

Standards of Service for Victims and Witnesses 2016-17



Preface

This document has been prepared by Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Courts and Tribunals Service, the Scottish Prison Service and the Parole Board for Scotland working in partnership.

Section 2 of the Victims and Witnesses (Scotland) Act 2014 requires Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Courts and Tribunals Service, the Scottish Prison Service and the Parole Board for Scotland to set and publish standards of service for victims and witnesses. These standards are set out in this document.

All of our standards will be monitored, reviewed and reported on annually.

The standards of service for the previous year and each agency's report against those standards are published, and can be viewed on any of the agency websites (for website addresses please see the section on How to Complain below).

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Introduction

There can be no justice without victims and witnesses who stand up to crime, report crime to the police and who give evidence in court when necessary. It is essential for the Scottish criminal justice system to support and protect those who are victims and witnesses, to make sure that you have access to the information you need, that you are treated fairly, and that you are supported in making your voice heard. You are at the heart of our justice system.

In late 2015 the Scottish Parliament approved further legislation, The Victims' Rights (Scotland) Regulations 2015 (the Regulations), which are designed to provide further support and to clarify the rights of victims engaged in the justice system. The Regulations ([here](#)) along with the Victims and Witnesses (Scotland) Act 2014 are considered to now place into Scottish law the requirements of EU Council Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime.

The general objective of the Directive is to help ensure that all victims of crime, regardless of where they live in the EU:

- receive appropriate protection and support
- can participate in criminal proceedings; and
- are recognised and treated in a respectful, sensitive and professional manner.

December also saw the publication of the new Victims' Code for Scotland ([here](#)) which sets out victims' rights clearly, simply and in one place. New provisions have also been introduced to enable special measures to be made available to vulnerable witnesses in relevant cases in the Justice of the Peace Courts for the first time.

If you have been the victim of, or witnessed a crime, you may have contact with a number of different organisations and people who work in the Scottish criminal justice system. Some of these organisations and people will provide a service directly to you, such as the provision of information or support, and others will have contact with you because of your involvement in the court case.

This document explains what you can expect to happen at each stage of the criminal justice process, the standards of service you can expect, and who you can contact for help or advice.

The Standards of Service are based on the main principles of the Act, set out in Section 1. These are:

- That a victim or witness should be able to obtain information about what is happening in the investigation or proceedings;
- That the safety of a victim or witness should be ensured during and after the investigation and proceedings;
- That a victim or witness should have access to appropriate support during and after the investigation and proceedings; and
- That, in so far as it would be appropriate to do so, a victim or witness should be able to participate effectively in the investigation and proceedings.

In relation to obtaining information you can also expect that:

- You should have access to relevant information at an early stage and at appropriate points in the process. This should include information on procedures, your role in them (if any), reports on progress (giving an explanation of any delays) and outcomes of criminal proceedings, and where, if possible, you can get further information and assistance;

- You should be able to understand the information that is given to you. The language should be easy to understand and the information should be available in alternative languages or formats if required; and
- You should be told who to contact if you want to discuss the information that has been provided and anything you do not understand will be explained to you.

