

Support for Victims Workshop

22nd September 2017



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SWOT Analysis

- **Strengths** – are positive attributes internal to the organisation or situation that are within your control.
- **Weaknesses** – are also internal factors within your control that may impede your ability to meet your objectives.
- **Opportunities** – are external factors that the organisation or project should (or could) develop.
- **Threats** – are external factors beyond your control that could place the project or organisation at risk.



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Support for Victims - SWOT Analysis - Example

Strengths <ul style="list-style-type: none">• Strong legislative basis e.g. Victims and Witnesses (Scotland) Act	Weaknesses <ul style="list-style-type: none">• Complexity of the current victim support landscape
Opportunities <ul style="list-style-type: none">• Potential for better multi-agency working	Threats <ul style="list-style-type: none">• Limited resources (people and budgets)

Strengths

Legislation

Enthusiasm
for change

Victims &
Witnesses
Act

Experienced
practitioners

Skilled
staff

EU
Directives

Motivation
to improve
support to
victims

Strengths

Legislation

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to improve
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victims

Up To 3 Key Topics / Themes

- Strong legislative base
- Skilled and experienced staff
- Motivation to make improvements

Using the templates provided

- Individually, write any Strengths, Weaknesses, Opportunities & Threats on post-it notes and stick on the SWOT chart – **15 mins**
- As a table, group the post-its together into common topics / themes under each of the SWOT headings – **15 mins**
- As a table choose up to 3 key topics / themes under each of the SWOT headings – **10 mins**
- Report back to the room

Support for Victims

Workshop – Session 3

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As a table, using the template provided

- Think about what you've heard during the presentations
- Reflect on the SWOT analysis from session 1
- Discuss and capture the key attributes of a SPOC or OFD model - **15 mins**
- Everyone at the table – 1 immediate / short term change you'd like to see, 1 longer term change you'd like to see - **15 mins**
- Develop a vision – a short (max 2 sentences) snappy statement on what we're trying to achieve - **10 mins**
- Report back to the room

SPOC or OFD Model – example template

Key attributes of a successful model

- **Multi-disciplinary**
- **Comprehensive and cohesive**
- **Victim centred**
- **Based on individual need**

One Key Change

- **Immediate / Short term - Cross-justice working group**
- **Longer Term - Digital access to all relevant case information**

Vision

Quality information and support is made available for victims, bereaved families and vulnerable witnesses in their involvement with the criminal justice system, sensitive to individual needs.



POLICE
SCOTLAND
Keeping people safe

Chief Inspector Lex Baillie

Harm Prevention – Victims and Witnesses



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

SUPPORTING VICTIMS & WITNESSES

Jamie Lipton
Senior Manager, Victims & Witnesses Team
Policy & Engagement Division
COPFS



COPFS STANDARDS OF SERVICE FOR VICTIMS & WITNESSES

- We will treat you fairly and with respect we will listen to you through our Complaints and Feedback Policy and the review of our decisions; **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 that are available to you under the law and when available apply for you to be supported with the appropriate special measures**
- 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



VICTIM INFORMATION & ADVICE SERVICE (VIA)

- Creation
- Original remit
- Expansion
- Pro-active provision of information



INITIAL REFERRAL TO VIA

- Categories of Case:
 - Solemn
 - Deaths
 - Hate Crime
 - Domestic
 - Sexual
- Categories of Witness:
 - Children
 - Older people
 - Additional needs



CASE EXAMPLE SUMMARY DOMESTIC ABUSE

- Initial telephone contact
- Follow-up correspondence
- Application for special measures
- Referral to Witness Service
- Further correspondence



VULNERABLE WITNESS APPLICATIONS

- Child witnesses & deemed vulnerable adult witnesses
 - Screen
 - Supporter
 - CCTV link
- Other vulnerable adult witnesses
 - Mental health issues
 - Fear or distress
 - Risk of harm
- Other special measures
 - Evidence in chief by prior statement
 - Taking of evidence by a Commissioner
 - Closed court



