



Victim Support Scotland

Victims Taskforce – Victim Engagement Mechanisms: Update September 2019

Introduction

During the March 2019 Victims Taskforce meeting a paper about placing victim engagement mechanisms at the heart of the Taskforce was approved. This paper summarises the methods of engagement so far and key themes emerging from discussion.

As a reminder, key aspects of victim engagement that the Taskforce approved in March were:

- Proposals for an overarching Sounding Board group that would work alongside the Taskforce, led by Lynn Burns, victim representative member of the Taskforce, supported by Victim Support Scotland (VSS)
- Proposal for a victim and survivor reference groups for each work-stream
- A commitment to treating victims with respect and listening to their views, making changes to the justice systems to improve their experience.

Update on progress so far

Rape Crisis Scotland has set up a Survivors Reference Group to feed into a number of fora, including the Lord Justice Clerk's management of sexual crime review group. At the March meeting it was agreed that this group would also inform the Victims Taskforce. The Cabinet Secretary for Justice met with members of this group earlier this year.

Over the months of July and August, Lynn Burns and Kate Wallace, CEO of VSS, have been meeting with individuals with direct experience of being a victim of crime to hear their views about their own experiences within the justice system and to ascertain whether they would want to be further involved with the Taskforce. These individuals have come to constitute the participants of the VSS Reference Group. Conversations have largely taken

place on a one-to-one basis in person or on the telephone. Whilst these conversations have not taken the form of formal research interviews, this work has been done while also adhering to policies around ethics and consent in collecting and storing information. In all cases, permission has been sought from participants to use their views and experiences of the justice system to inform positive change, in some cases this involves evidential quotes.

Some of the victims that have been involved so far would prefer their longer-term involvement to be conducted on a one-to-one basis or virtual basis as they would prefer not to be part of a physical group setting. Their involvement will continue as part of a Victim Support Scotland reference group. However, there are some who have expressed an initial interest in coming together as a group in person, and so the Taskforce Sounding Board group is beginning to form. An initial scoping meeting was held in August 2019 with a number of victims. Scottish Women's Aid and Rape Crisis Scotland are also identifying additional members from their existing groups and networks who may want to form part of the Sounding Board group.

Whilst the overarching Victim Support Scotland reference group will offer an opportunity for a wide range of views from a larger group of victims using a range of engagement mechanisms, the smaller Sounding Board group will provide an opportunity for themes to be discussed in a collective forum in a more in-depth manner. It is anticipated that the Sounding Board group will provide an opportunity for long-term engagement between the Taskforce and victims of crime so that a deeper understanding of the impact of aspects of the system can be understood and therefore improvements can be made. The Lord Advocate and Cabinet Secretary for Justice have agreed to this approach which would involve a small sub-group of key leaders of criminal justice agencies meeting regularly with the Sounding Board group. This approach would also allow for sense-checking of new ideas and developments with victims themselves and would help guard against unintended adverse consequences.

It is becoming clear through the engagement with victims so far that most of the themes highlighted in the Justice Journeys (JJ) research by Brooks-Hay et al (2019), highlighted at the previous Taskforce meeting, resonate (unprompted) with victims and survivors of a

number of different types of crime. Whilst there are some issues that are crime-type specific (for example post-mortems in relation to family members who have been bereaved through crime), there are many more areas where victims of a range of types of crime share common experiences.

Themes emerging from discussions with victims so far:

Over the course of recent discussions, some shared initial themes have emerged. Some of these are highlighted below and will be explored in greater depth through discussion within the Taskforce meeting. The pervasive nature of themes across crime types gives scope for more structured and wider reaching engagement around how similar issues are encountered across the justice journey for people who are victims of crimes such as assault, domestic violence and attempted murder, or who are family members bereaved by crime.

Summary of common themes:

1) Reporting:

- a. The JJ research found significant challenges around the current method of victims, survivors and witnesses giving a statement. We have found this to be a common theme across crime types. The current approach was felt by many to be traumatising.
- b. Initial encounters with police are hugely important and there were positive and negative comments about this.
- c. There is also an emerging theme about inadequate crime scene clean up where the crime has occurred within someone's home.

