

scottish strategy for victims scottish court service: action plan

Scottish Strategy for Victims

**Scottish Court Service
Action Plan**

October 2001



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Introduction

The Scottish Court Service is an Executive Agency of the Scottish Executive. Our main function is to support the judges and sheriffs in the Supreme and Sheriff Courts in Scotland. We provide staff who are properly trained to carry out the technical, administrative and organisational services necessary for the smooth running of the courts, while giving an efficient and courteous service to court users. We also provide and maintain courtrooms.

The Scottish Court Service recognises the important role which victims have in the criminal justice system. We are committed to treating victims with compassion and respect for their dignity, and to improving the services that we provide to victims, including bereaved next of kin.

We will work in partnership with our fellow criminal justice agencies, local authorities and related voluntary organisations in addressing victims' needs.

This Action Plan sets out in practical terms how we intend to meet our commitment to supporting those victims of crime whose cases are dealt with in the Supreme or Sheriff Courts. It also sets out how we intend to achieve the principles of the Scottish Strategy for Victims insofar as they relate to the remit of the Scottish Court Service.



These principles are:

- a recognition of the importance of the victim and the need to provide practical and emotional support to assist the victim to recover and towards prevention of further crime or secondary victimisation;
- a commitment to provide explanations for victims about the criminal justice and other processes with which they are involved;
- a recognition that victims have a legitimate interest in the cases with which they are involved and so have a contribution to make;
- a commitment to offer victims information on the progress of their cases; and
- a recognition that victims should be enabled to have a voice throughout all stages of the criminal justice system.

For the purposes of this Action Plan, a victim may be any person who has been the subject of any type of crime. In the event of the death of a victim of crime, or their incapacity in relation to criminal proceedings, the family or those sharing a family-like position may also be considered as victims.

Further, we recognise that when attending court, a victim may need the support and assistance of a family member, and in such circumstances we will extend our services to include the person accompanying the victim.

We recognise that some victims will also be witnesses; that some will be involved with the criminal justice system, some in civil court actions. The needs of all of these victims, irrespective of whether or not they are also witnesses will be taken into consideration.

It is the underlying premise of this Action Plan that all victims should be treated fairly and that consideration is given to their interests irrespective of their race, ethnic origin, age, gender, religious beliefs, sexual orientation or any disability.

First Pillar of the Strategy

Provision of Practical and Emotional Support

The support of victims and witnesses attending court has long been a concern of the Scottish Court Service. The most recent initiative in support of this aim has been the facilitation of the introduction of the Scottish Executive funded Witness Service. This service, which is run by Victim Support Scotland, is based in the court building and aims to provide practical advice and assistance to victims and witnesses attending court. The Witness Service is now operating in the sheriff courts of all Scottish cities, and the service will be rolled out to all other sheriff courts by Summer 2002. The Scottish Court Service will work with the Witness Service and ensure that accommodation, and access to services, are provided.

The Scottish Court Service is committed to providing services that reflect, and are responsive, to the needs of victims. These services will be informed by victims themselves, through:

- consultation with voluntary organisations with a remit for victims issues,
- monitoring the feedback received from individual victims who use the courts, and
- an annual survey which will be designed to monitor changes in victims' needs, the effectiveness of changes in services and facilities, and the effectiveness of staff training.


Through the consultations which preceded the publication of the Scottish Strategy for Victims and the Feasibility study for a Victims and Witness Support Service in Scotland, we are already aware of areas in which we could better meet the needs of victims. We have thus identified a number of ways in which we can develop our services and facilities.

By Autumn 2001 we will:

- Review the services and facilities within the courts with a view to:
 - avoiding contact between victims and those accused of the crime except where court proceedings require it;
 - attempting to prevent secondary victimisation; and
 - avoiding placing victims under unnecessary pressure.

Where this can be achieved without the need for structural alterations, we will implement the desired changes by the end of 2001. Where structural changes are required we will ensure that any new court buildings and that the refurbishment of existing court buildings will include such provision, and we will work to progressively introduce such provision across all court buildings.