ONGOING WORK

- Review of VIA letters
- Review of template Vulnerable Witness Applications
- Review of Joint Protocol between SCTS, COPFS, VSS & PSoS
- Implementation of the recommendations of the Evidence and Procedure Review and High Court Justiciary Practice Note 1 of 2017
- Expansion of the Victim Notification Scheme

SCTS

Support and Information for Victims

Scottish Courts
and Tribunals Service



The Judiciary and Courts (Scotland) Act 2008

- The Scottish Courts and Tribunals Service (SCTS), established by section 60(1) of the Judiciary and Courts (Scotland) Act 2008, is a body corporate, which is part of the Scottish Administration but not part of the Scottish Government.

The SCTS - main responsibilities

- To assist Sheriffs Principal in managing the court programming of the judiciary, accommodation, staff and cases across the range of court business, ensuring the efficient disposal of business;
- To provide the administrative support in criminal and civil courts, recording court procedure; and administering the papers following court orders being made;
- To manage those attending at court;
- To provide the accommodation and IT.

Standards of Service (SCTS)

Inter alia:-

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;

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.



Access to information

- The Victims and Witnesses (Scotland) Act 2014 (Section 6)
- Protocol with COPFS and Police Scotland
- General provision
- Future accessibility

The Victim's Map

Single point of contact ?

UNLOCKING POTENTIAL
TRANSFORMING LIVES



VICTIM NOTIFICATION SCHEME

Jim O'Neill
Senior Legal Services Manager



VICTIMS RIGHTS

Since the VNS commenced in 2003 we have had more than 6000 victims registered on the scheme. We currently have 2357 victims registered for around 1700 prisoners who are eligible to receive information, these are broken down by sentence length as follows:

- Lifer – 836
- LTP – 1167
- STP – 354



VICTIMS RIGHTS

The Victim Notification Scheme:

- Date of release;
 - If released prisoner returns to custody;
 - Temporary release;
 - Transferred out of custody (e.g. cross border, mental health);
 - Die in custody; and
 - Escape or abscond
-
-

VICTIMS RIGHTS

Short term prisoners < 18months

- Date of release
- Escape



VICTIMS RIGHTS

Representations:

Long term prisoners \geq 4years (inc. life)

- Written representations to PBS in relation to conditions;

Short term prisoners \geq 18 months

- Sex offenders - Written representations to Parole Unit in relation to conditions;



VICTIMS RIGHTS

Victims Representations - Home Detention Curfew (Early Release)

Section 17 Release on licence: right of victim to receive information and make representations

(1) Subject to subsections (2), (3) and (12), a person entitled to receive information under section 16 of this Act (the “victim”) as respects a convicted person must in accordance with this section, before any decision is taken **to release** the convicted person on licence, **be afforded** an opportunity to make written representations to the Scottish Ministers **as respects such release and as to conditions which might be specified in the licence in question.**

