



SCOTTISH
STRATEGY
for VICTIMS



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FOREWORD



There has been a growing awareness in recent years of victims' issues, not just in Scotland but across the UK and the rest of Europe. This has resulted in a much better understanding of victims' needs and numerous initiatives to make their involvement in the criminal justice system less stressful. The Scottish Executive has given its wholehearted support to measures that place the needs of victims right at the heart of our criminal justice system. That is why the Scottish Executive has developed this first Scottish Strategy for Victims.

The Strategy has grown from the Executive's firm commitment to recognise the needs of victims of crime, to take their concerns into account and to listen to what they say. The major agencies in the criminal justice system – the Crown Office and Procurator Fiscal Service, the Association of Chief Police Officers in Scotland, the Scottish Court Service and the Scottish Prison Service – are working together with us to improve support for victims and they have all agreed the principles of the Strategy. I am glad to say that we also have the endorsement of Victim Support Scotland.

The purpose of the Strategy is to ensure that all victims of crime will be able to get support and assistance at all stages of the criminal justice process and thereafter if needed. They should be able to expect a quick response from the police to crimes they report, to be kept informed of developments in their case, to receive extra help if the crime is a very serious one, to be told if there are to be criminal proceedings and to be kept in touch as these progress, to be treated with courtesy and sensitivity if they have to give evidence as a witness, to be offered emotional and practical support throughout, to be able to apply for compensation if they suffer injury and where a serious violent or sexual offence is involved, to be able to receive information about plans for releasing the offender from prison.

The Strategy is based, not just on Scottish experience and research, but on wider international work including the *UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* and relevant European developments. These set out the role of the state in recognising the role of victims, by for example protecting and supporting vulnerable victims, ensuring information and advice is available for those who wish it, and having in place suitable arrangements for compensating victims.

We are well along the way in many of these aspects, with, for example, the best state compensation system in Europe. But we can do more to ensure that there are no gaps in the good practice and procedures which we already have, and that is what I want to see.

Many initiatives to help victims and witnesses are already in place. These have been enhanced by decisions made by the Executive which include:

- £1 million annually to provide a volunteer witness service in our courts
- The piloting of a new service working alongside the Procurator Fiscal Service to provide support and information to victims and witnesses
- Substantial additional resources to support Victim Support Scotland's outreach and publicity work
- Additional resources to Victim Support Scotland's staff and volunteer training and development programme
- £6 million over 4 years to support the Domestic Abuse Service Development Fund to provide a range of local support services to victims
- £10 million over 3 years to increase refuge provision for victims of domestic abuse
- £4.5 million over three years to implement the recommendations of the Scottish Partnership on Domestic Abuse
- Scotland's first national domestic abuse helpline
- The publication of our National Strategy to address domestic abuse
- The funding of a 3 year national advertising campaign to highlight domestic abuse
- The commitment in our Programme for Government to pilot a scheme in 2001 to provide victims, as a matter of routine, with information on case progress and an explanation of what that information means
- The recent publication of the consultation paper, setting out the options we have identified for ensuring that accused persons in rape and other sexual offence cases cannot personally cross-examine the alleged victim
- Our intention in 2001 to publish a further consultation paper to look at ways of expanding the statutory definition of "vulnerable person" and examine how those who need it can be given support or protection
- Our proposals to pilot a scheme which will examine how the views of victims can be taken into account in the criminal justice system

All such initiatives, including the excellent work being done by criminal justice agencies and organisations, need to be fully integrated so that there are no gaps, so that accountability is clear and so that victims receive consistently high quality, well integrated services. Only then can we be sure that victims will receive the support they need and deserve and will know how to obtain it. It is the purpose of the Strategy to provide a framework for completing this task. We have adopted a partnership approach to the development of the Strategy. That is because we want to ensure that it enjoys a shared ownership although

the Executive retains the leading role. In the Justice Department we have already produced our own Action Plan, which sets out how we plan to support the Strategy over the next year or so. Our partners will follow our lead. We will monitor progress and report back on performance in meeting the standards and targets set down in their Action Plans, as well as our own. The Strategy thus represents the start of a process, not the end, and it will evolve and develop through time.