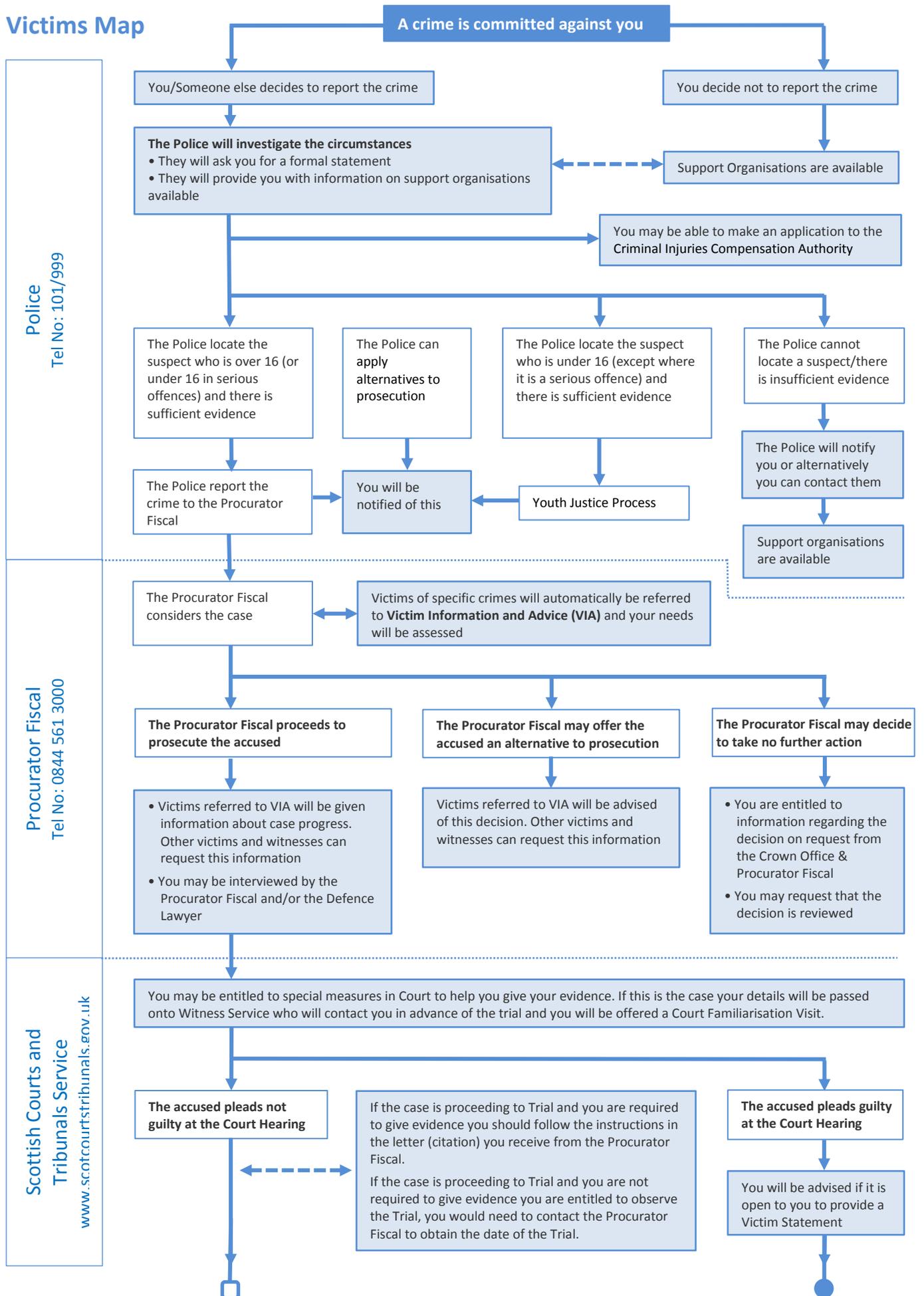
Your personal information will be protected at all times. Where it is necessary to share that information with other agencies, this will be done lawfully and in a safe and secure manner.