VICTIMS RIGHTS

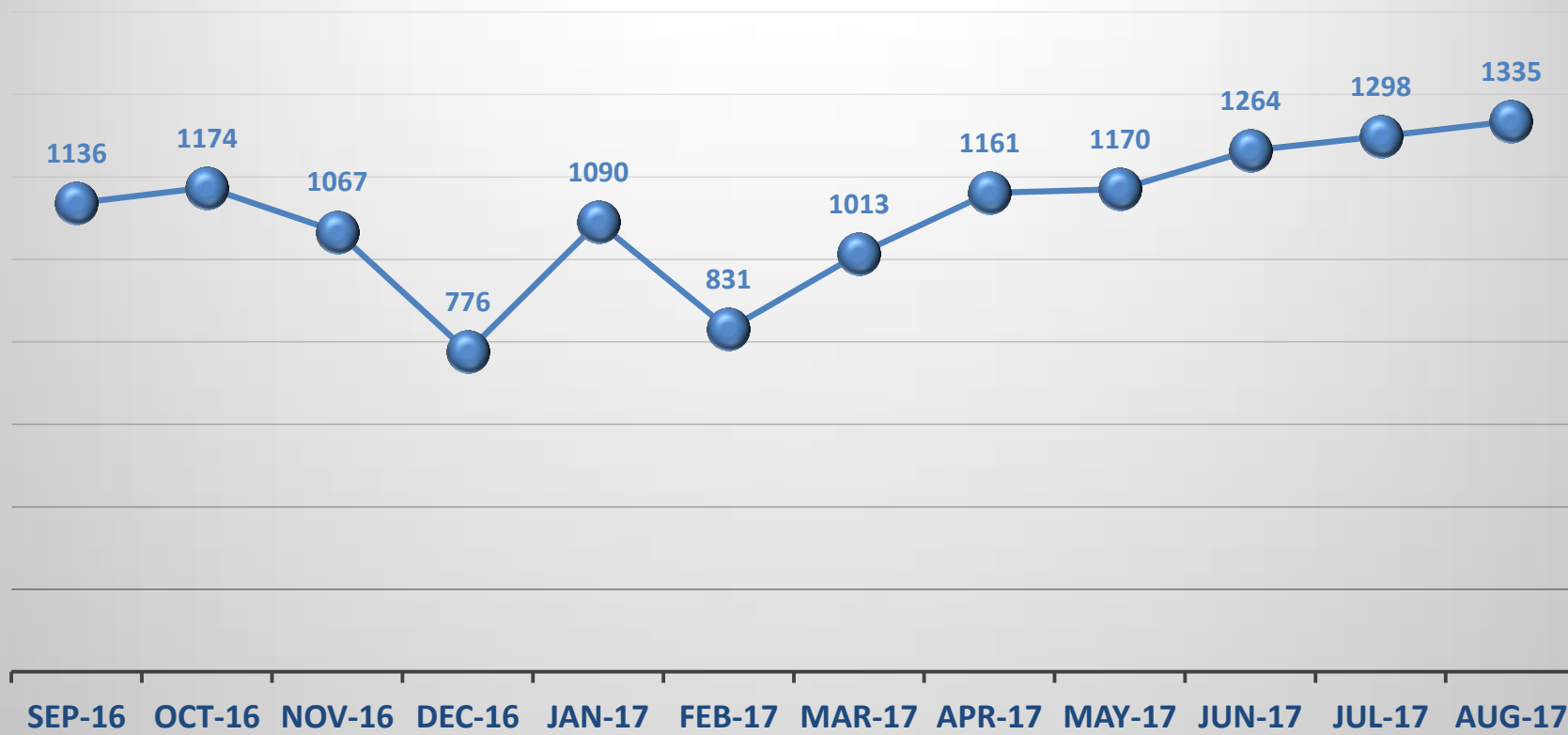
Victims Representations – Temporary Release (see Rule 136)

