

Standards of Service for Victims and Witnesses Annual Report on Performance 2019 – 2020



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

Scottish Courts
and Tribunals Service



SPS
SCOTTISH
PRISON SERVICE



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INTRODUCTION 2019/2020

The Standards of Service were first published in 2015, with this document marking the fifth report produced jointly 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. Each organisation is responsible for setting their individual standards for the forthcoming year, taking into account the need to be dynamic as well as the ability to respond to the needs of victims and witnesses.

Over the last reporting year, partners across the justice sector have continued to work collaboratively, taking great strides towards the shared vision of ensuring that victims and witnesses are at the centre of the criminal justice system.

The following report focuses on the steps taken by each organisation to help victims and witnesses feel supported, safe and informed at every stage of the process and demonstrates the commitment of partners to ensure that the standards set continue to be met, challenged and reviewed.

Working collaboratively, and with the Scottish Government, we are committed to putting the rights of victims and witnesses at the heart of Scotland's justice system, improving their experiences and making sure they have access to the right support, advice and information at the right times. It is recognised that there are challenges which still need to be addressed and, whilst major milestones have been reached, efforts continue to improve upon this further.

The desire to do more and willingness to do things differently is evident in our continued work in partnership with the Victims Organisations Collaboration Forum Scotland (VOCFS) to better understand the needs of victims and witnesses and our role in helping to meet those needs. We had planned a joint workshop in Spring 2020 to discuss and review the standards of service, however this event was postponed due to the Covid-19 outbreak. We remain committed to a workshop and will look for a new date when practicable to do so.

This collaborative approach was also evident at the Victim Centred Approach seminar, held in February 2020 in support of European Day for Victims of Crime. This event saw justice partners and victim support organisations come together to share the existing and ongoing progress towards this shared goal, as well as providing an invaluable insight into the lived-experience of victims at every stage of their journey through the criminal justice system.

Our organisations also continue to be represented on the [Victims Taskforce](#) which was established in 2018 to improve support, advice and information for victims of crime. The Taskforce consists of a wide representation of senior decision-makers from justice agencies, academia, the legal profession and the voluntary sector, including direct representation of victims.

Being a witness or victim of crime means that you are likely to have contact with a number of different organisations and individuals who work within 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 a court case. We want to make sure that you have knowledge of your rights, are able to exercise them and that you are treated fairly.

To achieve our shared vision of placing those affected by crime firmly at the heart of the Scottish justice system, we know it is crucial that victims and witnesses are supported in their journey. This in turn enables victims and witnesses to participate effectively, allowing their voices to be heard.

What has happened during the year from April 2019 to April 2020?

The following pages set out how we have continued to embed the Standards of Service during the past year and the plans we have for the continued development of services in support of victims and witnesses heading into 2020-21.

We are once again grateful to the members of VOCFS for their continued support and for their valuable feedback on the Standards of Service.

Where can I find the original Standards of Service document?

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. As such, you can find the original standards document on each of our websites and they are available in alternative formats if required. The original document contains more information, including a flowchart, which sets out what you can expect from each organisation at each stage of the justice process if you are a victim of crime.

THE STANDARDS OF SERVICE

The Standards of Service are based on the main principles of the Victims and Witnesses (Scotland) Act 2014 and are 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.

We have all developed standards based on these principles.

OUR STANDARDS OF SERVICE AND ANNUAL REPORT

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 age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex 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 on the following pages.**

Our Standards, and our reports on how we continue to implement them, can be found on the following pages:

Police Scotland	pages 7-18
Crown Office and Procurator Fiscal Service	pages 19-25
Scottish Courts and Tribunals Service	pages 26-35
Scottish Prison Service	pages 36-43
Parole Board for Scotland	pages 44-47

Police Scotland – Standards and Report

Police Scotland

Standards

- ☑ We will discuss with you how you will be kept informed of the progress of 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
- ☑ If you are a victim of either a sexual offence, trafficking for prostitution, trafficking for exploitation, domestic abuse or stalking 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.
- ☑ To assess your vulnerability as a witness, we will consider, with our partners, your particular needs and try to ensure those needs are met.
- ☑ We will ensure you receive a Victims' Care Card, if you are a victim of crime. This provides you with the details of the enquiry officer, the crime you have reported and information about how you can access Victim Support and the Scottish Government's Victims' Code.

Report

Police Scotland's main purpose is improving the safety and wellbeing of people, places and communities through providing high quality operational policing and working alongside our partners. There are 13 local policing divisions and each of them are committed to keeping the communities in which they serve safe.

Victims and witnesses can experience a wide range of emotions as a result of crime. When a person who has little experience of the criminal justice process is trying to navigate it, this can cause additional and unnecessary stress and confusion. Police Scotland recognises victims and witnesses rely on officers and police staff to provide them with information on their rights, which includes accessing support services, and it is essential that we get this right.

We continue to work closely with our criminal justice partners to identify areas which need to be prioritised. This includes improving the rights, support, protection and participation of victims and witnesses within a streamlined and cohesive criminal justice process.

The following information summarises what has been done in the past year by Police Scotland in relation to the Standards of Service which have not been changed.

Police Scotland – Standards and Report

“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.”

Throughout an investigation, we have a duty to maintain regular contact with victims to keep them updated on the progress of their case. This is reinforced to our operational officers within our Standard Operating Procedures (SOPs) and through internal communications which includes mandatory daily briefings.

Every month Police Scotland conduct the “User Experience Survey”. This survey is intended to capture the experiences of individuals who have engaged Police Scotland throughout their journey within the service; from first point of contact through officer engagement and overall reflections. Individuals who have either witnessed or reported a minor crime, or contacted Police Scotland for advice, are invited to participate in this survey. Between January and March 2020 these surveys were conducted by researchers at Progressive Partnership Limited who would call individuals responds and conduct the survey over the phone. In April and May 2020 this methodology changed, and the survey is currently being conducted online.

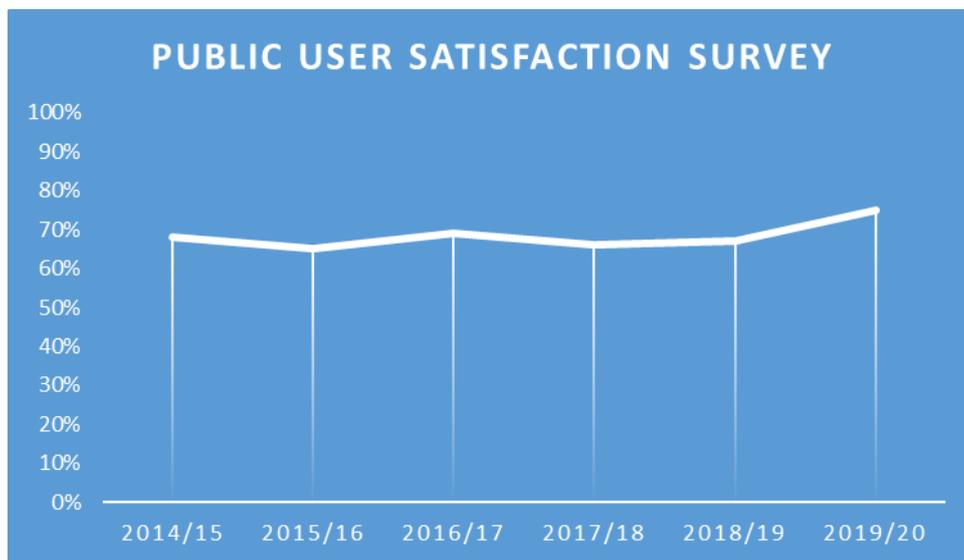
The below table illustrates the questions asked and the current survey results;

Question	January – May 2020
How easy or difficult was it to contact Police Scotland? (Easy & very easy)	85%
During the initial contact how satisfied are you with the way you were treated by the staff member? (Satisfied & very satisfied)	89%
Did you feel staff properly understood what you needed? (Yes)	90%
Do you feel that the police provided the appropriate response to the incident you reported? (Yes)	71%
Were you adequately informed about the progress of the incident you reported? (Yes)	59%
How satisfied are you with the way you were treated by the officers who attended the incident? (Satisfied & very satisfied)	85%
Based on your overall experience, how satisfied are you with Police Scotland? (Satisfied & very satisfied)	77%

Police Scotland – Standards and Report

These results are collated monthly by the Research and Insights team. These results are monitored and the data is provided to each local division. This provides each division with an opportunity to identify any ongoing issues and allow User Experience to directly inform their front line approach.

As part of this survey, individuals are asked to indicate whether they had been adequately informed about the progress made on their reported incident. The Figure below shows the proportion of respondents that felt they had been adequately informed.



We are committed to continually improving this level of performance in respect of keeping victims informed.

“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.”

Victims and witnesses have the right to enquire with us as to why we are not investigating a crime or why we have stopped an investigation. We will provide this information as long as it is not held in confidence and it is considered appropriate for disclosure.

Between 1 April 2019 and 31 March 2020 we received 19 requests for such information.

Police Scotland – Standards and Report

“If you are a victim of either a sexual offence, trafficking for prostitution, trafficking for exploitation, domestic abuse or stalking 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.”

This standard is embedded into day to day policing. We continue to support victims of such crimes which includes working closely with our partners to achieve this.

