the perspectives of victims and witnesses in Scotland](#) reports on 22 victims’ and witnesses’ experiences of court. It states:

“Persistent findings related to: the negative impacts of delayed proceedings; the emotional (and practical) costs of going to court; the inadequacy of special measures at court in protecting witnesses from harm and distress; the impact of giving evidence in an adversarial process; feeling uninformed and excluded from the management of the criminal case; and not being aware of or understanding the rationale for decisions made about the case.” (page 8)

The Committee held evidence session on 23 September focussing on domestic violence – see previous [SPICe briefing](#), official report will be published on the [Parliament’s webpage](#) when available.

Repeat Victims

The Scottish Violence Reduction Unit (SVRU) [State of the Nation](#) report (February 2026) identified repeat victimisation of violent crime as a “complex, persistent issue in Scotland”. It highlights that although the 2023/24 Scottish Crime and Justice Survey reported that the number of individuals experiencing repeated violent crime is extremely low (0.9%), “this small proportion experienced 61% of all violent crime within this time frame, emphasising the highly concentrated nature of violence”. The report states that: “This can be impacted by several overlapping factors such as gender, social environment, high levels of deprivation and consistent levels of trauma, usually beginning in early childhood” and that:

“Some people who have disclosed being repeat victims to the SVRU explained feeling disconnected from others in the community and from the services that are in place to support them. In recent decades, services – both those provided by statutory services and by the third sector – have seen increased demand on reduced resources pushing them to breaking point.”

Mhairi Gavin, Criminal Justice Researcher, SPICe

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