17A Temporary release: victim's right to make representations about conditions

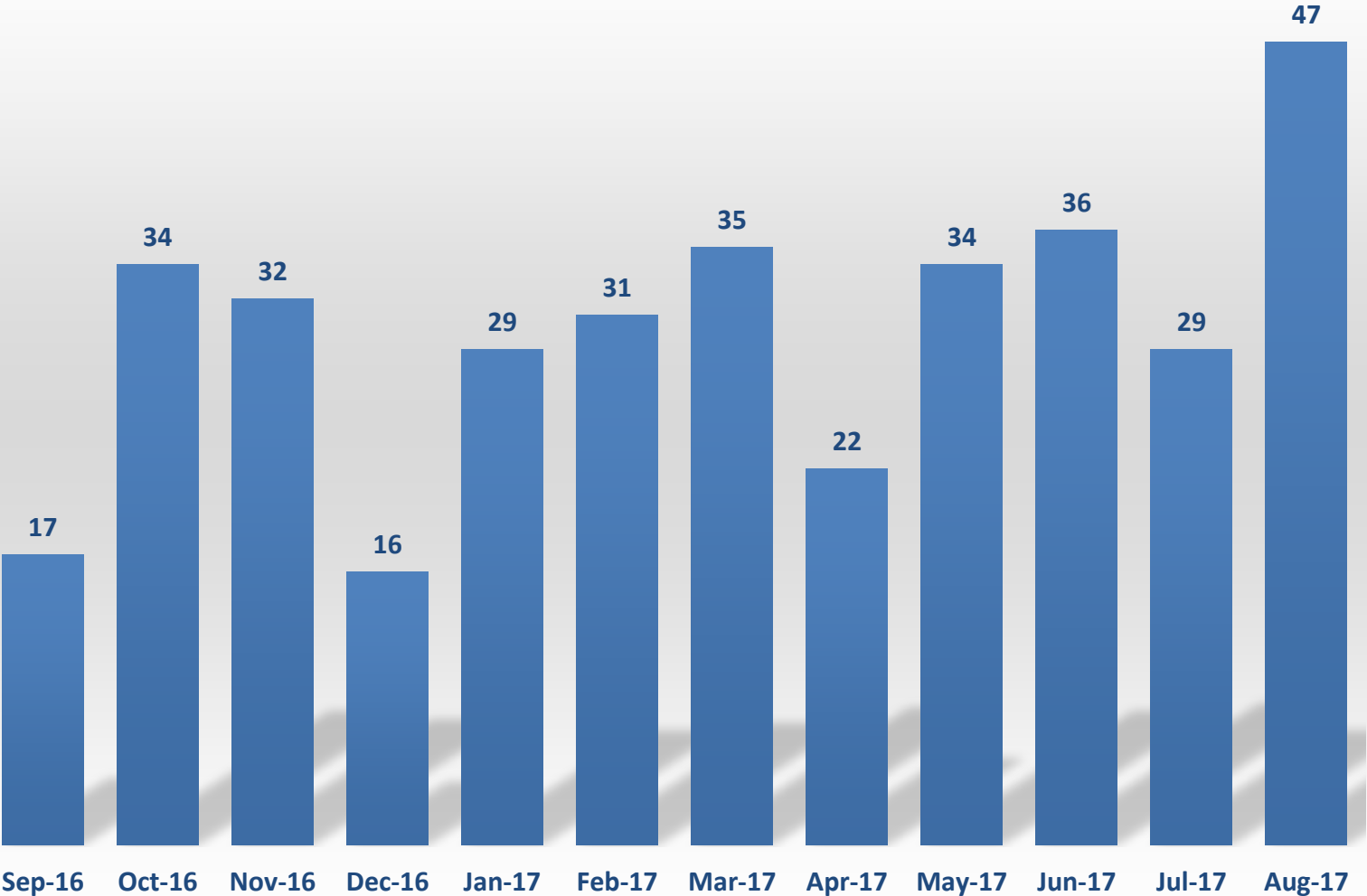
- (2) **On the first occasion** on which the convicted person is entitled to be considered for temporary release by virtue of rules under section 39(6) of the 1989 Act, the Scottish Ministers must give the victim an opportunity to make written representations to them about **any conditions** that the victim considers should be imposed in relation to the temporary release.