Between 1 April 2019 and 31 March 2020 we identified 35,432 victims of these crimes and 31,061 of them were given the opportunity to specify the gender of the interviewing officer. There were occasions when victims were entitled to specify the gender of the interviewing officer but we were unable to accommodate that request. The number of cases to which this applied and the reasons that we were unable to do so are as follows:

- 56 cases were classified as “deemed not reasonably practicable to do so”.

Every Domestic Abuse Task Force and Rape Task Force investigation team (North, West and East) is made up of a sufficient number of male and female officers which enables the standards set in Section 8 of the Victims and Witnesses (Scotland) Act 2014, to be met.

These legislative standards are also reinforced in the relevant investigation SOPs and Toolkits in accordance with the roles and responsibilities for all officers and staff who provide a response to reported Public Protection.

Over and above giving victims the choice of a female or male police interviewing officer, we continue to be dedicated to fully supporting them which includes working closely with our partners to achieve this. In relation to Sexual Crime, Human Trafficking and Domestic Abuse we commit to the following:

SEXUAL CRIME

- Review national training to ensure responses to reports of sexual crime are victim-focused
- Monitor compliance with the Victim Strategy
- Work in partnership with Rape Crisis Scotland to promote the use of Advocacy Support workers
- Increase third party reporting mechanisms across Scotland
- Challenge negative attitudes to sexual crime through joint partner campaigns and encourage confidence to report

Police Scotland – Standards and Report

What we have done

We are committed to continually improving the service we provide to victims of rape and sexual crime. During regular meetings with our partners who are involved with victims of sexual crime, consideration is given to feedback on our service whilst identifying opportunities for organisational learning and development.

In 2019 significant progress has been made in the following areas:

In response to the HMICS recommendations within their [Strategic Overview of Provisions of Forensic Medical Services to Victims of Sexual Crime](#) report, we have worked with the NHS to make improvements to the forensic medical examinations of victims of rape and sexual assault, to ensure suitable medical examiners and appropriate facilities are provided, striving for an equity of service across the country, regardless of where the victim resides.

We have improved our Early Evidence Kits and have refreshed training around the use of these in an effort to maximise opportunities for the capture of all available forensic evidence.

Improvement has been made to the initial call handling of incidents of sexual crime to ensure victims are given appropriate advice and support at the earliest opportunity, and that the Police provide a relevant initial response in each circumstance.

We have established an information sharing protocol with Rape Crisis Scotland allowing Police Scotland to refer, with the victim's consent, victims of Rape and sexual crime to Rape Crisis Scotland for support during the investigation and court proceedings.

During the Police witness interview and statement taking process, victims of Rape and Sexual crime are offered advocacy support by advocacy workers from either the Rape Crisis Scotland National Advocacy Project or from other support agencies. Police Scotland's policy is to accommodate this where possible. The Advocacy/Support Worker may then continue to support the victim during the continuing investigation and court proceedings.

In March 2015, the Scottish Courts and Tribunals Service (SCTS) published their Evidence and Procedure Review which called for Scotland to harness the opportunities that new technology brings to improve the quality and accessibility of justice. Since that time, SCTS have published a 'next steps' report and established a number of working groups, which included representation from Police Scotland, COPFS and Rape Crisis Scotland, to consider in more detail the proposals in their Review.

Police Scotland – Standards and Report

The Scottish Government also introduced the Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill to the Scottish Parliament in June 2018 and this was enacted on 13 June 2019. Provision already existed within the Criminal Procedure (Scotland) Act 1995 to allow a 'prior statement' to be led as Evidence in Chief in criminal proceedings. The new Act creates a new legal presumption in favour of the pre-recording of evidence in this way for certain categories of victims and witnesses in solemn proceedings to better avoid such witnesses having to give evidence in court in person.

Police Scotland, supported by Scottish Government and in conjunction with our partners in Crown Office and Procurator Fiscal Service and Rape Crisis Scotland, seek to improve rape victims' experiences of the criminal justice process. In that regard, a 2 year pilot project within 3 local policing divisions has commenced utilising specially trained sexual offences liaison officers (SOLOs) to visually record witness statements provided by adult complainers and 16-17 year old complainers of rape/attempted rape. The pilot will be independently evaluated throughout with a view to informing phased national implementation.

We have delivered a bespoke training course to 22 highly skilled and experienced SOLOs. To ensure that the visually recorded interview is of a standard which could be used as a 'prior statement' in evidence in chief and improve the victim's experience, the course included

- Knowledge and application of cognitive interview methods
- Knowledge of Trauma informed interviewing
- Enhanced forensic awareness relative to sexual offences
- Expectations of COPFS relevant to evidence in chief
- How to obtain, present and test best evidence by commissioner

We have created a refresher course for our cadre of SOLOs to ensure their skills remain current and updated.

We have worked with universities in Scotland to improve support and avenues for reporting by students who have been victims of sexual assault and Gender Based Violence, aligned to the Scottish Government's 'Equally Safe' strategy.

In partnership with the Crown Office and Procurator Fiscal Service, we have put measures in place to improve and monitor compliance in relation to the submission of victim strategies for victims of rape, designed to provide assistance to progress them through the criminal justice process with minimal trauma. COPFS have commenced a pilot within Greater Glasgow division, in which officers are required to submit victim strategies for cases pertaining to specific sexual crimes

Police Scotland – Standards and Report

HUMAN TRAFFICKING

Police Scotland's National Human Trafficking Unit will continue to strive to eliminate trafficking and exploitation from Scotland's communities. We will enhance working relationships with current partners whilst developing new collaborative and partnership working with public bodies and private business to include:

- Develop measures to raise awareness and prevent labour exploitation within 'at risk' industries
- Collaborate with European counterparts through Joint Investigation Teams
- Where human Trafficking is identified raise a crime report in line with the Scottish Crime Recording Standards
- Implement a Human Trafficking and Exploitation Organisational Learning and Development process to identify good practice and improvement opportunities
- Continue to develop sexual exploitation investigation guidance
- Monitor 'off-street' prostitution activity and undertake local risk assessments focusing on threats and risks, proportionately prioritising enforcement activity
- Engage with community representatives to create problem solving opportunities, while avoiding 'displacement only' options
- Work with local and national statutory and non-governmental organisations to improve the safety and wellbeing of individuals and enable easier access to available support, including exit services
- Endeavour to build trust and confidence by improving relationships with victims by encouraging the reporting of criminality directly to Police Scotland or via third party reporting mechanisms.

What we have done

Police Scotland's National Human Trafficking Unit have developed and delivered a new human trafficking investigators course at the Scottish Police College which is designed to enhance the knowledge of officers within local policing divisions and improve our response to human trafficking and exploitation incidents and subsequent investigations. In addition, in excess of 12,700 Police Scotland officers have completed online human trafficking training to further improve our operational response.

We have implemented a specific code for staff working within our Area Control Rooms in respect of human trafficking and exploitation incidents. This allows early identification of potential human trafficking incidents and early notification to our National Human Trafficking Unit who are responsible for ensuring a suitable and co-ordinated response is implemented.

Police Scotland hosted a National Human Trafficking Conference at the Scottish Police College with over 200 delegates. The conference focused on the investigation and prosecution of human trafficking offences and the keynote speech was delivered by the

Police Scotland – Standards and Report

Independent Anti-Slavery Commissioner. Other speakers included the Cabinet Secretary for Justice and representatives from the National Crime Agency, Trafficking Awareness Raising Alliance, Migrant Help, COPFS, Europol and the Consortium of Anti-trafficking Research in Scotland.

Police Scotland continues to work with partners to support those who are most vulnerable to ensure the correct level of support is provided to every victim of trafficking. To meet this commitment, we have ensured that an Interagency Referral Discussion (IRD) will take place between relevant partners including police, local authority, social work and health representatives, where appropriate, to ensure that victim's needs are assessed and appropriate support measures are put in place. This commitment is documented in Police Scotland's new Human Trafficking SOP and will be included in Child and Adult Protection SOPs.

We have developed a Business Exploitation Document to highlight a range of sectors in which organised crime groups may invest and exploit individuals. The document is aimed at professionals who procure goods and services and offers a range of advice on what can be done to reduce the risk from serious organised crime and where further advice can be obtained.

A number of Human Trafficking Investigations have been conducted by International Joint Investigation Teams (JITs). Romanian law enforcement officers were seconded to Police Scotland's International Unit in 2019 to tackle trafficking for sexual exploitation and sham marriages. These secondments will continue into 2020, COVID19 permitting.

DOMESTIC ABUSE

We will ensure that victims of Gender Based Violence and Domestic Abuse (DA) are safer and confident that Police Scotland are responsive to their needs.

The three tiered approach to the policing of DA implemented by Police Scotland has victims and witnesses at the core. The approach, which helps define the expected policing response to DA, is clearly laid out in national guidance contained in the DA Investigation SOP and Toolkit and is also illustrated on intranet pages for the information of all Police officers and staff. Defined responsibilities for all Police officers/staff roles in respect of victims and witnesses including keeping complainers informed of the progress of their case as well as referring victims to victim support and advocacy services and issuing Victim Care Cards, is included in that guidance and reinforced in relevant DA training.