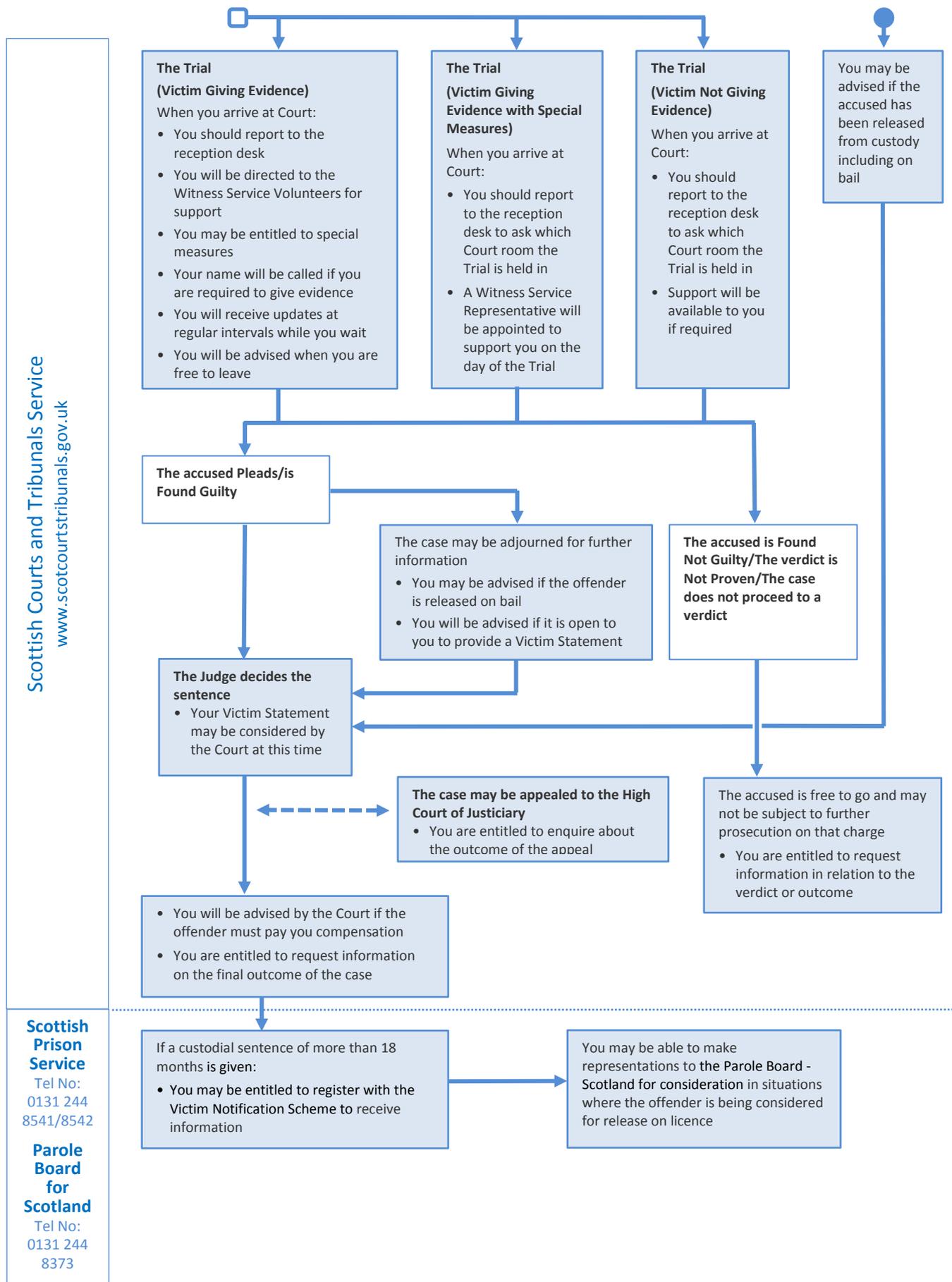
What happens at each stage of the criminal justice process

Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Courts and Tribunals Service, the Scottish Prison Service and the Parole Board for Scotland each play a part in the overall justice process.

The following flowchart sets out what you can expect from each organisation at each stage of the process if you are a victim of crime. Please note the flowchart does not reflect some of the most recent changes, such as the introduction of special measures in the JP courts. The flowchart will be subject of some revision during the course of 2016-17.

Victims Map





The common standards of service you can expect from us

Being a victim of crime, or witnessing a crime, can be a very upsetting and difficult experience.

We each appreciate this, and we will all:

- Ensure you have fair and equal access to services throughout and are treated with dignity and respect at all times regardless of background, age, disability, gender, gender reassignment, race, nationality, religion, belief or sexual orientation. Where required, additional support will be provided and any reasonable adjustments made to ensure that you have access to information and support services;
- Work together and in partnership with victim and witness support organisations to ensure you are provided with the best service possible; and
- We will each ensure that we comply with our respective Complaints Policies details of which are found below.

