

Victim Surcharge Fund

Guidance

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Scottish Government
Riaghaltas na h-Alba
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Introduction

1. The Scottish Government is committed to putting victims' rights and needs at the centre of the criminal justice process and to improving the support, information and advice that is available to victims of crime and their relatives.
2. The [Victims and Witnesses \(Scotland\) Act 2014](#) introduced a range of measures to support this commitment, including provision for the creation of a new victim surcharge to be imposed on offenders.

The Victim Surcharge

3. The victim surcharge came into force in Scotland on 25 November 2019 and applies to all persons who commit an offence on or after that date and who are subsequently convicted and receive a court fine.
4. The amount payable is proportionate to the value of the fine imposed by the court, as set out in the table below.

Amount of fine	Surcharge payable
Up to and including £200	£10.00
Between £200.01 and £500 inclusive	£20.00
Between £500.01 and £1,000 inclusive	£40.00
Between £1,000.01 and £2,500 inclusive	£75.00
Between £2,500.01 and £5,000 inclusive	£175.00
Between £5,000.01 and the prescribed sum (as defined by section 225(8) of the 1995 Act) inclusive	£350.00
In excess of the prescribed sum (as so defined)	7.5% of the fine

5. The surcharge is collected from offenders by the Scottish Courts and Tribunals Service (SCTS), in the same way they collect fines and compensation orders. The surcharge is then transferred to the Victim Surcharge Fund (VSF), which is administered by the Scottish Government. A flow chart showing how the process will work is in Annex A.

The Victim Surcharge Fund

6. As set out in [section 253G\(3\) of the Criminal Procedures \(Scotland\) 1995 Act](#) – ‘The Scottish Ministers must establish, maintain and administer the VSF for the purpose of securing the provision of support services for persons who are or appear to be the victims of crime and prescribed relatives of such persons.’
7. Once sufficient money has accumulated in the VSF, it will be opened for applications from victim support organisations.
8. Victim Support Organisations (VSOs) who have been successful in applying for a share of the VSF can use this funding to provide practical support to victims and their relatives.
9. We do not envisage that victims will apply to VSOs solely for support from the VSF. Rather, when victims contact VSOs for help, support and advice, VSOs will have the option of using the funding they have received from the VSF to meet the costs the people they support incur as a result of being a victim of crime, where appropriate and in line with this Guidance. This funding support should therefore be offered in addition to, and complement, the practical and emotional support that VSOs already provide to victims. Examples of the type of support that can be provided are included at Annex B.
10. Victims will not be able to apply directly to the Scottish Government for support from the VSF. This approach recognises that VSOs are best placed to engage with victims, assess their needs and provide assistance through the VSF.
11. The VSF will be open for applications from VSOs twice per year, provided that there are sufficient funds available.

What can the VSF be used for?

12. The VSF is intended to supplement and enhance support services that the VSO already provides to victims of crime and is primarily intended to help victims who are already accessing the services of the VSO.
13. Support provided by the VSF will help mitigate the negative experience of becoming a victim of crime, and be beneficial for the victim and/or their family.
14. The VSF is intended to meet:
 - costs that would not have been incurred if the person was not a victim of crime;
 - costs which cannot be met reasonably by any other source.

15. In many cases, this will mean using the fund to pay for one-off expenses or services incurred by the victim or their relative within the first 6 months of the victim engaging with the VSO. However, VSOs have flexibility to determine on a case-by-case basis how long after initial engagement support can be provided.
16. Funding provided is to allow VSOs to make payments to third parties, contractors, etc for goods and services provided. We expect VSOs to use their expertise and judgement on this, with exceptions reported in monitoring returns (see paragraph 36).
17. We expect VSOs to obtain best value appropriate for the type and level of support being provided in each case, in line with their existing procedures. For example this could involve obtaining more than one quote for high value claims; or using existing contracts with suppliers e.g. for new locks or alarms to be fitted.
18. If VSOs are uncertain about making a particular payment from the VSF they should seek advice from the Scottish Government Victims & Witnesses Policy Team, via their mailbox victimsurchargefund@gov.scot .
19. It is expected that organisations in receipt of VSF will be able to make an in principle decision on whether they can provide financial support from the VSF to a victim or their relative within two working days. The aim of this is to provide assurance to the victim/relative that the cost will be met from the VSF.
20. We acknowledge that there will be a potential financial or administrative impact on VSOs associated with allocating and monitoring the VSF. VSOs will therefore be able to use a maximum of 10% of the funds they are awarded to meet additional administration costs incurred through their application for and use of the VSF. The VSF cannot be used to support the day-to-day running costs of organisations (see paragraph 25 below).

What can't the VSF be used for?