Police Scotland – Standards and Report

What we have done

- Equipped police officers and staff with the training to effectively target perpetrators
- Supported rehabilitation and behaviour change programmes to reduce re-offending
- Improved support to victims (including expansion of the victim notification process)
- Evaluated the Disclosure Scheme for Domestic Abuse Scotland (DSDAS) to improve protection

The national Domestic Abuse Investigators Course (DAIC) is delivered to specialist DA investigators working within divisional Domestic Abuse Investigation Units (DAIU) and the Domestic Abuse Task Force (DATF). The course spends focussed time on the pro-active approach to DA, forced marriage/Honour Based Abuse and stalking investigations and the high priority given to ensuring victims and witnesses are productively engaged in the criminal justice process by appropriate and regular sharing of information about related cases and investigations.

The management structure of the DATF actively cascades relevant information during weekly management meetings and all information requests in respect of DATF cases are nationally coordinated via the Domestic Abuse Coordination Unit.

Every DATF investigation team (North, West and East) is made up of a sufficient number of officers of different genders which enables the standards set in Section 8 of the Victims and Witnesses (Scotland) Act 2014, to be met.

The national 'Domestic Abuse Matters (Scotland)' training supports the implementation of the Domestic Abuse (Scotland) Act 2018. The e-learning package includes detailed information and guidance on the need for partnership working to ensure the needs of victims and witnesses are properly considered. The face to face training within the programme delivered to Police officers and staff across the organisation further aims to advance professional knowledge of the dynamics of power and control in abusive relationships and tackle the myths and misconceptions which remain common in our communities and sometimes negatively impact the level of service given to victims and witnesses. Importantly the training is co-delivered by police officers and DA subject matter experts, reinforcing the benefits of partnership working. Police officers and staff are provided with information and service pathways to support and advocacy services that specialise in dealing with the needs of victims and witnesses.

Police Scotland – Standards and Report

“To assess your vulnerability as a witness, we will consider, with our partners, your particular needs and try to ensure those needs are met.”

CHILD AND ADULT PROTECTION

Joint Investigative Interview Project

Police Scotland and Social Work Scotland continue to work in partnership with COSLA, the Scottish Government, COPFS and SCRA to take forward recommendations of the Evidence and Procedure Review to improve the quality and consistency of Joint Investigative Interviews of children.

A new training programme has been completed and is being delivered to two pilot cohorts of staff from 2 areas within the Force and with related local authorities. A strong focus of the programme is on the planning and preparation for interview in order to meet the needs of the individual child being interviewed. The pilot will be evaluated on an ongoing basis with a view to informing phased national implementation.

The new programme includes a robust quality assurance and evaluation process to ensure the high standards of interview are maintained.

Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019

The Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 builds on existing legal provisions to allow a 'prior statement' to be used as Evidence in Chief in criminal proceedings. The Act introduced a rule requiring the evidence of many child witnesses who will give evidence in solemn proceedings to be recorded in advance of trial using special measures including Evidence in Chief by 'Prior Statement' and Evidence by Commissioner. In the majority of such cases a Visually Recorded Interview will be used to capture the evidence of the victim or witness, with a view to being used as Evidence in Chief thereby better avoiding such witnesses having to appear in court in person.

A phased approach to the implementation of the Act is being taken, with Police Scotland initially training officers from the Major Investigation Team and Domestic Abuse Task Force in new specialist 'Vulnerable Witness (16/17 yrs) Video Recorded Interview Training'. They will be deployed to incidents involving murder and serious domestic abuse cases (including domestic sexual abuse) likely to be prosecuted in the High Court. Additionally, the ongoing Adult Rape and Serious Sexual Assault SOLO VRI pilots will capture 16 and 17-year-olds wherever possible in the pilot areas only.

Police Scotland – Standards and Report

Police Scotland will conduct a 6-month review of the learning outcomes from the Vulnerable Witness (16/17yrs) VRI training and, in liaison with COPFS, consideration will be given to extending the scope of the deployment of trained officers to the additional offences listed within the legislation.

Through our developed processes we continue to ensure children and vulnerable witnesses have access to standard and non-standard special measures in all relevant Sherriff and High Court hearings.

The importance of partnership working and appropriate information sharing to ensure that the needs of victims and witnesses are addressed is also embedded in the guidance and training.

“We will ensure you receive a Victims’ Care Card if you are a victim of crime which provides you with the details of your enquiry officer, the crime your report and information on how you can access victim support and the Scottish Government’s Victims’ Code.”

We have nationalised our referral process to victim support services which is detailed within the ([Victims and Witnesses Care Standard Operation Procedures](#)) which was approved and published in August 2018. The referral process is straightforward and adheres to Data Protection legislation.

The Victim Care Card (VCC) has been amended to fully reflect victims’ rights under [Section 3D, Victims and Witnesses \(Scotland\) Act 2014](#) to further assist and simplify the process for officers to meet Police Scotland’s statutory obligations and the needs of victims and witnesses.

We have developed processes and procedures around ensuring that VCCs are either emailed or posted to those who report a crime who do not require to be seen by a police officer.

Recording fields have been requested to be added to the new national Crime System which will allow officers to record where victims have been provided with their rights in respect of accessing support and the outcome (i.e. whether a request to be referred to Victim Support Scotland (VSS) has been made) and a field for the issuing of VCCs. The fields will be searchable to allow for accurate reporting and management of performance.

Police Scotland – Standards and Report

We have created a [Victims and Witnesses section](#) on our website which provides valuable information on how to access victim support services along with a link to the [Victim Care Card](#).

Police Scotland supported the European Victims of Crime Day on 22nd February 2020. We used the week long campaign to reinforce the messaging within previous briefings to our officers and police staff.

We will continue to work closely with our criminal justice partners to identify areas which need to be prioritised; this includes improving the rights, support, protection and participation of victims and witnesses within a streamlined and cohesive criminal justice process.

We will continue to develop our approaches to public contact and engagement by working with our partners, as a whole system, to reach positive outcomes.

We are guided by the Code of Ethics for Policing in Scotland and our Standards of Professional Behaviour.

We will act with fairness, integrity and respect at all times.

BRITISH TRANSPORT POLICE

British Transport Police (BTP) is not an agency subject to the statutory requirements regarding the setting of standards and reporting on performance. BTP is however aware of the need to provide support to those persons vulnerable within the system and has set operational standards in support of victims and witnesses and these can be viewed [here](#). Any enquiries regarding the standards may be directed to D-Crime@btp.pnn.police.

Crown Office and Procurator Fiscal Service – Standards and Report

Crown Office and Procurator Fiscal Service (COPFS)

Standards

- ☑ We will treat you fairly and with respect, we will listen to you through our Comments and 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.

Report

General

COPFS is responsible for the investigation, prosecution, and disruption of crime, the seizing of proceeds of crime in Scotland, the investigation of deaths that require explanation, and the investigation of allegations of criminal conduct by police officers. We work closely with our partners in the criminal justice system to help make Scotland a safer place.

The following outlines some of the work which has been done in the past year by COPFS in relation to the Standards of Service, which have not changed, or been modified, in the past year.

Crown Office and Procurator Fiscal Service – Standards and Report

“We will treat you fairly and with respect, we will listen to you through our Comments and Complaints and Feedback Policy and the review of our decisions, and we will communicate with you clearly and effectively.”

What we have done

COPFS has a robust ‘Complaints Handling Procedure’ which is administered by the Response and Information Unit (RIU). RIU is staffed by individuals who are trained in handling complaints and who ensure that complaints are dealt with impartially. Where we are unable to resolve complaints quickly on the frontline, RIU will thoroughly investigate a complaint and provide a full reasoned response within 20 working days.

We monitor complaints for recurring themes, using information gathered to improve services. For example, RIU received a number of complaints from victims and witnesses regarding a lack of response to correspondence sent to COPFS. After investigation, the underlying issues were identified and a solution was implemented at a local level. Learning from this improvement, the department is now considering the issue on a national level to ensure correspondence from victims, witness and next of kin is identified at the earliest opportunity and efficiently processed.

Over 100 of our staff have been trained in the Institute of Customer Service ‘*First Impressions*’ course, and more are due to commence this training. The purpose of this training is to provide staff with confidence, and awareness about how important service delivery is in instilling confidence in COPFS.

We took part in ‘National Customer Service Week’ during 7-11th October 2019. During this week, COPFS hosted local events for key stakeholders and victim groups to gain insight and valuable feedback about the service we provide locally. The feedback gained will allow local offices to focus their local Service Improvement Plans on any key issues raised.

In December 2017, the Lord Advocate signed a Memorandum of Understanding with Rape Crisis Scotland which facilitates the sharing of anonymous feedback about victims’ experiences of the criminal justice system and their views on the service provided by COPFS. The feedback, only provided with the victim’s consent, is used to identify ways COPFS can improve the service provided to victims of sexual crime. Changing our position and approach on the identification of an appropriate court supporter to include victims’ advocacy workers is an example of a change made by COPFS in light of feedback received. COPFS continues to ingather and analyse that feedback to inform ongoing improvements.

Crown Office and Procurator Fiscal Service – Standards and Report

In response to recommendation 4 of Her Majesty's Inspectorate of Prosecution in Scotland's report on the Victim's Right to Review we have reviewed internal guidance regarding notifying victims of decisions to discontinue proceedings.