2) Evidence gathering:

- a. Justice journeys research highlighted the loss of personal possessions as a particular concern and many victims and their families that we spoke to raised this as an issue. In some cases personal possessions has not been returned many years after the crime had taken place, some of these possessions had deep sentimental value and there was a concern from some that these had been lost but that there was a reluctance amongst the police to admit this. A consistent theme of 'loss of control' was described in relation this and other themes.

- b. A dearth of communication after intense activity was also a common theme. There was a lot of praise for the police who in some cases were felt to have gone above and beyond, but handover from police to VIA was commonly described as being accompanied by a large gap in communication.

3) Prosecution and trial preparation

- a. This was characterised as in the JJ research by delays (which had a traumatising effect), poor communication and administrative errors. All of these themes captured in the JJ research were raised by victims, survivors and family members that we spoke to. Every victim we spoke to had experienced a problem of one kind or another in their interaction with the justice system. There was also a feeling that an imbalance between the rights of the accused and the rights of victims, survivors and their families starts to emerge at this point in the process (treatment at court, design and layout of court buildings, lack of information, etc.)
- b. Importance of the role of Advocate Depute was shared across crime types and positive and negative experiences were described to us.
- c. Defence questioning and the overall approach of the defence in court was felt to be unnecessarily traumatising and victim-blaming. Whilst most commonly discussed amongst survivors of sexual crime or domestic abuse, family members bereaved by crime described very similar experiences in relation to their loved one, compounded by the fact they could not speak up for themselves.
- d. Framing the criminal justice process around the case and not the victim and the realisation of this was described as problematic by many. Most commonly this was mentioned during conversations around court processes but not exclusively so. The term 'complainer' was also felt to be trivialising the experience of victims.

4) The rights of victims/ survivors of crime and their families

- a. The overarching feeling expressed here was that victims, survivors and their families are either not informed of their rights and are unaware that there are certain processes that can apply to them or that when they are informed this is not done in a trauma-informed way. There were lots of examples here,

the Victim Notification Scheme was highlighted as a particularly problematic area.

- b. Communication in general was a major theme with victims describing a desire for impartial information and not being molly-coddled and a feeling that all the professionals around them were experts in a system that they had no knowledge of and that in general this was not being recognised. Lack of explanation of sentencing decisions and parole processes were raised regularly in this theme.
- 5) Lack of trauma-informed approaches, especially in relation to communication.
- a. This theme was described by all victims that we spoke to in one way or another and occurs throughout the system, the Victim Notification Scheme in particular was described as problematic from this perspective and parole processes were also mentioned by some.

The pervasive nature of themes across crime types gives scope for more structured and wider reaching engagement around how similar issues are encountered across the justice journey for people who are victims of crimes such as assault, domestic violence and attempted murder, or who are family members bereaved by crime. Insights from victims, survivors and their families demonstrate a lack of confidence in the justice system. Most victims we have spoken to have said they do not want retribution but justice instead, a system that is fair, with the rights of victims balanced with the rights of those accused and convicted. The overarching feeling from victims was that owing to their poor experiences there were significant improvements that could be made and that they are keen to help inform those changes.

Insights will continue to be gathered through the victims and survivors' reference groups and the Sounding Board group and will be shared with the relevant workstreams and Taskforce on an ongoing basis. It is envisaged that direct quotes from victims will be shared at the start of each Taskforce meeting and that range of methods will be used to share direct experiences of victims with Taskforce members (for example Voxpops, case studies, testimonials, etc). It is also envisaged that more in-depth experiences will be shared through specific agenda items at each meeting.

Questions for discussion:

- Which taskforce members would like to for a sub-group to engage directly with the Sounding Board group?
- Are there particular thoughts around how this meeting format has worked from a victim engagement perspective? Feedback for future meetings?