You can also expect the following specific standards:

Organisation	Standards
<p>Police Scotland</p>	<ul style="list-style-type: none"> • We will discuss with you how you will be kept informed of progress in your case; we will also explain how we will deal with your case and what we may ask you to do to help us; • If you are a victim or witness, a person who has given a statement in relation to a crime or a family member of a victim who has died as a result of a crime, you can make a request for information. When we receive your application, we will respond within 40 days. For more detail on what information can be requested, and how to apply; please go to www.scotland.police.uk/access-to-information/the-victims-and-witnesses-scotland-act-2014 • If you are a victim of one of these crimes you will have the option to let officers know whether you want a male or female officer to interview you. We will try to meet your request wherever possible; and • We will consider your particular needs to decide whether you are a vulnerable witness. We will then, with our partners, try to ensure your needs are met. • We will ensure you receive a Victim’s Care Card if you are a victim of crime, this will provide you with the details of your enquiry officer, the crime you report and information on how you can access victim support and the Scottish Government’s Victims’ Code.

Organisation	Standards
<p>Crown Office and Procurator Fiscal Service</p>	<ul style="list-style-type: none"> • We will treat you fairly and with respect, we will listen to you through our Complaints and Feedback Policy and the review of our decisions and we will communicate with you clearly and effectively; • We will make sure that you have access to the relevant and appropriate information that you are entitled to and in situations where we cannot provide that information we will explain the reasons why; • We will ensure that you are given the help you need to give evidence in court. We will assess your vulnerability, explain the special measures available to you under the law and when available apply for you to be supported with the appropriate special measures; and • We will take decisions in cases reported to us in line with our prosecution code and continue to review the training needs of our staff to ensure that they have the appropriate skills.

Organisation	Standards
<p>The Scottish Courts and Tribunals Service</p>	<ul style="list-style-type: none"> • If you are a witness, we will update you on the progress of the court case at least once per hour and advise you when you can leave the court; • We will provide separate waiting rooms for prosecution and defence witnesses, and access to refreshments; • If you are entitled to give your evidence to court by live TV link, we will meet you on the day and explain the process for giving your evidence to court; • We will respond to requests received on behalf of witnesses, for court familiarisation visits, within 3 working days of receipt; and • If you want to know what support is available to you when you arrive at court, we will direct you to the Witness Service or other support services which are present in the court building.

Organisation	Standards
<p>Scottish Prison Service</p>	<p>For those who have joined the Victim Notification Scheme (VNS), information that you are entitled to receive under section 16(3) of the Criminal Justice (Scotland) Act 2003 will be provided to you by the Scottish Prison Service (SPS) within 48 working hours.</p> <p>This consists of the following:</p> <ul style="list-style-type: none"> • The date of the prisoner’s release (other than being granted temporary release); • If the prisoner dies, his date of death; • If the prisoner has been transferred out of our custody; • That the prisoner is, for the first time, entitled to be considered for temporary release; • That the prisoner is unlawfully at large; or • That the prisoner who was released or was unlawfully at large has been returned to custody. • If you write to SPS about any matter concerning the Victim Notification Scheme, they will respond within 10 working days. • Where a telephone enquiry cannot be answered by SPS at the time, they will call you back within one working day. <p>For those of you who have joined the Victim Notification Scheme, and have expressed a desire to make representations in relation to licence conditions under section 17 of the Criminal Justice (Scotland) Act 2003, SPS will write to you no less than 2 weeks before any decision will be taken for release:</p> <ul style="list-style-type: none"> • On Home Detention Curfew; or • On the first occasion that the prisoner is considered for temporary release.