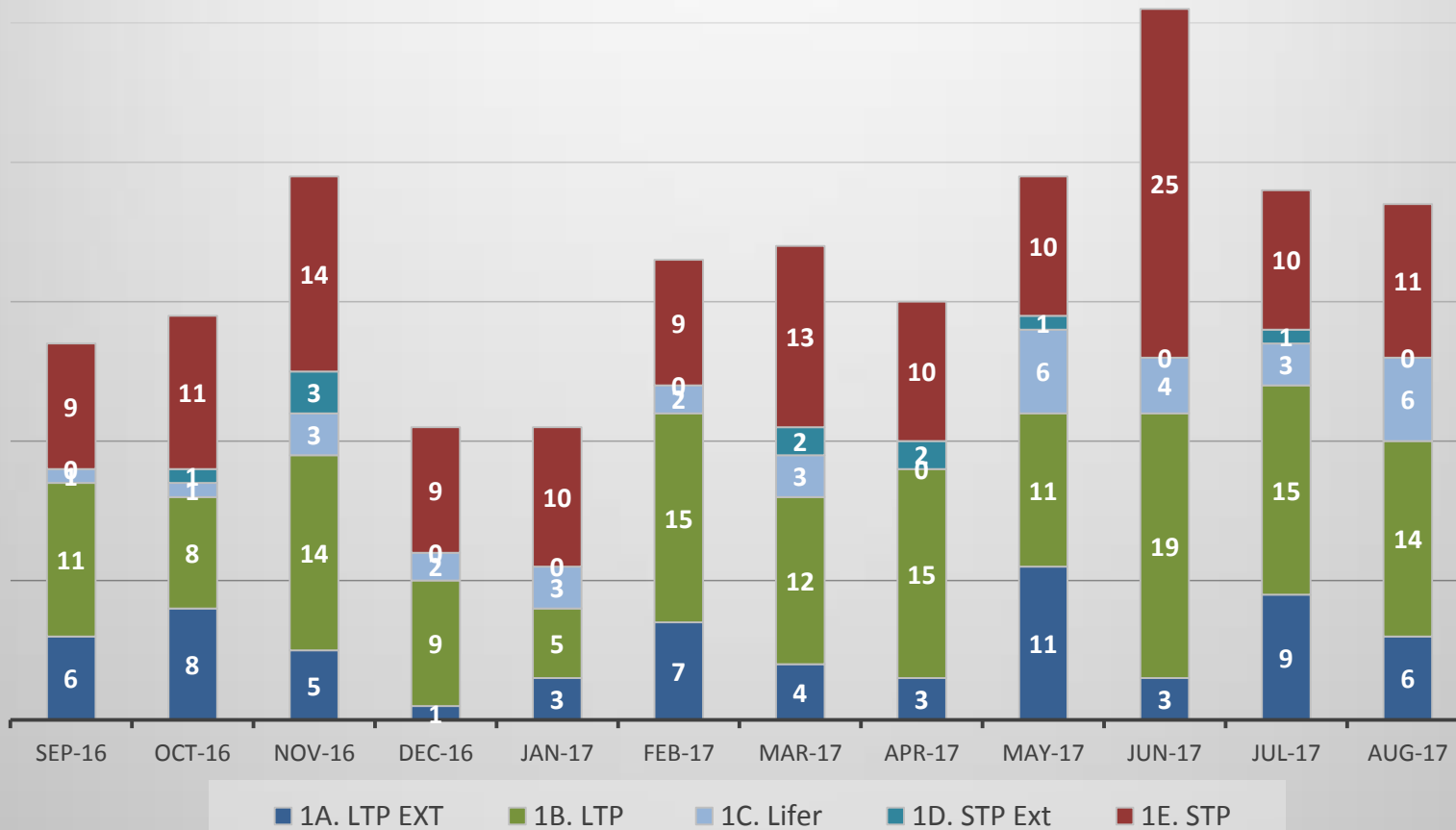
Alerts Generated by PR2 per Month



Number of telephone enquiries logged



VNS Introduction Letters (12 mths)