21. The VSF is not intended to replace other available sources of funding or the legal responsibilities of other bodies to provide assistance in emergency situations, for example:
 - Home insurance
 - Travel insurance (e.g. where a person becomes a victim of crime when visiting Scotland)
 - Obligations on local authorities, housing associations, or private landlords (e.g. carry out necessary repairs, fix locks or - in case of local authorities - provide accommodation if homeless)
 - Budgeting Loans from the Department of Work and Pensions

- Long-term property rental costs
- Funeral Support Payments¹
- Legal costs

22. Duplicate payments for the same invoice cannot be made from the VSF (e.g. to different family members, or due to victims seeking payment for the same costs from a number of VSOs).

23. To address this risk (and in line with existing requirements for any organisations in receipt of grant funding from Scottish Ministers) VSOs applying to the VSF must have in place effective policies and procedures to prevent and detect fraud, bribery and corruption that must be carefully monitored.

24. Only in exceptional cases should a VSO provide a cash payment direct to a victim. Rather the VSO should use the VSF to cover the costs of services required, for example by arranging new locks to be fitted or paying an invoice for funeral expenses.

25. The VSF should not be used to pay for the operational expenses the VSO require to carry out its day-to-day business. However it may be used to fund additional costs required to administer the VSF, as set out in paragraph 20.

Who can the VSF be used to help?

26. In addition to the victims of crime, the list of relatives that may be offered support from this fund is laid out in statute in [The Victim Surcharge Fund \(Prescribed Relatives\) \(Scotland\) Regulations 2019](#).

What information is required to apply for the VSF?

27. In the application process we will be looking for you to provide information on:

- The legal status of the organisation (e.g. charity registration number)
- Organisational aims and objectives – demonstrating a clear focus on providing support to victims of crime
- A proven track record of providing advice and services to, or treatment that is intended to benefit the physical or mental health or wellbeing of, victims of crime or their relatives for at least the past 2 years
- The approximate number of victims you support on an annual basis

¹ Information about Funeral Support Payments, and who may apply for these can be found here <https://www.mygov.scot/funeral-support-payment/who-can-apply-and-when/>

- Geographical area over which your organisation provides support
- Evidence of sound finance and governance arrangements within your organisation (e.g. audited accounts; budget monitoring processes; fraud, bribery and corruption policies in place)
- A source of funding separate from the Victim Surcharge Fund that is used to fund the day-to-day operation of the organisation
- Total amount applied for – applications should be a minimum of £5,000.
- Administrative costs incurred as a result of applying for and managing the VSF (no greater than 10% of the grant allocation)
- Forecast monthly expenditure
- Financial processes, governance and monitoring arrangements in respect of Fund receipts and payments
- Organisational risk register
- Details of any specialist support your organisation provides
- Your policies on:
 - equality and diversity
 - child protection/vulnerable adult
 - personal data processing and security

28. We recognise that some VSOs may decide not to apply to the VSF because, for example, demand for practical support from the victims they engage with is not expected to exceed the minimum application of £5,000, or they consider they do not have the staffing, systems or infrastructure needed to manage funds.

29. In such cases these VSOs may wish to agree an onward referral process (formal or otherwise) with VSOs who have received funds from the VSF.

Assessment process

30. Each application will be assessed by the Scottish Government on all of the information provided in the application form. We may not be able to provide funding to all applicants or provide the full amount of funding that an applicant has requested. In such circumstances, funding allocations will be determined by

the consideration of factors such as the number of victims the VSO supports annually, the geographical areas over which the VSO provides support and the type of support your client group require. This process will seek to ensure that the VSF is available to victims of different types of crime and is accessible by victims across Scotland.

31. Incomplete applications may result in delays and possibly rejection of the application (subject to the appeals process outlined below).

Appeals process

32. The VSF will be administered in an open, transparent and fair manner.

33. Feedback will be given to all unsuccessful applicants on request. Your organisation will have the opportunity to appeal the decision, amend the application, and/or provide additional evidence to support your application.

34. However, irrespective of the quality of the applications, awards will always be made subject to the availability of funds (see funding terms and conditions below).

Monitoring arrangements

35. Monitoring arrangements are necessary to ensure that the funding meets the agreed outcomes and is used for its intended purposes.

36. VSO's in receipt of VSF will need to provide quarterly reports to the Scottish Government to include:

- Actual expenditure, compared to profiled expenditure
- Total numbers of victims supported from the fund
- The number of payments made from the fund
- Information on incidents of fraud or attempted fraud
- Report on exceptional payments made from the fund. Exceptional will include:
 - Number and value of cash payments made to victims of crime
 - Number and value of payments for single items above £3,000
 - Number and value of payments to individual victims totalling more than £3,000 and/or more than 10% of amount organisation has claimed from VSF.