What we will do

We will continue to monitor the interaction that we have with our customers to ensure that we continue to provide an excellent service to them, thereby improving victim engagement and public confidence in our service.

We will implement the remaining recommendations of Her Majesty's Inspectorate of Prosecutions in Scotland's report on the Victim's Right to Review.

“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.”

What we have done

We are piloting the High Court Victim Strategy in Sheriff and Jury cases involving sexual offences. The purpose of this is to ensure that there is proactive communication with victims of sexual offences throughout the lifetime of the case. The timing and mode of the communication will be dictated by the victim.

We have reviewed the content of all letters that our Victim Information & Advice (VIA) service sends to victims and witnesses in High Court and continue to review the letters sent to victims and witnesses in Sheriff & Jury and Summary cases. The aim of the review is to ensure that victims and witnesses receive all of the relevant information that they need to fully engage in the criminal justice process in clear and straightforward language.

Work is ongoing to review the remit of VIA. Consideration has been given to the level and categories of support provided to individuals referred to VIA to ensure the service provides the appropriate level of assistance based on the needs and vulnerabilities of each victim and witness. Internal consultation has been carried out and external consultation of any proposed changes will be required before this work can be completed.

We have explored a number of options to expand our 'Decision Notification Scheme'. Work is ongoing to identify the most suitable option.

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We have developed a COPFS Witness Portal prototype. The aim of which is to provide a platform whereby victims and witnesses can access case specific information, for example, relevant court dates, witness citations and correspondence from COPFS as well as providing a means in which victims and witnesses can easily provide information in respect of the Victim Notification Scheme and Victim Impact Statements.

What we will do

We will continue to review our correspondence to victims and witnesses to ensure it is effective and provides victims with the information they need at the right time.

We will revamp our COPFS website and review its content to ensure that it provides readily accessible information through an intuitive layout. We will seek to ensure that it addresses the needs of victims and witnesses answering common queries and questions thereby reducing the need for victims and witnesses to seek out additional information through resource-intensive channels.

We will continue work on creation of a fully functioning COPFS Witness Portal including consultation with key stakeholders.

“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.”

What we have done

We worked with Police Scotland and Rape Crisis Scotland to establish a pilot project to test the effectiveness of visually recording the statements of complainers in rape cases. The pilot is running in three Police Scotland Divisions – Edinburgh City, Dumfries & Galloway and Highland and Islands and commenced on 1 November 2019. We have produced relevant internal operational instructions and guidance to staff.

We prepared and delivered bespoke guidance and training for prosecutors, case preparers and VIA staff on the implementation of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 to ensure that, where possible, all child witnesses giving evidence in relation to the most serious crimes will have all of their evidence pre-recorded in advance of trial.

We have been working with criminal justice partners, including Police Scotland and Social Work in relation to ongoing improvements in the pre-recording of evidence and

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with SCTS in relation to the availability of facilities to accommodate the new provisions in the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019.

We are working with Police Scotland and Social Work on two Joint Investigative Interview pilot projects designed to test new training for police officers and social workers. The pilots are running in two jurisdictions – Lanarkshire and North Strathclyde. The Lanarkshire pilot commenced in February with the North Strathclyde pilot due to commence in April. The aim of the pilots is to improve the quality of recorded interviews which will improve the experience for the witness and increase the use that can be made of the recording, for example by allowing it to be presented in court as evidence in chief.

What we will do

We will monitor the progress of the rape complainer VRI pilot and will request feedback and progress updates from staff dealing with relevant cases as they progress. Early indications of the pilot suggest positive benefits from visual recording, including reducing the amount of time taken to provide the complainer's witness statement to the police.

We will continue to work with Police Scotland and Social Work on the Joint Investigative Interview pilot projects and together establish a process to evaluate the quality of JIIs submitted to ensure they are suitable to be presented in court as evidence in chief and thereby limit the need for a child to give evidence at trial.

We will prepare for the introduction of the second phase of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 which is scheduled to begin in July 2021.

We will review the Lord Advocate's Guidelines to the police on providing information on vulnerable adult witnesses. This will ensure those who require special measures will be identified more efficiently and that a more coherent service is provided to vulnerable witnesses in their contact with the criminal justice system.

“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.”

What we have done

We have reviewed all of our mandatory sexual offences training. The training consists of 9 e-learning modules which must be completed before a two day training course. The face to face training is delivered by experienced Procurators Fiscal with inputs from Senior Crown Counsel and external stakeholders including Police Service of Scotland and Rape Crisis. There are presentations from psychologists with a specific focus on the

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trauma faced by victims of sexual abuse and psychotherapists with a specific focus on the cultural barriers faced by minority ethnic children, young people and adults.

To support the implementation of the Vulnerable Witnesses (Criminal Evidence) Act 2019 we have produced an e-learning module covering taking evidence by commissioner which provides training on the circumstances in which such a measure should be considered, the benefits and challenges of the procedure, how to draft an application, the formal procedure and the practical arrangements and considerations before, during and after the commissioner hearing.

We are working with our criminal justice partners on three summary justice pilots. The pilots which are taking place in Dundee, Hamilton and Paisley, commenced in January 2020 for an initial period of 18 months. The purpose of the pilots is to; resolve cases at the earliest opportunity, without the need for a trial being fixed; reduce the need for full disclosure where cases can be resolved; reduce the number of cases called for trial, reduce the number of witnesses unnecessarily called, and preserve trials for cases that cannot be resolved by other means. This pilot will encourage greater and earlier communication between COPFS and our criminal justice partners and will hopefully lead to the shortening of journey times for victims and witnesses in the criminal justice sector and minimise the requirement for victims and witnesses to come to court to retell their story.

What we will do

COPFS remains dedicated to providing the best possible training to all staff, including our Trainee Solicitors and new Procurator Fiscal Deputies under our Trainee and Depute Accreditation programmes. Our Trainee Solicitor programme is continually improved and updated to ensure that it best equips our legal trainees with the core skills they require as prosecutors, and prepares them for work as qualified solicitors. We are in the process of adapting our trainee programme to take account of the Admission as Solicitor (Scotland) Regulations 2019, which enable a trainee solicitor to apply for a practising certificate (with restriction) from month 4 of the traineeship. The Trainee Continuing Professional Development (TCPD) provided by COPFS has been reviewed and updated in its entirety during the course of the year. Trainees receive 78 hours of TCPD in the first year of the traineeship alone. The courses undertaken by the trainees include Evidence and Procedure, Court Preparation, Court Procedure Practical, Case Marking, Valuing and Managing Difference, Domestic Abuse Awareness and Advocacy, amongst others.

We will review the training our VIA staff receive and ensure that they have the skills required to correspond with our most vulnerable victims in a trauma informed manner.

We will continue to work with our criminal justice partners in the three summary justice pilots and evaluate their effectiveness

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THE STANDARDS OF SERVICE IN THE COMING YEAR

COPFS keeps all of its procedures and policies under review, and will continue to monitor their effectiveness, working to make improvements if and when they are required, to ensure that the Standards of Service continue to meet the needs of victims and witnesses. COPFS does not intend to amend or modify the current standards of service but to continue to improve our implementation of the existing standards of service as set out above.

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Scottish Courts and Tribunals Service

Standards

- ☑ 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.

Report

General

The purpose of the Scottish Courts and Tribunals Service (SCTS) is to support justice by providing administrative support to the judiciary, the courts, the tribunals and the Office of the Public Guardian. The above standards reflect the key engagement which victims and witnesses may have with the courts, and SCTS, during their journey through the justice system.

This report provides an annual review of performance against the specified standards, as well as exploration of the continuous efforts being made to improve the experience for victims and witnesses who attend court.

Criminal Justice Reform

SCTS is committed to continuously driving forward initiatives emerging from the [Evidence and Procedure Review](#).

The review previously identified the potential for witnesses to be re-traumatised whilst giving evidence as well as the importance of witnesses being supported to give their 'best evidence'. As such, it is paramount that children and vulnerable witnesses can give evidence at the earliest opportunity.

The Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 introduced specific changes which include allowing applications for commission hearings to be lodged prior to service of the indictment; establishing a new legal presumption in favour of the pre-recording of evidence and providing a statutory footing for 'ground rules hearings' prior to the hearing of evidence by commissioner. The Act also supports applications being lodged administratively for witnesses who are automatically entitled to use standard special measures, and we expect that section to be commenced later in 2020 once the

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SCTS and COPFS have designed, built and released the software for seamlessly lodging those applications.

The first phase of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 covers all children under the age of 18 appearing in the High Court. Those children will benefit from questioning being more limited than might occur at trial as well as a reduction in unnecessary delays to proceedings. In order to achieve this, the commissioner will have agreed what constitutes fair and appropriate questioning with the prosecution and defence at the ‘ground rules hearing’, which will be held prior to the commission hearing. When a commission hearing takes place, those children will benefit from being able to tell their story to a commissioner within a purpose-built evidence and hearing suite and will no longer require to attend at court. In advance of that hearing the ability to view online “familiarisation videos” is one option that can make the experience less intimidating for both children and adults, and the SCTS is currently using the experience gained through its new role in the recording of commissions to develop relevant content for publication.