It will never be possible to guarantee that every victim will be satisfied with the outcome in every single case. But the Strategy will deliver a system which tells victims what they can expect from the criminal justice system and sets service standards for the services in place to support their needs.

We will know it has succeeded when victims are treated with compassion and respect from start to finish; when there is better access to the information they want; when they receive the emotional and practical support they need to help them to recover; and when they feel that their voices are being heard.

The Scottish Strategy for Victims is an important step forward in improving services for the victims of crime. I believe this is the right approach and that, in raising the profile of victims' issues within the criminal justice system in this way, it will be able to deliver the real benefits that victims so justly deserve.



Jim Wallace
Deputy First Minister and Minister for Justice

THE SCOTTISH STRATEGY FOR VICTIMS

1 Introduction

1.1 In the Programme for Government, Scottish Ministers made a commitment to support victims of crime. This has led the main agencies which make up the criminal justice system in Scotland to come together to prepare this Scottish Strategy for Victims, which sets out their shared 'vision for victims'. At its centre is a recognition of the important role which victims have in the criminal justice system and the need to put mechanisms in place taking their needs and concerns explicitly into account in criminal justice processes. The Strategy is owned by the various criminal justice agencies involved (statutory and non-statutory) and these agencies have undertaken to develop their own Action Plans to integrate the Strategy into their working practices. In addition, the agencies will continue to work together to develop National Standards for victims, so that they can monitor their performance in carrying out the Strategy and report on progress to Scottish Ministers.

1.2 The Strategy is rooted in an understanding of the devastating effect that crime can have on victims and those close to them. It recognises that constructive intervention, particularly in the immediate aftermath of the event, can have a significant effect on how quickly and how well victims recover from their experiences. It is for this reason that the agencies have endorsed the introduction of *'The Scottish Strategy For Victims'* and agreed that they should set out the broad policy objectives on victim issues and place them in a coherent framework.

1.3 The Strategy is based on international guidance. In particular, it has had regard to the *'UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power'* which calls for victims to be treated with compassion and respect for their dignity; and to developing thinking in the European context on the position of victims in criminal proceedings.

1.4 This Strategy recognises that the responsibility for supporting victims of crime goes beyond the concerns of criminal justice agencies alone. As well as the crucial roles of the Police, Scottish Court Service, Crown Office, Procurator Fiscal Service and Scottish Prison Service, local authorities have a considerable role to play, particularly social work departments and housing, as do health boards and trusts. A wide range of voluntary organisations, including Victim Support Scotland, Scottish Women's Aid, the Scottish Rape Crisis Network, Petal and Families of Murdered Children, also play a key role in providing free, independent and confidential services to victims and have been instrumental in bringing about increased awareness of victims' needs. This Strategy takes account of the work of these other bodies too, so that in Scotland, there is a clear understanding of the victims' needs and a consistent approach to the task of addressing them.

1.5 In committing themselves to the principles of the Strategy, agencies have agreed to prepare their own Action Plans setting out how these principles are to be achieved. These will build on the many initiatives which have already been taken forward by individual agencies, so that

the Strategy affirms the positive changes which have taken place, as well as promoting further development of services. The Action Plans will include timescales so that progress can be measured, with monitoring and accountability built in to ensure that the momentum is maintained. It is anticipated that, as part of this process, agencies will introduce victim – related key performance indicators to assess how well they are meeting their objectives. Action Plans from all relevant agencies will be developed so that they inter-relate to work together effectively in pursuit of the objectives of the Strategy.