Single Point of Contact workshop

22 September 2017

Alan McCloskey
Director of Operations

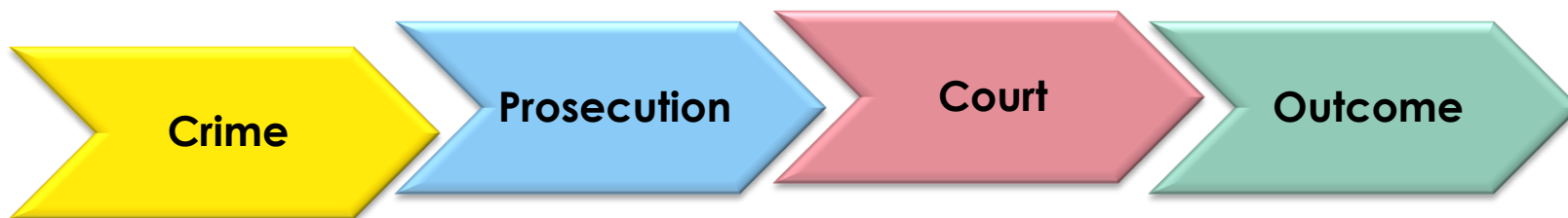
Our Vision

Surviving Crime by Making People Stronger

Through our services, we can help to lessen the impact of crime upon individuals and communities.



Victim Journey through Criminal Justice Processes



- Report to Police

- Prosecution decision or disposal

- Guilty Plea
- Trial

- Court Disposal
- Appeal
- Prison
- Parole

- The victim and key witnesses have a role in these stages but are not in control of decisions made about them
- Providing information and support helps them participate and cope with the experience

Victim Support Scotland is in a unique position to assist people through all of the stages of the criminal justice process







VSS Victim Services

- ☀️ Community based
- ☀️ Free confidential help and support focusing on individual needs
 - Home/office visits
 - Telephone Support
- ☀️ Assist with Criminal Injuries Claims
- ☀️ Assistance with Victim Impact Statements
- ☀️ Information on Criminal Justice System and rights
- ☀️ Safety Plans
- ☀️ Signposting to local partners/agencies

VSS Witness Service

- Court based, every Sheriff and High Court in Scotland
- Centred on individual victim or witness
 - Provide information about court process and personnel
 - Meet in Court
- Pre-Court Familiarisation Visits
 - Support in court (special measures)
- Assess needs and makes referrals to community service
- Post court support
 - referrals to community service
 - Information on VNS

Outcomes for victims and witnesses of crime in Scotland

-  Feel safe and protected
-  Understand what is happening and what is expected of them
-  Feel involved in the stages of criminal justice
-  Feel more confident
-  Feel reassured that their contribution is valued
-  Develop trust and respect in the Justice system

VSS operations

 >100 front line operational staff

 600 operational volunteers

- >90,000 hours supporting victims and witnesses

 VSS business activity (2016/17)

- Victim Service referrals – 106,167 (*target 100,000*)
- Witness Service contacts – 126,675 (*target 68,000*)
 - support to 22,262 vulnerable witnesses
- Criminal Injuries compensation work
 - £2.32m awards for victims

 Focus on meeting needs of every individual

 All crime types

- Families bereaved through murder
- Domestic Abuse
- Sexual assault
- Housebreaking

National Support Centre

Business activity (2016/17)

- 80,816 police referrals processed
- 53,336 letters issued
- 67,143 telephone calls made
- 4,530 telephone calls received

 Operational hours Mon–Fri 8-8





Organisations who have attended our open courses:

Impact of Crime
 Domestic Abuse
 Victims of Sexual Crime

VSS experience of managing Single Point of Contact service

 Tayside Case Progress Information Service Aug 2012- Mar 2106

- Multi agency approach
- Model funded by Copfs

 5,500 victims of crime supported

- Provide updates to individuals
- Allow service users to have access to the witness service
- Access special measures for victims/witnesses to allow them to give their best evidence
- Become a 'one stop shop' for victims, meaning a reduction on multiple agencies contacting victims to receive support and information

VSS Tayside Case Progress Information Service

Benefits

- ☁️ Multi agency one stop approach
 - VSS, Copfs, SCTS, Police Scotland
 - Beneficial to victims and witnesses
 - Victim/witness centred
 - Proactive updates on individual cases
 - Support through CJS
 - Proactive help and support
 - No re-victimisation
 - Independent evaluation concluded model should be rolled out

Challenges

- ☁️ IT systems
- ☁️ Resistance to change
- ☁️ Funding

SPOC Concept opportunities

- ☀️ Build on findings of Justice Committee review and Lesley Thomson report
- ☀️ Provision of high quality information and support to victims and witnesses
- ☀️ Focus on meeting their individual needs
 - Flexible model needed to accommodate individual needs of different crime types
 - Avoids bureaucracy and duplication of services
 - Improves communication with victims and between agencies
- ☀️ Victims and witnesses **want** this model
- ☀️ VSS uniquely placed to deliver this support
- ☀️ Help and support from point of crime, report to police, prosecution, court and sentence, through to offenders being released





Let`s make it happen!!