The [Evidence and Procedure Review](#) also outlined core principles for a new approach that would deliver stronger case management procedures in summary matters. It has been recognised that witnesses often require to attend court on numerous occasions due to adjournments or cases pleading at trial diets.

[Practice Note 2 of 2019](#) was developed by the Judiciary in collaboration with justice partners and court officials. It details measures which have been designed to promote greater efficiency in summary cases progressing through the courts as well as ensuring better use of available resources. The Practice Note contains guidance on the practices which the prosecution and defence are expected to adopt, allowing the presiding sheriff to perform an active case management role, at both the first calling (pleading diet) and the intermediate diet.

In January 2020, SCTS commenced piloting this new approach in three Sheriff Court districts (*Dundee, Hamilton and Paisley*) for an initial period of 18 months with both the Police and the COPFS having also made significant changes to their own internal processes in advance of the pilots.

The ability to adopt stronger case management processes will inevitably expedite the operations of the summary courts. If that outcome can be delivered, the lengthy delays that can often be experienced by victims and witnesses will substantially reduce. An evaluation report of the measures will be completed in due course, to ensure that any changes in approach to case management deployed at a national level are well founded.

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Digital Strategy

SCTS remains committed to making the best use of technology to improve the justice system, with evidence suites now available in Glasgow and Inverness. Such achievements demonstrate the remarkable steps taken to incorporate digital strategies into the justice system with a view to improving the experience of victims and witnesses.

The suites are home to state of the art equipment and telecommunication links for vulnerable witnesses to give their evidence by way of a live television link to court or by pre-recording their evidence at a commission hearing.

Prior to this, pre-recorded evidence was widely facilitated by a manually operated camera. The technology now installed in Glasgow and Inverness allows evidence to be recorded discreetly and securely without the need for an individual to manually operate the equipment. This limits the number of personnel required to be present in the room when children and vulnerable witnesses are giving evidence.

Replicating this new delivery model now forms an integral part of the design and development work for any major building works undertaken by SCTS. Plans are also in place for the redevelopment of two existing hearing rooms in Aberdeen and Edinburgh. This will include installation of fixed recording equipment to support any commission hearings that may arise in those locations.

Commenting on these recent milestones, Eric McQueen, Chief Executive of SCTS, said “There is now a coalition of judiciary, practitioners, voluntary organisations and politicians who have combined to bring about substantial change – change which should make the experience of children and vulnerable witnesses encountering the criminal justice system so much better, and more suitable in securing their best evidence”.

Domestic Abuse Cases

In the sheriff courts, targets set for domestic abuse cases to be dealt with in a period of 8-10 weeks continue to be met, reducing delays in proceedings and the risk of prolonged anxiety and re-traumatisation that can be experienced by victims and witnesses.

Sexual Offences Review

A judicially led review group is now in place to develop proposals for an improved system to deal with all sexual offence cases. The review group comprises of members of the judiciary alongside representatives of the Scottish Courts and Tribunals Service, Police Scotland, Crown Office and Procurator Fiscal Service, justice agencies and third sector organisations including Rape Crisis Scotland, Scottish Women’s Aid and Victim Support Scotland.

Over the past year, the review group has explored how sexual offence cases are conducted by courts to ascertain whether there is a better way for such cases to be dealt

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with. Consideration has been given as to how the court process and the experiences of witnesses can be improved without compromising the rights of an accused.

The review has the scope to recommend potential changes to court and judicial structures, skills development, procedure and practices and highlight any legislative changes required. The vast majority of High Court trials now relate to sexual offences and a significant volume of sexual assault cases are tried under solemn procedure in the sheriff courts. This review is essential as the volume and complexity of sexual offence cases in courts has significantly increased and it is anticipated that this growth will continue.

The findings and recommendations of the group are yet to be reported on but the focus remains firmly on making a real difference to the lived experience of victims and witnesses.

Special Measures

In addition to the measures previously mentioned, other special measures available to vulnerable witnesses to give evidence to the court are: use of screens; supporters; and TV links (in court; between courts; from remote sites). There are over 40 sites for vulnerable witnesses to give evidence out with the court room.

The majority of special measures applications/notices in criminal cases relate to the use of screens in the courtroom and/or the services of a supporter with fewer requests for TV links.

Victims Taskforce

A Victims Taskforce has been established to improve support, advice and information for victims of crime. The Taskforce is co-chaired by the Justice Secretary Humza Yousaf and the Lord Advocate James Wolffe QC, head of Scotland's system of criminal prosecution.

The primary role of the Taskforce is to co-ordinate and drive action to improve the experiences of victims and witnesses within the criminal justice system, whilst ensuring a fair justice system for those accused of crime.

The Taskforce has brought together senior decision-makers from justice agencies, the legal profession, academia and the voluntary sector, including direct representation of victims.

SCTS is represented on the Taskforce, in particular the Victim Centred Approach and Trauma Informed work streams and is committed to supporting the actions set in the workplans for each work stream.

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INDIVIDUAL STANDARDS OF SERVICE

“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.”

What we have done

Court officers and macers continue to liaise with the prosecutor in court to ensure that information can be relayed to witnesses in attendance on an hourly basis, where circumstances permit. If court officers or macers are required to assist with evidence presentation in court, they will always strive to provide updates as soon as possible. In some court buildings, information around location and progress of cases is also visible to witnesses on wall mounted display screens.

To assist witnesses to prepare for their court visit, a review has been undertaken of the information located in the Coming to Court section of the SCTS website. A Frequently Asked Questions (FAQs) section has been added to inform witnesses of the relevant processes and to assist in managing expectations for attendance on the day. In particular, this section highlights that witnesses may require to wait for a period on the day prior to cases calling for trial in addition to providing further information surrounding the practicalities of attending at court.

What we will do

SCTS staff will continue to update witnesses on an hourly basis, where circumstances permit. The Frequently Asked Questions (FAQs) section now published on the SCTS website will be reviewed periodically and updated where necessary. We will consider developing a glossary of terms designed to assist witnesses with court terminology that is often used when case updates are relayed to them by court staff.

“We will provide separate waiting rooms for prosecution and defence witnesses, and access to refreshments.”

What we have done

The Inverness Justice Centre opened on 30 March 2020 and comprises of six courtrooms and a tribunals hearing room. Within the justice centre the criminal courts are located on the first floor, with the civil courts and tribunals on the ground floor, creating separate spaces for different users of the centre.

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The building's design has also taken into consideration the importance of separate areas for witnesses and access routes for those considered more vulnerable. As such, separate and discrete areas are available for witnesses within the centre (including waiting areas). The accommodation also includes an evidence suite which allows for video links and the recording of evidence for children and vulnerable witnesses. The evidence suite has a separate entrance for vulnerable witnesses to help alleviate anxiety or concerns for witnesses when attending court to give evidence.

Across the wider estate, separate waiting areas and witness rooms continue to be provided for prosecution and defence witnesses.

Refreshments are available in all locations, with access to fresh drinking water for witnesses considered the bare minimum. Dependent on location, available refreshments may include a dedicated public restaurant, access to vending machines or services provided by local charitable organisations.

In terms of court facilities, the SCTS Court User Satisfaction Survey found that 81% of those surveyed were satisfied with the range of catering provisions and 83% were satisfied with the quality of the catering. Prior to attending court, witnesses can check what facilities are available by selecting the relevant court location from the dropdown menu on the SCTS website.

What we will do

Moving forward, efforts will continue to be made to make the best use of available space within court buildings. Evidence suites in Edinburgh and Aberdeen will be developed with the design process incorporating similar principles, seeking to include separate waiting areas for witnesses and access routes for those considered more vulnerable.

Whilst the blueprint has been set for future developments, it is important to note that in some instances, due to the protected status of a building, there may be limitations as to the extent of potential alterations.

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“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.”

What we have done

In November 2019, the Evidence and Hearings Suite in Glasgow was opened by Lady Dorrian, Lord Justice Clerk and Humza Yousaf, Cabinet Secretary for Justice.

The purpose built site was designed with input from children and vulnerable witnesses. The suite incorporates child-friendly hearing rooms for the pre-recording of evidence by commissioner, rooms for evidence to be given via live TV link to court as well as waiting rooms, support spaces and a sensory room to improve the lived experience for victims and witnesses during court proceedings.



Children and vulnerable witnesses who attend the suite will do so via a secure entrance. They will be welcomed by specially trained and trauma informed staff who will explain the process for giving evidence. At the opening, Lady Dorrian said “This new suite will help children and vulnerable witnesses to give their best evidence, and have it tested, in a supportive environment, still respecting the need for a fair trial. Trauma-informed staff will manage the hearings and live TV links to court,

taking account of the specific needs or vulnerabilities of the witness. This is another significant step in improving the way in which children and vulnerable witnesses are treated in our criminal justice system.”

In addition to this, SCTS continues to work closely with Victim Support Scotland volunteers across the estate to ensure that witnesses are fully informed and prepared, allowing them to give their best evidence. This includes organising court familiarisation visits in advance, as well as explaining the process of giving evidence in court, via live TV link or the hearing of evidence by commissioner.