1.6 The Scottish Court Service, Crown Office and Procurator Fiscal Service, and Scottish Prison Service and the Association of Chief Police Officers in Scotland have already made a high level commitment to the Strategy, recognising that this is crucial to its success. In producing Action Plans, agencies will set out:

- the action they are taking, and plan to take, to ensure that the principles of the Strategy are met;
- the steps they are taking to inform victims of the standards they can expect and of the procedures by which they can seek redress if standards are not met;
- detail the methods by which services for victims will be monitored and evaluated;
- set measurable objectives, performance indicators and targets to bring about improvements in the position of victims and demonstrate accountability; and
- how, in providing services for victims and/or witnesses based on an understanding and commitment to the principles of the Strategy, they will also work together to produce integrated support.

1.7 For the purposes of this Strategy, a victim may be any person who has been the subject of any type of crime. In the event of the death of a victim of crime, or their incapacity in relation to criminal proceedings, the family or those sharing a family-like position may also be considered as victims. Victims may choose to nominate a representative to e.g. communicate with the police. However, agencies themselves could decide to extend their services to whoever they choose.

1.8 It is recognised that some victims will also be witnesses; that some will be involved with the criminal justice system, some in civil court actions. The needs of **all** of these victims, irrespective of whether or not they are also witnesses, should be taken into consideration by all the relevant agencies.

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

2 Broad Principles

2.1 The broad principles which underpin 'The Scottish Strategy for Victims' are:

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

2.2 In order to achieve these principles, the Strategy consists of two main policy objectives, which are:

- to ensure provision of emotional and practical *support* to victims; and
- to ensure provision of *information* to victims.

In doing so, the Strategy should also then ensure that victims have the opportunity to articulate their concerns and as a result a third objective can be achieved which is:

- *greater participation of victims in the criminal justice system.*

3 Policy Objectives

3.1 **OBJECTIVE 1** To provide for the emotional and practical support needs of victims.

This objective aims to ensure that victims have access to appropriate support without having to seek out this support for themselves. Victims should as a result feel supported throughout the processes with which they are involved and indeed afterwards if they so wish.

3.1.1 Key features of providing support are:

- Identifying victims needs, in particular:

Identifying those victims who are especially vulnerable

Identifying those victims who need protection and referring them to appropriate sources of protection

- Facilitating access to appropriate services
- Providing information to victims about support available
- Communicating effectively with victims and ensuring their understanding

- Reducing stress and the potential for intimidation by physical and procedural methods
- Seeking and responding to feedback from victims and their representatives
- Working together with other agencies
- Providing training for staff
- Resolving issues about confidentiality

Identifying needs and working together

3.1.2 All agencies have a responsibility for identifying the services they should offer to victims. In order to improve support for victims, all agencies will work together, identify their individual and joint roles and develop a co-ordinated response. Protocols for referring victims to other agencies where appropriate will be developed, and joint training carried out to ensure all agencies are informed about the services available.

Training

3.1.3 Agencies recognise the need to address the problem of secondary victimisation whereby the distress caused by the crime is added to by distress caused by victims' experiences of the criminal justice system. They will take steps to avoid causing unnecessary stress. Achieving this may require a change of culture and conditions in the range of services and organisations which come into contact with victims after the crime has been committed.

3.1.4 It is an obvious but essential condition that all contacts with victims, however brief, should be characterised by compassion and respect. Training in victim awareness will therefore be provided to all staff in contact with victims to ensure high standards are set and maintained. This clearly includes criminal justice agencies, but other organisations with which victims have contact may wish to consider providing such training. Specialised training should also be provided, where appropriate, on race and hate crimes, domestic abuse including the effects on children, and sexual offences. Agencies will involve voluntary organisations with expertise in these areas in providing this training e.g. Victim Support Scotland, Scottish Women's Aid, the Scottish Rape Crisis Network, Women's Support Project, Children 1st, Commission for Racial Equality, Equality Network and Positive Action on Housing.