VICTIM SUPPORT

THANK YOU!

Scottish Homicide Service

A Way Forward?

David Leitch
(on behalf of)



Opportunity



Through provision of a **funded single door advocacy service**

supporting, enabling and empowering families at their most vulnerable

Scotland has the opportunity

to more effectively support those suffering loss through Homicide

Where Are We Now?



- In purely financial terms the direct costs to families suffering loss through homicide in Scotland over the last decade may be estimated at over £3 million *per annum*. (*Review into the Needs of Families Bereaved by Homicide Louise Casey CB July 2011*)
- Families are faced with lists of disparate organisations and are expected to identify and assess their own needs, source the appropriate service and self-refer to service providers.
- Across England and Wales the Homicide Service (hosted by Victim Support and directly funded by the Department of Justice) provides professional case workers to work with and support families on a one to one basis in navigating the complex landscape of emotional, financial, legal and practical issues.

A Way Forward?



Need

The 2011 report “Review into the Needs of Families Bereaved by Homicide” authored by the Victims Commissioner for England and Wales, Louise Casey CB remains the most credible source identified in articulating the need for services.

(Solely) A Criminal Justice Issue



The largest survey ever of over 400 bereaved families was undertaken.

- The vast majority (80%+) had suffered trauma-related symptoms
- Three-quarters suffered depression
- One-in-five became addicted to alcohol
- 100% said that their health was affected in some way, and eight-out-of-ten (83%) said their physical health was affected
- Nearly six-in-ten (59%) found it difficult to manage their finances following the bereavement
- One-in-four stopped working permanently
- One-in-four had to move home
- Three quarters said it affected their other relationships
- 44% who experienced relationship problems with a spouse said it led to divorce or separation
- A quarter (23%) gained sudden responsibility for children as a result of the killing

The average cost of the homicide to each family was £37,000, ranging from probate, to funerals to travel to court, to cleaning up the crime scene. The majority got no help with these costs and some were forced into debt.

A Way Forward?



Scotland as a single region (national service) underpinned by key relationships established within the three sub regions in line with Police Scotland and COPFS (VIA).

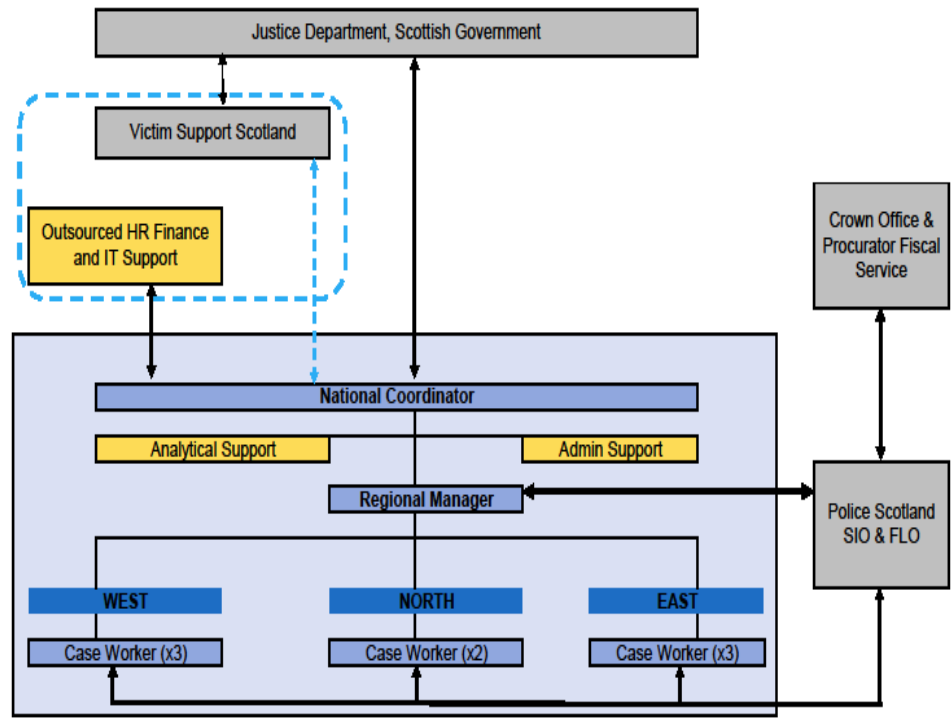
A Scottish Homicide Service may be expected accrue a caseload of approximately 325 individuals over a period of 12-18 months from inception (plus any element of additionality through overseas homicide).