What we will do

The opening of both the Evidence and Hearings Suite in Glasgow and the Inverness Justice Centre demonstrates the commitment of SCTS to improving access to justice, reducing delay and maximising the use of technology to improve our services. With this in mind, new facilities are being designed on similar principles for courts in Edinburgh and Aberdeen.

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Moving forward, SCTS will continue to work closely with Victim Support Scotland volunteers across court locations to ensure that witnesses giving evidence to court, by any means, are prepared and able to give their best evidence.

“We will respond to requests received on behalf of witnesses, for court familiarisation visits, within 3 working days of receipt.”

What we have done

SCTS continue to liaise with Victim Support Scotland to ensure requests for court familiarisation visits are responded to within 3 working days. Such requests include allowing access to courtrooms and vulnerable witness facilities in advance of the case calling for trial. The opportunity to visit a court room can help to alleviate concerns for witnesses and assist them in gaining a better understanding of the court process as a whole.

This service is also available to children and vulnerable witnesses who intend to give evidence at a remote site or evidence suite. This can help to alleviate anxiety as it provides an opportunity for those individuals to familiarise themselves with the facilities available.

Whilst Victim Support Scotland remain the main point of contact for visit requests, SCTS staff ensure that requests are accommodated and responded to efficiently. Court staff also continue to give careful consideration to court scheduling and the availability of the witness when identifying the most appropriate time for visits.

What we will do

Moving forward, SCTS will continue to work closely with Victim Support Scotland to enable requests for court familiarisation visits to be dealt with and accommodated timeously.

“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.”

What we have done

Upon arrival at court, a member of SCTS staff is available to greet witnesses and direct them to the available support services within the building. In particular, court officers, macers and reception staff have local knowledge of the support services available within their respective court buildings and continue to act as a key point of contact.

The opening of the Inverness Justice Centre has allowed a range of justice partners and third sector organisations to co-locate under the same roof, including Victim Support Scotland, COPFS, VIA, Police Scotland and Social Work. This has paved the way for a

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stronger community justice approach and provides access to specialist facilities and support for victims and witnesses of domestic abuse, sexual violence and child abuse.

SCTS continues to provide training to assist staff in identifying signs of distress. Such training allows staff to direct witnesses to the appropriate support services available. Furthermore, staff based at the designated evidence suites in Glasgow and Inverness have received trauma informed training and are equipped to assist in identifying support services for children and vulnerable witnesses.

SCTS staff also continue to work closely with a variety of support service organisations and volunteers, who have a presence across the estate, to ensure witnesses have access to support as and when requested, or where assistance is required. In particular, court officers attend witness waiting areas on an hourly basis throughout the day and use this opportunity to check that those who are in need of assistance or support are directed appropriately.

What we will do

SCTS strives to provide excellent customer service to all court users and is dedicated to delivering the appropriate type of trauma focused training to all our staff.

Liaison with support organisations

SCTS works closely with support organisations, at both local and national level, with a view to continually improving services available to victims and witnesses.

Meetings continue to be held with support organisations during the course of the year to discuss developments and any emerging issues. In particular, SCTS is represented on a range of working groups developed in line with the Scottish Government's drive towards a victim-centred approach. Representation on such groups allows SCTS to work collaboratively with an array of justice partners and third party support organisations.

SCTS also continues to encourage the engagement and support of the Victims Organisations Collaboration Forum Scotland (VOCFS). VOCFS allows member groups to provide feedback on behalf of their clients, and in particular on behalf of those who might not have been afforded the opportunity of participating in the SCTS Court User Satisfaction Survey.

Access to information

Section 6 of the Victims and Witnesses (Scotland) Act 2014 sets out clearly how specific participants in the criminal justice process may obtain further information relating to the case in which they have been involved. In support of the legislative requirements a [joint protocol](#) has been agreed by Police Scotland, COPFS and SCTS to aid applicants who wish to make a request, and setting out forms and procedures where these may be required.

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Victims Code

The [Victims' Code for Scotland](#) clearly and simply sets out the rights of victims in one place. By ensuring victims' interests remain at the heart of our criminal justice system, victims should feel supported and informed at every stage of the process

STANDARDS OF SERVICE FOR VICTIMS AND WITNESSES 2020-21

SCTS will amend the following standard in so far as it references the Witness Service by changing this to Victim Support Scotland:

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.

SCTS will continue to monitor the effectiveness of its Standards of Service and will make improvements if and when they are required to ensure they continue to meet the needs of victims and witnesses during their attendance at court.

Scottish Prison Service – Standards and Report

Scottish Prison Service

Standards

- ☑ 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 two working days. This consists of the following:
 - The date of the prisoner's release (other than being granted temporary release);
 - If the prisoner dies, their 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 5 working days;
- ☑ Where a telephone enquiry cannot be answered by SPS at the time, they will call you back within one working day;
- ☑ 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 two weeks before any decision will be taken for release:
 - On Home Detention Curfew;
 - On the first occasion that the prisoner is considered for temporary release; or
 - By the Parole Board for Scotland.
- ☑ For those victims of offenders sentenced to less than 18 months, they will notify you of the date of release or escape of the offender within 2 working days of confirmation that you are an eligible victim. They will do this either in writing or by telephone where you have provided a current contact number.
- ☑ For those victims of life sentenced offenders 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 provide you with an opportunity to make representations in person, orally or in writing before any decision is taken on the first occasion that the prisoner is considered for temporary release.

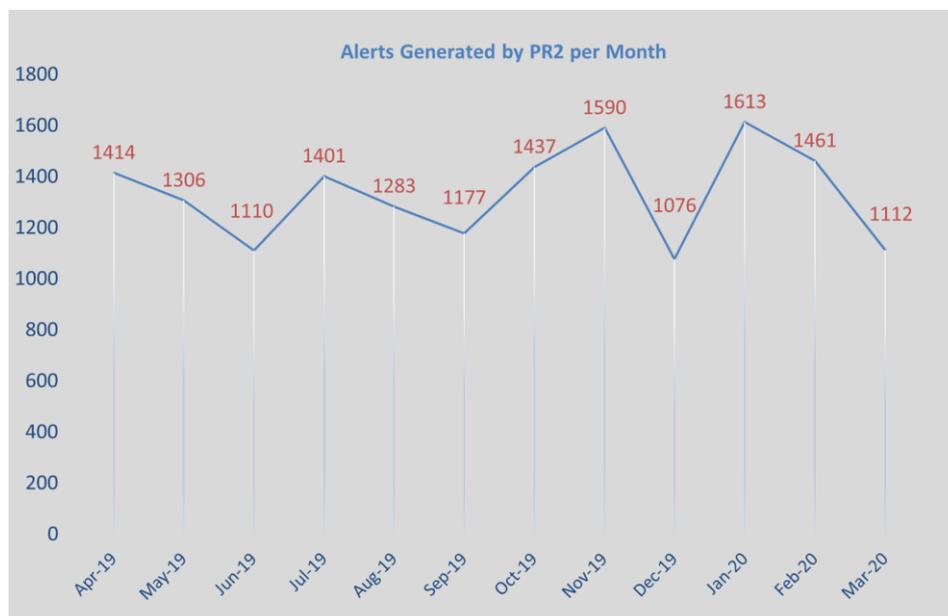
Scottish Prison Service – Standards and Report

Report

The Scottish Prison Service (SPS) is an Agency of the Scottish Government and was established in April 1993. There are 13 publicly managed prisons and two privately managed prisons (HMP Kilmarnock and HMP Addiewell) and a provider of Court Custody and Prisoner Escorting Services.

How the scheme works

The operation of the scheme largely relies on a system of alerts. Our Prisoner Records database (PR2) records information about an offender in accordance with General Data Protection Regulations (GDPR). Changes to key information which is relevant to victims registered on the Victim Notification Scheme (VNS) triggers an alert which must be manually interrogated. Once interrogated a decision is reached on whether there is a requirement to provide the victim with information. Whilst this is effective in monitoring offenders with registered Victims, there are currently around 2600 Victims registered, it requires those operating the scheme to have sufficient knowledge of the scheme and the potential changes that arise for offenders in the course of serving a sentence of imprisonment. It is therefore somewhat complex. The number of alerts is as expected significant and the graph below illustrates that number. There is no correlation in these numbers month to month or year to year.



Although not every alert will require follow up, each alert requires appropriate interrogation to determine what if any action is required. We are a small team with many other duties in addition to VNS and until the beginning of this year we were operating with a staff vacancy. This vacancy has now been filled. The current Coronavirus crisis

Scottish Prison Service – Standards and Report

has impacted on the small team responsible for the VNS, however it has not had an adverse effect on the delivery of the scheme.

Collaborative Working

The SPS collaborates with the Scottish Government on policy development and with Victims Organisations Collaborative Forum (Victim's Forum). Going forward we, along with the other justice agencies, are committed to greater engagement with the Victims Forum. We look forward to the opportunities that this will bring, to better understand the needs of victims and how we might better deliver on those needs.

Victim Support Scotland and SPS worked collaboratively to plan and consider how we best support those victims who choose to make representations in person or orally in relation to a decision on temporary release.

The SPS and Parole Board for Scotland have been exploring the potential of a Victims Portal. The primary function of which will be to allow registered victims to access eligible information online at their convenience. This project is still at an early stage.