Information

3.1.5 Victims must have the choice of where, or indeed whether, they seek support. However, that choice needs to be informed by relevant information. Agencies or organisations will ensure that the information they provide explains in clear and simple terms their own remit and the services which victims should expect from them and that it provides contact details for sources of support. Examples of these are the Scottish Executive booklets on domestic abuse and on rape and sexual assault. In cases where the crime has been committed by a person known to the victim, care will be taken not to compromise the safety of the victim in providing the information.

Involvement

3.1.6 The services provided to victims by agencies and organisations should always reflect, and be responsive to, their needs. This means that the services provided for victims should be informed by victims themselves and that the system should build in some means of determining their views. Victims' needs may change through time and so care will be taken that services remain relevant to current needs.

Confidentiality

3.1.7 Issues of confidentiality are complex and sensitive and organisations will take care to address and resolve them. Major considerations in this area will be the Human Rights Act, Data Protection legislation, child protection issues and common law duties about confidentiality. Agencies will work together to develop protocols regarding the exchange of information, bearing in mind that it is desirable to provide comprehensive information relevant to a case.

Vulnerability

3.1.8 Assumptions should not be made about the greater or lesser effects of different types of crime. That said, it is recognised that some victims are especially vulnerable to distress. This may be as a result of either personal characteristics, the circumstances of the crime or their relationship to the accused. Organisations will therefore be especially attentive to the needs of:

- children
- the elderly
- those who do not speak English as their first language
- those with sensory or mobility impairments
- those with learning difficulties, mental illness, acquired brain injury or suffering from dementia
- those subject to racism
- those subject to homophobic attacks
- those who have experienced anti social behaviour
- those who have experienced domestic abuse, rape or sexual assault, harassment or stalking.

Services for child witnesses will have regard to the recommendations of the Lord Advocate's Working Group on Child Witness Support.

Protection

3.1.9 For some victims, there will be a need for protection, over and above the need for support. Agencies will put measures in place which can identify such victims and either provide an appropriate level of protection for victims, their families or those sharing a family-like position if appropriate, or refer to another agency which can provide such protection.

Arrangements

3.1.10 Agencies recognise that a great deal can be achieved to reduce the stress which victims experience and the potential for intimidation which exists by taking care over the arrangements provided for them. For example, the provision of suites for victims of sexual offences in police stations, separate waiting spaces and toilets for victims/witnesses in court buildings. Measures to avoid victims/witnesses having lengthy waits before giving evidence will be put in place. Court personnel will be alert to the possibility, in individual cases, of allowing special measures to be used to avoid victims/witnesses having to give evidence in open court. Voluntary support organisations e.g. the Witness Service, can provide support in the courtroom.

Communication

3.1.11 It is a basic principle of the Strategy that victims should be enabled to have a voice throughout all stages of their contact with the criminal justice system. It is widely recognised that describing the effects the crime has had on them may help victims to recover. Agencies, therefore, understand the importance of victims being at all times treated with respect and listened to sensitively, without any implications being conveyed to them about belief in what they are saying or otherwise. It is, however, important to acknowledge that criminal trials necessarily involve the testing of evidence, including that given by victims, to see whether it is reliable and consistent, since a conviction depends on the prosecution case being established beyond reasonable doubt. This is likely to mean that a victim's statement may be challenged, both at a pre-trial interview or precognition, and during the trial itself.

3.1.12 It is important that appropriate measures are taken to ensure that victims are able to understand the process at all stages. Sign language or other qualified interpreters should be used if necessary at any stage. Family members should not be used as interpreters. An Appropriate Adult should be present if relevant. This is not an exhaustive list of measures which may be required and agencies should be prepared to be flexible and creative in ensuring that victims fully understand what is happening and why.

3.2 OBJECTIVE 2 To provide for the information needs of victims.

This objective aims to ensure that victims have the information they need at the right time, in the right level of detail and in the right format for their needs. That will enable them to make appropriate decisions and reduce feelings of disempowerment.