A Scottish Homicide Service should provide quarterly reports to the funding body. Transparency and accountability are core to the creation and retention of both public and funding body confidence.

A Way Forward?



Scottish Homicide Service
Organisational Structure



A Way Forward?



Funding

Scottish Government should be considered as the appropriate sustainable funding source.

Annual Funding Requirement of **£445,000** for first year of operation.

Annual Funding Requirement of **£585,000** for second year of operation.

Annual Funding Requirement of **£664,000** for operation at full deployment.

A Way Forward?



Eligibility

Notwithstanding that each case should be considered on its own merit, eligibility for the Homicide Service should be defined by reference to;

“bereaved close relative” ie “close relative” means a spouse, cohabitee, parent (including a step-parent) or guardian, sibling (including half-siblings and step-siblings) or a child and

the definition of “family members of the deceased victim” in article 2 the EU Directive 2012/29/EU ie “the spouse, the person who is living with the victim in a committed intimate relationship, in a joint household and on a stable and continuous basis, the relatives in direct line, the siblings and the dependants of the victim”

Individuals who sit beyond the scope of the service should be provided with details of Victim Services in their locality to provide support

A Way Forward?



Implementation

The introduction of a Scottish Homicide Service should be phased over 3 financial years in line with uplift in demand.

A Scottish Homicide Service should meet and mesh smoothly with the existing services south of the border to ensure sharing of best practice and that cross border cases are efficiently and effectively supported.

Additional analytical data in respect of service user location should be sourced from Police Scotland.

The author does not believe that VIA is a suitable platform from which to operate a single door approach for bereaved families *as this fails to recognise and protect the constitutional position and independence of the prosecution.*

A Way Forward?



Recruitment

Staff should be PVG certified.

Caseworkers should be measured against National Occupational Standard SFJBE4 in considering them for appointment.

Training

The existing England and Wales training programme has been continuously reviewed and developed over the 6 years of operation and should therefore be considered as appropriate for adoption, *subject to the required amendments in recognition of the differences within the Scottish legal and organisational framework.*

A Way Forward?



Engagement

A Scottish Homicide Service should be facilitated by way of a tripartite Memorandum of Understanding between Police Scotland, Department of Justice and the Scottish Homicide Service

Police Scotland should underpin this MOU by internal policy of mandatory notification within set timescales and by a prescribed route and (written) format for consent based referral

The initial training programme for both SIOs and FLOs would contain material pertinent to the Scottish Homicide Service

The ongoing relationship would be facilitated through attendance by Homicide Service representatives at the scheduled continuous professional development conferences held in respect of both SIOs and FLOs

Governance

A Scottish Homicide Service should provide quarterly reports to the funding body

The Gap



- 12 Posts
- Equity of access to services across Scotland
- £500 budget per client for contracted services
- Overall Operating Budget of £664,000 per annum



Objective

To provide a **funded single door advocacy service**, structured to support, enable and empower families at their most vulnerable time, more effectively supporting those suffering loss through Homicide