Common Standards of Service

There are a number of common standards of service for the agencies and these are set out earlier in the document.

Complaints

The Scottish Prison Service received one complaint. The complaint concerned an alleged failure to provide information to a victim residing abroad with the opportunity to make representations. The offer to make representations was sent to the victim however it was not received by the victim.

Request for Information in alternative format/language

There were 3 requests for information in an alternative format/language in the period, all received in the same month. The information was provided as requested. There were none in the previous year.

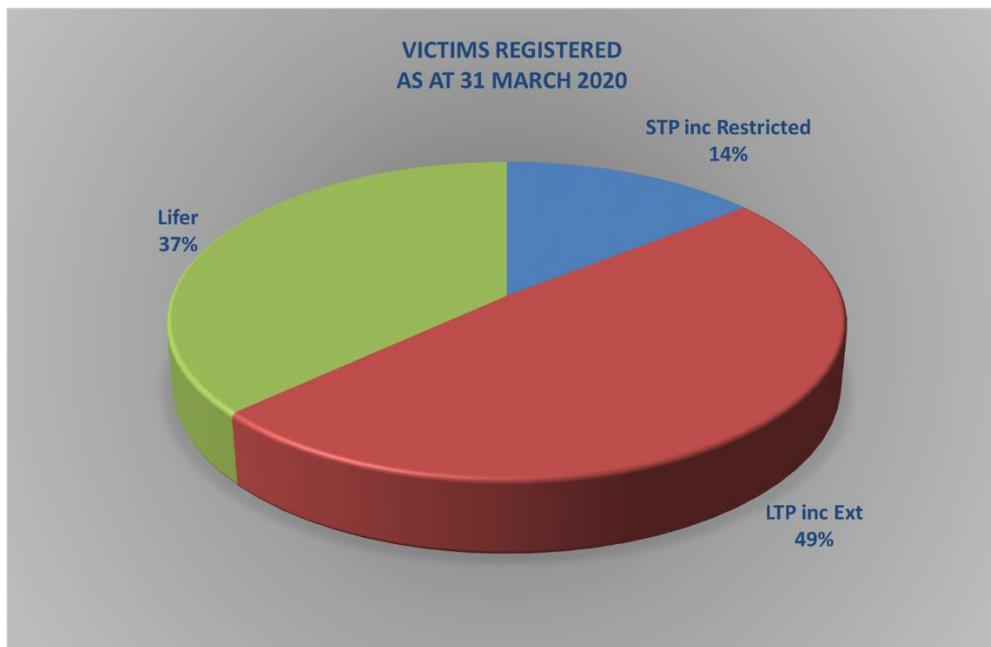
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SPS STANDARDS OF SERVICE
Context

The SPS is legally required to deliver custodial and rehabilitation services for those sent to it by the courts. It achieves this by ensuring delivery of secure custody, safe and ordered prisons, decent standards of care and opportunities for prisoners to develop in a way that helps them reintegrate into the community on release. This includes unescorted access to the community which many victims find difficult for understandable reasons. The SPS is acutely aware of this difficulty and we will continue to ensure that victims' views are taken into account when making such decisions.

The table below shows the number of victims currently registered at 31 March 2020 compared with the previous three years:

Year	Total	Life Sentence (inc. Order of Lifelong Restriction)	Long Term Sentence (4 years or more)	Short Term Sentence (less than 4 years)
March 20	2615(+2%)	965(+5%)	1278(+2%)	372(-4%)
March 19	2563 (+6.3%)	919 (+6%)	1256 (+7.4%)	388 (+3.4%)
March 18	2411 (+6.7%)	867 (+6%)	1169 (+6.8%)	375 (+8%)
March 17	2259(-1%)	818 (+4%)	1094 (-6%)	347 (-6%)



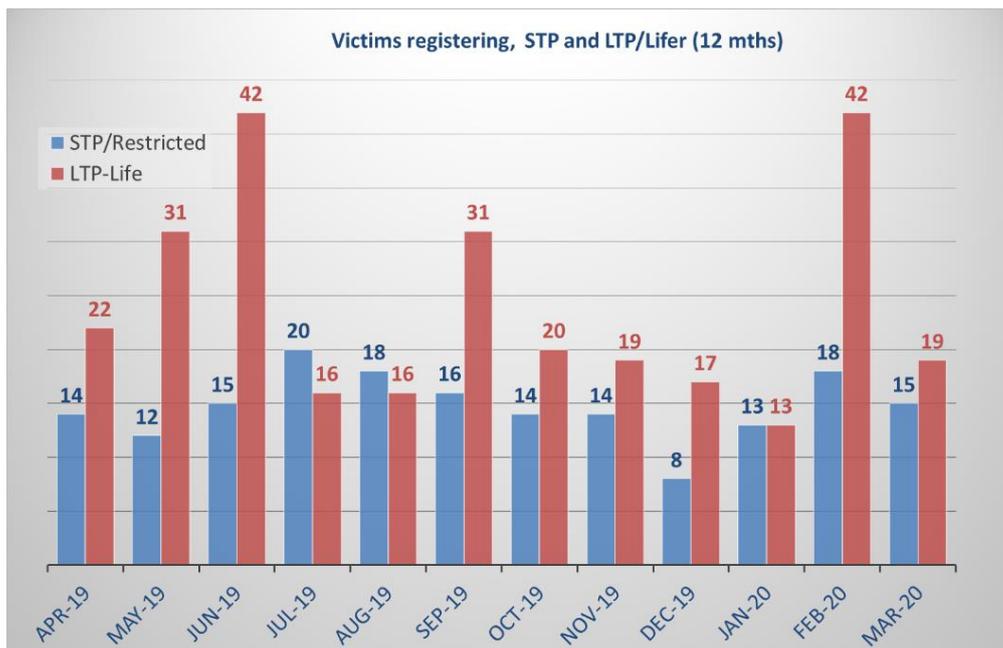
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Applications to join the scheme

There were 472 applications to join the scheme received in the year. Victims may choose to join the Victim Notification Scheme at any time and some join sometime after the offender has been sentenced and even shortly before the offender's release.

The table below shows the number of applications to join the scheme at 31 March 2020 compared with the previous three years:

Year to	Total
March 20	472 (+6.5%)
March 19	443 (+12.1%)
March 18	395 (+12.8%)
March 17	350



Written Enquiries

The SPS received 1 written enquiry in the reporting year compared to 7 written enquiries in 2018-19. A response was issued within 5 working days of receipt.

Provision of Information

The table below shows the number of letters containing information sent to victims as at 31 March 20 compared with the previous three years:

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Year to	Total	No. not issued within 48 hrs
March 20	1961 (-21.5)	11
March 19	2499 (+9%)	25
March 18	2294 (+24%)	2
March 17	1843	6

11 letters were not issued within 48 hours of when the alert was generated. This represents 0.5% of the 1961 letters sent. The two issues which contributed to this were human error and a reporting error in the database earlier this year.

A considerable amount of letters sent to registered victims are returned uncollected to us by the Post Office. When we receive mail returned uncollected we make a further attempt to provide the victim with the information in writing and if returned again, we will contact the individual by other means if we have them. It's not always clear why the victim has not collected their letter. It may be because the registered victim has moved address, no longer wishes to receive information, or the attempts to deliver the information have failed and the victim does not go to the post office to collect it.

In the reporting year we changed how we stored such information to allow for quick reference should victims re-establish contact with us. Going forward we will report on how many victims we have not been able to contact as a percentage of the victims eligible to receive information. At 31 March 2020 there were **61** victims with whom we were unable to contact.

The table below shows the number of letters returned at 31 March 2020 compared with the previous two years.

Year	Total
March 20	113
March 19	98
March 18	89

Representations

A total of 495 letters were issued to victims who had selected the option to make representations about the release, including temporary release or release on home detention curfew (HDC), of an offender. The majority were issued within 10 days of the key date and allowed all victims to make representations before the date that decision was to be taken. This is a key achievement given the significant increase in the number of occasions that victims have sought to make representations.

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The table below shows the number of letters issued to victims who had selected the option to make representations about release as at 31 March 2020 compared with the previous two years.