Funding terms and conditions

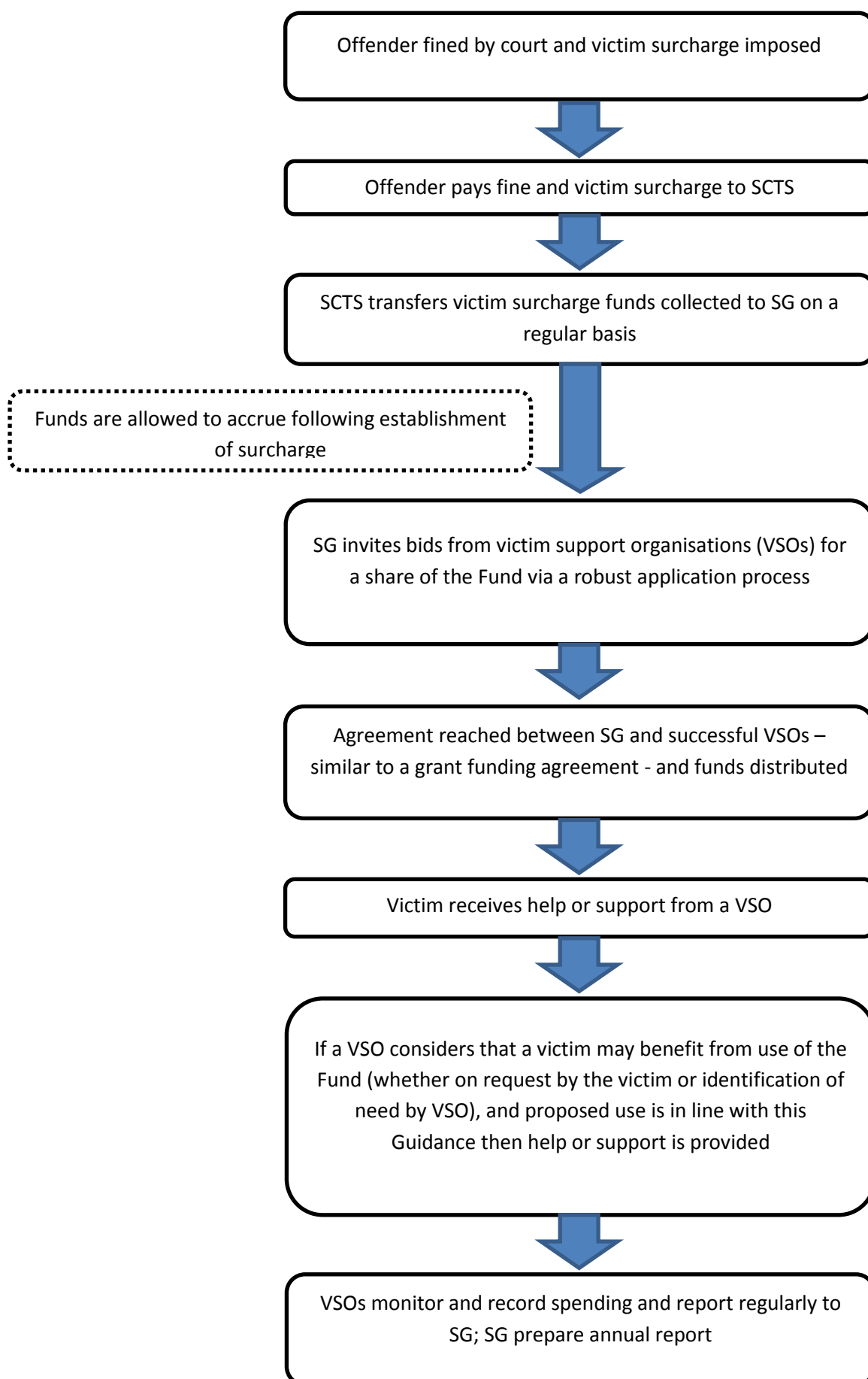
37. The funding terms and conditions are that:

- Applications must be for a minimum of £5,000.
- Case-by-case applications cannot be made by VSOs on behalf of individual victims or relatives.
- Awards from the VSF will only be made if there is sufficient monies in the VSF to enable awards to be made.
- Funds will be clawed-back from VSOs where there is evidence that funds have been misappropriated, or have not been issued in line with this Guidance.

Contact information

38. If any further information or guidance is required, victim organisations are welcome to contact the Scottish Government via the Victim Surcharge Fund mailbox victimsurchargefund@gov.scot

VICTIM SURCHARGE FUND FLOW CHART



Examples of the kind of support the Fund can be used for to help victims of crime may include, but is not limited to:

- Short-term accommodation / temporary rehousing / cost of moving house
- Contribution to funeral costs (when not covered by other source such as funeral support payments)
- Travel costs e.g. to funeral / hospital / court
- Childcare costs
- Getting locks fixed or new locks fitted
- Fixing damaged doors and broken windows
- Household cleaning e.g. carpets, upholstery
- Redecorating
- Essential new furniture e.g. bed / sofa
- Alarms/safety devices e.g. CCTV
- Psychological support, counselling (where this is additional to services already funded under existing Scottish Government grant schemes)
- Help with medical / dental costs that have arisen as a result of being a victim of crime
- Special services for disabled or elderly victims
- Practical, emotional and social support for children
- Toys, clothing
- Respite breaks, and social outings with peers
- Costs of replacing broken or lost personal items, such as spectacles
- Cost to replace damaged or stolen electronics, phones, etc
- Replacement of white goods



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