3.2.1 Key features of providing information are:

- Providing access to information to clarify the process, facilitate involvement and ensure personal safety
- Offering information to **all** victims
- Providing choice for victims about the level of information they want, taking into account the constraints on agencies in what they can provide
- Ensuring information provided is up-to-date, of good quality, relevant, communicates in a meaningful way and is available in a range of formats
- Listening to victims and responding to what they are saying

Access to information

3.2.2 Those who work within the criminal justice system or those in regular contact with its agencies may not always understand the difficulty which exists for the outsider in understanding its principles and processes. Victims want information because they are curious, because they feel they have a right to know that something is being done or for reasons of personal safety. It has to be recognised that they may also feel anger and want information to satisfy a need for justice. They may want information for financial reasons, to do with compensation or insurance. Whatever the reason, access to information about the case as it develops can do a great deal to make victims feel and to be more in control.

3.2.3 It is known that, for a significant number of victims, one of the most upsetting aspects of the incident may well be the feeling of having been let down in some way by the criminal justice system. For others, their dissatisfaction comes from feeling that they have not been treated as sensitively as they would have expected by criminal justice agencies. In busy organisations where the pressure is to discharge day to day business as quickly as possible, it may be difficult to find the time to provide the support which victims need. Agencies recognise that victims are at the heart of the system and that the time taken to provide better support may in itself reduce the focus on information.

Levels of provision

3.2.4 Although most victims express a desire for more, or better, information about their cases, a significant minority prefer not to know and therefore care will be taken to identify the level of information needs of victims as individuals. All agencies have a responsibility to provide relevant information to victims. Victims should always be informed about what they can expect, and about the support which is available for them. This information will be most useful if provided at an early stage. Victims will also be informed of the opportunity to receive information at a later stage concerning the developments in their case and be given the choice of whether or not to do so.

Types of Information

3.2.5 Victims identify two types of information which they need – case specific relating to their own experience and general information. Case specific information includes arrest and charge of perpetrator, decision not to proceed, custody status, bail and conditions, trial dates, plea/verdict, sentence, appeal, interim liberation, appeal results, release from custody and post release supervision. General information concerns the sequence of events in criminal cases and relevant criminal justice procedures as well as a list of support agencies.

Accessibility

3.2.6 Information for victims should be appropriate to their needs and in a form which is accessible. Leaflets will be available in large print and audio cassette versions, as well as translated into community languages. Leaflets for children will aim to be age specific and use appropriate language. Leaflets for victims with learning difficulties will also be available where appropriate. In developing this material, the views of victims will be sought regarding their information needs.

Availability

3.2.7 Information for victims will be offered to all, and agencies will not rely on victims to request it. Not all victims are able to phone or visit offices to request information and some feel that their case is too trivial to bother anyone about. Victims who have not been cited as witnesses do not always know when to ask for information e.g. if they do not know the trial date, they, or their representatives, will not know when to ask for information about the verdict.

3.3 OBJECTIVE 3 To encourage greater participation in the criminal justice system.

This objective aims to make it easier for victims to take part in the criminal justice system by ensuring that they are given a voice and that the system is more responsive to their needs.

3.3.1 It is recognised that this aim is more aspirational than the first two and that achieving it is likely to require a longer timescale. The implementation of the Strategy will therefore be a staged process, but one which nevertheless will require all three elements if it is to succeed. Agencies view the Strategy as a 'package', from which one or more parts should not be dropped.

3.3.2 By ensuring that victims have the opportunity to articulate their concerns, it is hoped that they will be enabled to feel they have regained some control over their situation. There are two further aspects of this objective – to encourage the reporting of crime which is at present unreported and to facilitate participation in the criminal justice system after reporting.

3.3.3 It is known that perhaps up to half of all crimes are never reported. This will be for a variety of reasons, in some cases because victims feel they are too trivial. Repeat victims are less inclined to report crimes to the police. As a result many of those who are responsible for committing crimes are not brought to justice. Whilst unreported crimes range across the whole spectrum of offending, they include very serious crimes particularly rape, sexual assault and domestic abuse.