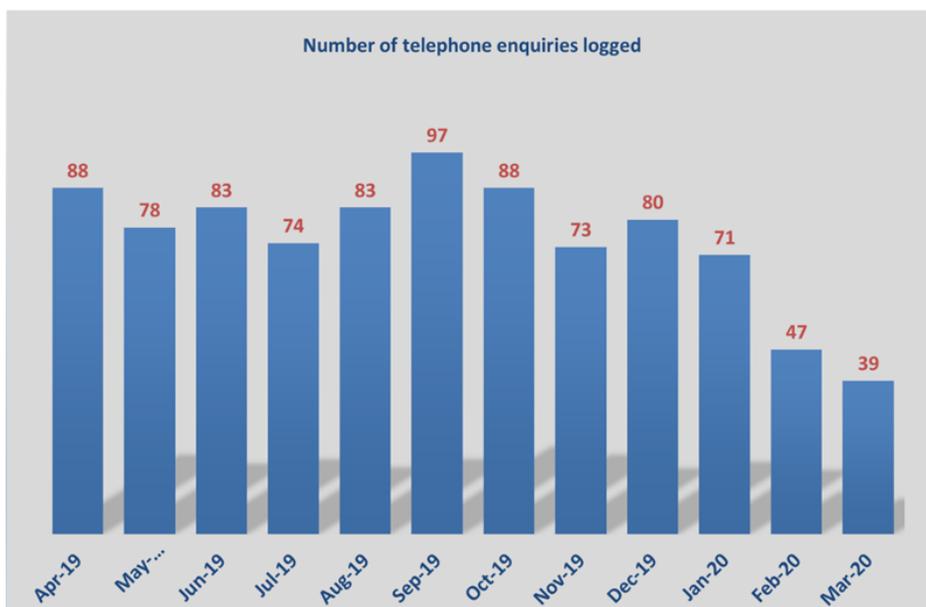
Year	Total
March 20	495
March 19	717
March 18	285

Telephone Enquiries

There were 747 enquiries received by telephone in the year to 31 March 2020. All enquiries were responded to within one day with the majority able to be dealt with at the time of the call. A number of enquiries (45) were received from victims of offenders sentenced to less than 18 months. The arrangements in place to provide victims of offenders sentenced to less than 18 months with information continues to work well.

The table below shows the number of telephone enquires received as at 31 March 2020 compared with the previous two years.

Year	Total
March 20	774
March 19	674
March 18	520



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STANDARDS OF SERVICE FOR VICTIMS AND WITNESSES 2020-21

1. 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 two working days.
This consists of the following:
 - The date of the prisoner's release (other than being granted temporary release);
 - If the prisoner dies, their 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.
2. If you write to SPS about any matter concerning the Victim Notification Scheme, they will respond within 5 working days.
3. Where a telephone enquiry cannot be answered by SPS at the time, they will call you back within one working day.
4. For those victims of offenders sentenced to less than 18 months, they will notify you of the date of release or escape of the offender within 2 working days of confirmation that you are an eligible victim. They will do this either in writing or by telephone where you have provided a current contact number.
5. 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 to seek your representations no less than two weeks before any decision will be taken on release:
 - On Home Detention Curfew;
 - On temporary release (but only on the first occasion that the prisoner is considered); or
 - By the Parole Board for Scotland.
6. For those victims of **life sentenced offenders** 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 provide you with an opportunity to make representations in person, orally or in writing before any decision is taken **on the first occasion that the prisoner is considered for temporary release**.

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Parole Board for Scotland

Standards

- ☑ 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 1st class post within 1 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.
- ☑ We will carefully consider representations submitted by victims, including whether any information contained in them should be withheld from the prisoner under Rule 6 of the Parole Board (Scotland) Rules 2001, which states the grounds on which information may be withheld. Where the Board is of the view that any of these grounds are met the information will be redacted from any documentation provided to the prisoner. The victim(s) will be advised of the information which has been redacted. Where appropriate, their views may be sought in advance of deciding whether information falls under Rule 6.

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1. In some criminal cases, victims may have the right to receive information about the release of an offender. They may also have a right to be told when the offender is being considered for release and to make representations about the release of the offender.
2. The scheme that allows victims to be told about an offender's release and to make representations is known as the Victim Notification Scheme (VNS).
3. The VNS is in two parts:
 - Part one allows victims to receive information about an offender's release.
 - Part two allows victims to make representations to the Parole Board in advance of an offender being considered for release on parole or non-parole licence.
4. The Board will consider victim representations along with all other information on the offender's case before reaching a decision. Representations are fully considered by the Board as part of its overall decision making process. If the Board does decide to release, then representations may assist in deciding the licence conditions that will be imposed. The primary aim of licence conditions is to minimise risk to public safety. Licence conditions must be lawful, proportionate and necessary. Licence conditions will stay in force until the end of the sentence that was given. For prisoners serving a life sentence, licence conditions remain in force for the rest of the prisoner's life.
5. The following provides information on what the Board has achieved in relation to the Standards of Service during April 2019 – April 2020.

What we have done

6. Since 1 April 2019, we have met with 27 victims of life sentence prisoners to receive representations. These meetings have taken place in various locations such as Scottish Government buildings or local public sector voluntary organisations. We have also met with a number of victims of other crimes to hear their experiences of the justice system and explain the parole process in more detail.
7. Following implementation of the Victim and Witnesses Act 2014, the Board has met a total of 55 victims of life sentence prisoners and held 116 meetings; 109 were conducted face to face and 7 were conducted by telephone. The Board is considerate of victims' needs and ensures these are considered when making arrangements to meet with victims. The Board is also responsible for preparing a draft victim statement following the meeting and agreeing it with the victim before it's put in the prisoner's dossier.
8. The Board welcomed the production of the Scottish Government's (SG) report on Transforming Parole Reform in Scotland. The Board provided a full response in January 2020 and continues to be fully engaged and is represented on the SG Implementation Group. The Board has already developed thinking on these issues and has the expertise

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and experience to make a considerable contribution to formulating a vision, refining and developing actions, especially those relating to victim engagement with the parole system. This will include developing and refining our guidance available to victims through the design and launch of a variety of information tools – for example, videos, infographics and guidance booklets.

9. The Board's Management Group considered the introduction of a 'Publication Minute', now renamed 'Summary Decision', and are supportive of the concept but would like further advice especially on any potential legal issues.

10. A new website was launched in November 2019 with a dedicated section for victims and their families. This includes enhanced information for victims which will be kept under review.

11. We remain committed to enhancing our Casework Management System but did not make major changes to it this year, however quarterly information on victim engagement was provided to the Board's Management Group. These changes continue to form part of our ambitions to improve our internal operating systems. For victim interviews, off-line processes were improved to support service delivery and discussions held with Victim Support Scotland (VSS) about the management of referrals.

12. We continue to receive informal feedback from victims on their experiences about giving oral representations which are then used to shape service delivery. Early discussions were held with VSS about a formal feedback mechanism.

13. The joint funding bid, with the Scottish Prison Service (SPS), for a Victim Notification Scheme Portal was successful. A number of business analysis workshops were held with the contractor in early 2020 and the initial development of portal was completed.

14. Victim training opportunities are continually under review and reflected in both members and staff development plans. A victims toolkit has been drafted for use by staff and will be used to support further learning. We have held early discussions with VSS regarding our aim to develop bespoke training for staff and members which focuses on engagement with victims.

15. Our Guidance Group keeps guidance under constant review and will update victim engagement sections as and when required.

16. The process for offering and managing calls is kept under review and this led to a new way of recording requests so that information is always accurate

17. We have raised the future sharing of information under the Victim Notification Scheme with the Scottish Government as part of our response to Transforming Parole in

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Scotland. We will, when consent is given by the victim, make contact with them by email or phone, depending on their preferred method of contact. We remain committed to ensuring victims receive notification of the outcome of decisions made by the Parole Board as promptly as possible, normally within 24 hours of the decision being made.

18. All VNS letters are kept under review and updated, following consultation with VSS, when necessary. A review is currently underway.

What we will do 2020/2021

1. We will continue to work with the Scottish Government on proposals about parole reform and victim engagement. In particular, we will continue to consider how we can best support victims through the parole process by working closely with victim support organisations to develop a victim referral protocol. We also support the principle of victims having a greater voice in the parole process and will continue to consider and work through the practical issues that need to be addressed to enable victims to attend Tribunals. We will use the lessons learned to safeguard all parties involved in the process and ensure the practical arrangements are robust.
2. Victim Service Delivery will be a key element of the Board's Business Plan for 2020 - 2021.
3. We will develop our approach to 'Summary Minutes' which supports the principle of transparency in the Board's decision making.
4. We will continue to listen to victims and learn from their experiences of the parole system to enable improvements to be made in our guidance, operating procedures and training.
5. In conjunction with SPS, decisions in regards to the further development and future implementation of the Victim Notification Scheme Portal will be considered later in this financial year.
6. Board member and staff guidance will be kept under constant review to ensure that sections relating to victims are current. We will finalise our staff training toolkit.
7. Victim training for Board members and staff will be reflected in learning plans.
8. We will look to design and launch various information tools for victims and continue to update the dedicated page on our website for victims and their families.
9. We will continue to consider our internal operating systems and procedures to ensure they provide the best service delivery for victims. We will continue to consider victim service delivery when designing our future casework management system.

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
PO Box 2460
Police Scotland
Dalmarnock
GLASGOW
G40 9BA

- Dial 101 and make a report of your complaint over the telephone; or
- Attend at a police station in person.

CROWN OFFICE AND PROCURATOR FISCAL SERVICE

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

You can email RIU@copfs.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 0300 020 3000

From a mobile, you can phone 01389 739 557

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 at the foot of the home page of the SCTS website (above), or
 - by requesting a copy from your local court.
-

SCOTTISH PRISON SERVICE

www.sps.gov.uk

- In person to the VNS Department at the SPS;
 - By phone: 0131 330 3664;
 - By writing to:
Victim Notification Scheme
Room G14
Calton House
Edinburgh EH12 9HW; or
 - By email to spsvictimnotificationscheme@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.
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THE PAROLE BOARD FOR SCOTLAND

www.scottishparoleboard.scot

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 Courts and Tribunals 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:

Freepost SPSO (that is all that is required on the envelope)

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>

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.

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