Organisation	Standards
<p>Parole Board for Scotland</p>	<ul style="list-style-type: none"> • If you are registered for part 2 of the Victim Notification Scheme, we will take account of your representations alongside other relevant information when deciding whether to approve release. Victim Support Scotland may be able to help you prepare your representations (contact number 0345 603 9213); • If you are registered for part 2 of the Victim Notification Scheme, we will tell you when the Parole Board has made its decision. You will be offered the option of being told by telephone and, if release is granted, we will tell you about any licence conditions that are relevant to you. If you prefer to receive a letter, we will send this by first-class post within one day of the Parole Board’s decision; • If you are registered for part 2 of the Victim Notification Scheme, we will give you the opportunity, where the prisoner has been given a life sentence, of making your representations in person to a member of the Parole Board (the Parole Board member will not be part of the Tribunal considering the prisoner’s case). Please note that the meeting with the member of the Parole Board will normally take place between 12 and 8 weeks before the date set for the Tribunal and will not normally be at your home. The meeting will be at a time that is suitable for you; • We will answer your letters, emails or telephone calls promptly. We will answer your letters or emails within 5 working days. If we are not able to fully answer your telephone enquiry at the time of your call, we will arrange to call you back; and • We will normally contact you by letter clearly stating why we are contacting you and, if there is any action that we need you to take, we will set that out clearly. If we need to contact you by telephone, we will check that it is convenient for you to discuss the matter and we will explain why we are contacting you and, if there is any action that we need you to take, we will tell you what that is and why it is required.

What to do if you are not happy with our standard of service – How to complain

Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Courts and Tribunals Service, the Scottish Prison Service and the Parole Board for Scotland, are committed to delivering the highest standards of service to you. We know that sometimes things go wrong and we will try to put things right if that happens. If you are not happy with the service you have received from one of these organisations, it is important that you let them know.

If the matter cannot be resolved, you should be offered information about the relevant complaints procedure, so that you can raise your concerns formally. Your complaint will be taken seriously and will be dealt with quickly and effectively, you should be able to complain without fear of victimisation.

Details of where to make a complaint for each organisation are found below:

POLICE SCOTLAND

www.scotland.police.uk

- Complete our online complaint form;
- Write to
Professional Standards Department
Police Headquarters Scotland
P.O. Box 21184
Alloa, FK10 9DE;
- Dial 101 and make a report of your complaint over the telephone; or
- Attend at a police station in person.

THE SCOTTISH COURTS AND TRIBUNALS SERVICE

www.scotcourtribunals.gov.uk

Our complaints procedure sets out how we will investigate and deal with your complaint and the timescales involved. The complaints procedure can be accessed:

- by clicking the Complaints and Feedback link on the home page of the SCTS website (above), or
- by requesting a copy from your local court.

CROWN OFFICE AND PROCURATOR FISCAL SERVICE

www.copfs.gov.uk/about-us/comments-complaints

- You can email RIU@copfs.gsi.gov.uk or
- write to:
Response and Information Unit
Crown Office and Procurator Fiscal Service
25 Chambers Street
Edinburgh EH1 1LA
- From a landline, you can phone 0844 561 3000
- From a mobile, you can phone 01389 739 557

SCOTTISH PRISON SERVICE

www.sps.gov.uk

- In person to the VNS Department at the SPS;
- By phone: 01312448745;
- By writing to:
Victim Notification Scheme
Room G14
Calton House
Edinburgh EH12 9HW; or
- By e-mail to vns@sps.pnn.gov.uk
Please make it clear that you want the matter to be treated as a complaint. It will help us if you give as much background information as you can, for example why you are dissatisfied and your VNS reference number.

THE PAROLE BOARD FOR SCOTLAND

www.scottishparoleboard.gov.uk

You can either write to the Chief Executive at the address on our letter or telephone on the phone number on our letter. We will acknowledge your complaint within 3 working days and will normally discuss the matter with you before writing to you within 20 working days to let you know the outcome.

You can find out how to make a formal complaint [here](#).

Taking the matter further

If you consider that Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Court Service, the Scottish Prison Service or the Parole Board for Scotland have not dealt with your complaint satisfactorily, you can ask the Scottish Public Services Ombudsman to adjudicate. You can contact them by telephoning 0800 377 7330 or at the following address:

SPSO, Freepost EH641, Edinburgh EH3 0BR.

Who you can contact for support or advice

- You can find further support, advice and guidance for victims and witnesses here:
<http://www.mygov.scot/victim-witness-support>

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CROWN OFFICE
& PROCURATOR
FISCAL SERVICE
SCOTLAND'S PROSECUTION SERVICE

Scottish Courts
and Tribunals Service



SPS
SCOTTISH
PRISON SERVICE



Parole Board for Scotland