- Develop a victim related performance management framework in order that we can evaluate our progress in implementing this Action Plan.
- Ensure that all witness accommodation in courts is clean, adequate, comfortable and furnished with reading materials; and in all but the smallest courts, refreshment



facilities are available for all or part of the day, along with toys for children.

By the end of 2001 we will:

- Review and develop the existing provision for training Scottish Court Service staff in victim awareness to ensure that high standards are set and maintained, and to deliver the revised training to all staff in contact with victims by the end of 2002.
- Ensure the adequate provision of CCTV equipment for witnesses who are to give evidence remotely.
- Investigate the feasibility of providing victims, and the families of murder victims, with a transcript of a solemn trial at low or no cost.

By Spring 2002 we will:

- Explore with the Judiciary and the prosecutors means of reducing lengthy waits for victims at court before giving evidence, and also means of fast tracking cases involving children.
- Agree with the appropriate agencies, protocols for referring victims and exchanging information.

Second Pillar of the Strategy


Provision of information to Victims

We recognise that victims need access to general information about court procedures, as well as information about their own case.

Information about the progress of specific cases through the court, and their outcomes is already available on request from the clerk of the court in which the case is being dealt with. Human rights, Data Protection, and Rehabilitation of Offenders legislation, all influence what case specific information can be provided, and we will develop and provide to Scottish Court Service staff, guidance on the implications of this legislation and on the issue of confidentiality by Autumn 2001.

On the day on which a case goes to trial, we aim to keep witnesses informed of the progress of the trial, no less than at two hourly intervals. We recognise, however, that this can seem a lengthy interval to those who are waiting, and we will review this policy by Autumn 2001.

General advice on what to expect when attending a criminal court is available on the Scottish Courts website (www.scotcourts.gov.uk), and through the Government portal UK Online (www.ukonline.gov.uk). General information about court procedures is also available from court staff, and through a range of leaflets produced by the Scottish Court Service. There is, however, no leaflet produced by the



Scottish Court Service aimed specifically at the needs of victims, and we intend to rectify this.

By Spring 2002 we will publish a leaflet – ‘The Scottish Court Service Standard of Service for Victims’ - which will include:

- details of the Scottish Court Service remit,
- procedures for obtaining information,
- procedures for expressing concerns,
- details of sources of support,
- provisions for victims and witnesses attending court,
- provisions for victims who are especially vulnerable, including:
 - children,
 - the elderly,
 - those who do not speak English as their first language,
 - those with sensory or mobility impairments,
 - those with learning difficulties, mental illness, acquired brain injury or suffering from dementia,
 - those who have been subject to racism,
 - those who have been subject to homophobic attacks,
 - those who have experienced anti social behaviour, and
 - those who have experienced domestic abuse, rape or sexual assault, harassment or stalking,
- procedures for identifying victims who have fears about safety and / or are in need of protection, and procedures for ensuring that their needs are met, and
- details of provisions for giving evidence via CCTV link.

This information will be provided in a form that is appropriate and accessible.

Interpretation services are already available in the offices of the Supreme Courts and Sheriff Courts through the Language Line and Typetalk facilities.

By the end of 2001 we will review the other leaflets provided by the Scottish Court Service to ensure that they are appropriate, informative, easy to read, meet the needs of our customers, and are awarded the Plain Language Commission accreditation.

Third Pillar of the Strategy

Greater Participation in the Criminal Justice Process

The Scottish Court Service remit does not involve us directly in this objective. We will, however, work with the other criminal justice agencies to facilitate the piloting of victims' statements and the implementation of the Action Plan resulting from 'Towards a Just Conclusion'. We will also work with the police and the Scottish Prison Service to safeguard the personal safety of victims and witnesses.

Conclusion

The Scottish Court Service views the above measures as a package that together form its Action Plan for the short to medium term. It is not, however, viewed as static. We recognise that victims' needs will change over time, and we anticipate that the Action Plan will develop as a result of consultation and feedback from victims.

Scottish Court Service
October 2001