

Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill

Policy Memorandum

Easy Read Summary

January 2020



Scottish Government
Riaghaltas na h-Alba
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What is this document about?

This document is about the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill¹.

This document is in 4 parts:

Part 1 Introduction

Part 2 The Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill - What is it for?

Part 3 Changes to the Law

Part 4 Equality and Human Rights

The name Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill is very long so in this document we will sometimes just call it the 'Bill'.

¹ This document is a summary. Full legal and policy details of the Bill are available from the Scottish Government website <https://www.gov.scot/policies/violence-against-women-and-girls/forensic-medical-services-for-rape-victims/>.

Part 1: Introduction

What is a Bill?

A Bill is a document that sets out a new law that people must follow.

A Bill can be difficult to understand because it uses legal words.

The Parliament has to agree a Bill before it becomes the law.



What is a policy memorandum?

A policy memorandum is a document written by the Government to explain what a Bill is about.

A policy memorandum explains why a law is needed and how it will help people.



This Easy Read summary of the policy memorandum has been written by the Scottish Government to make sure as many people as possible can understand what is in the Bill.

Part 2: What is the Bill for?



This Bill is about making sure people of any age who may have experienced certain sexual offences, mainly rape and sexual assault committed against them, get the right care and support for their medical and emotional needs.

What is rape?



Someone having sex with you when you do not want to have sex is rape. Someone having sex with you when they are aware that you are not able to tell them you do not want to have sex is rape.

Someone trying to have sex with you when you do not want to is attempted rape. Someone trying to have sex with you when they are aware you are not able to tell them you do not want to have sex is attempted rape.

What is sexual assault?



Someone touching your body in a sexual way when you do not want them to.

Committing rape and sexual assault is against the law.

If it has happened to you, you have done nothing wrong and it is not your fault.

If it has happened to you, you should tell someone that you trust.





We know that lots of people who have experienced sexual offences do not want to report it to the police.

This sometimes means they do not get the help they need.

We asked lots of people what they thought would help and we listened to their views.



They told us that changes to the law could help people who have experienced sexual offences to get the help they need.



This Bill is about helping people who have experienced certain sexual offences to get help from health care services.

Part 3: Changes to the Law



The Scottish Parliament makes laws for Scotland.

The Bill was sent to the Scottish Parliament on 26 November 2019.



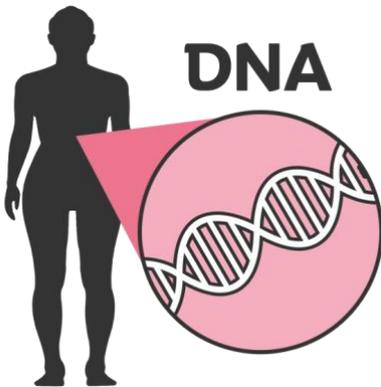
The Bill says that people who have experienced certain sexual offences should be able to choose if they want to access forensic medical services.

What are forensic medical services?



This is a special type of medical examination for people who have experienced rape or sexual assault.

It is done by a specially trained doctor, who will try to help the person.



The doctor may also be able to collect evidence that could help the police find the person who carried out the assault.

This evidence can be body fluids or hair that belongs to the other person.



If the person who has experienced rape or sexual assault does not want to tell the police straight away, the health board will keep the evidence safe.

If the person decides not to tell the police, the evidence will be destroyed after a period of time.



- **The Bill says that:** Certain forensic medical services will be provided by health boards.

- This means that people will be seen in a health centre or hospital and not in a police station.

- In most cases, an adult can get help even if they are not sure if they want to report the assault to the police. They can decide later if they want to report it or not.





Forensic medical services are not just about collecting evidence, they are also about getting the right support and health care.

The medical and emotional needs of the person should be looked at and they should be referred to support services that can help them.



Before a forensic medical examination, a person should be given information about what will happen to make sure they feel OK about it.



The person should be supported to make their own decision about having the examination and about whether they want to report to the police.

A person should also be given information about confidentiality. Confidentiality is about who the doctor can tell about what happened to a person.



Most of the time doctors must get permission before they share any information about a person.

If the doctor thinks a person is in a lot of danger, they might be allowed to tell the police without getting permission.

They should take the time to explain to the person why they are doing that.

Part 4 Equality and Human Rights



Equality means everyone having equal access to opportunities and services.

Some people might need extra support to access those services.

Human rights are basic rights and freedoms that belong to every person in Scotland.



We asked people how the Bill could affect equality and human rights.

We listened to their views and made sure that people are treated as fairly as possible.



The Bill recognises the value of people sometimes needing help to make decisions about things that affect them. The Bill encourages professionals to use this approach as much as possible.



The Scottish Government will continue to listen to the experiences of people who have used these services or have wanted to use them but faced barriers doing so. This will help find out if things are working well.



There will be accessible information available so that people can understand their rights under the Bill.



**People First
(Scotland)**

This Easy Read document was made with support from People First (Scotland), the Disabled Persons' User-Led Organisation run by people with learning disabilities in Scotland.

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**People First
(Scotland)**



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