3.3.4 Faith in the criminal justice system can be a significant factor in encouraging victims to report crime and to continue to participate in its processes. By making victims feel part of the process and keeping them informed of significant events or by ensuring that consideration is given to their needs, they will be more likely to engage with the system. It can also help to acknowledge and address their anxiety about not being believed, or encountering prejudice, particularly in sexual, racist or homophobic crimes and their fears about having to face hostile or intrusive cross examination in court. In cases where the accused is known to the victim, organisations will demonstrate an understanding of their concerns about personal safety – before the case comes to court, while in the court building and after the outcome. Practical examples of this would be information leaflets which suggest what can be done to make victims feel safer, or workers in agencies asking victims if they have fears about safety and informing them of how these can be addressed. Agencies will address victims' concerns by taking responsibility for telling them what use may be made of any information they provide. The implementation of the 'Towards a Just Conclusion' Action Plan also deals with these issues, as does the provision of enhanced information and support to victims.

Participation

3.3.5 It is against this background that all relevant agencies will set any initiatives to make it easier for victims to participate in the criminal justice system. Responsibility for meeting victims' needs e.g. with regard to personal safety or compensation, will be a central element in the agendas of criminal justice agencies, while recognising that there is also a duty for victims who are witnesses to support the criminal justice process by giving evidence. Agencies in the criminal justice system will ensure that victims are given the chance to express their concerns and clear information will be provided to victims informing them of these opportunities. This information will be provided universally and procedures will be put in place to facilitate this process.

Equity

3.3.6 There is a fine balance to be maintained between the rights of the victim and the rights of the accused. It is for this reason that victim awareness training will be provided for all personnel in the criminal justice system including the judiciary. Criminal justice agencies will aim to involve specialist voluntary groups in the provision of training e.g. Victim Support Scotland, Scottish Women's Aid, the Scottish Rape Crisis Network, Women's Support Project, Commission for Racial Equality, Equality Network, Positive Action on Housing and Children 1st to ensure that the victims' perspective is properly covered.

Expectations

3.3.7 Organisations will want to seek opportunities to involve victims in ways appropriate to the organisation's functions. Any such involvement should be within the framework of a clear statement, informed by understanding and awareness of victim issues, which sets out the victim's legitimate expectations. An example might be making clear that where a victim has concerns about his or her personal safety that they have the right to make that known and to expect that information to be investigated and acted on as necessary.

Management Information, Accountability, Quality Control and Monitoring

Role of the Victims Steering Group

4.1 The Victims Steering Group (VSG) will have responsibility for endorsing Action Plans and monitoring agencies' progress towards achieving the milestones set out in them. Agencies will be asked to report annually to the VSG, who will publish a report showing progress made in the previous year and targets for the coming year. The VSG will also have a role in reporting to Ministers on victims' issues, leading the further development of victim policy and services and taking forward the Strategy.

4.2 Establishing and maintaining a good management information system will be a key factor in delivering the requirements of the Strategy for Victims and in providing base-line information for the purposes of accountability, quality control of services, regular monitoring and longer term and detailed evaluation of the impact and effectiveness of those services.

4.3 This will involve:

- providing baseline information
- maintaining records
- collecting management information; and
- considering a role for 'consumer research'.

Guidance on the monitoring system to support the Strategy will be agreed and issued by the Victims Steering Group.

4.4 Monitoring information derived from management information systems and from consumer research will have an immediate value to agencies in managing, developing and improving their services to victims. Monitoring information will also be of value in an aggregate form to provide benchmarking and to allow agencies and the Victims Steering Group to assess and evaluate the nature, extent and quality of service provision to victims.

Timescales

4.5 Agencies signing up to the Strategy will prepare draft Action Plans by late spring 2001, for discussion at the Victims Steering Group to facilitate an integrated and consistent approach, with final plans ready by autumn 2001. The timing is not intended to delay progress on existing initiatives.

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