

Victims, Witnesses, and Justice Reform (Scotland) Bill: factsheet

Victims and Witnesses Commissioner

This page provides more information on the proposals within the [Victims, Witnesses, and Justice Reform \(Scotland\) Bill](#) to establish a Victims and Witnesses Commissioner.

It covers:

- what the Bill does
- role and remit of the Victims and Witnesses Commissioner
- functions of the Commissioner
- evidence for reform

What the Bill does

The Bill seeks to establish a Victims and Witnesses Commissioner for Scotland. This person will:

- provide an independent voice for victims and witnesses and champion their views
- encourage policy makers and criminal justice agencies to put victims' rights at the heart of the justice system

The creation of a Victims and Witnesses Commissioner will address concerns that the representation of issues affecting victims and witnesses is better provided elsewhere in the UK, because of the lack of an equivalent role in Scotland.

Role and remit of the Victims and Witnesses Commissioner

The Victims and Witnesses Commissioner will be independent of the Scottish Government. They will be appointed by the Scottish Parliament and accountable to Parliament.

The Commissioner will have a key role in:

- protecting and promoting the rights of victims and witnesses and advancing their voices
- influencing change
- ensuring that criminal justice agencies meet their responsibilities under the [Victims' Code](#)

Although the Commissioner will not have the power to champion or intervene in individual cases, they will be able to consider individual cases in order to understand the national picture and to provide recommendations for improvements to be made.

The Commissioner's remit will initially be limited to the criminal justice system.

The role will benefit victims and witnesses of crime by providing an additional, statutory mechanism for their voices to be heard. It will also help raise awareness and monitoring of the rights of victims and witnesses.

Functions of the Commissioner

The Commissioner's main function will be to promote and support the rights and interests of victims and witnesses.

The Bill sets out particular activities which the Commissioner must carry out in relation to this , including:

- engaging with victims and witnesses, and with persons who provide victim support services
- taking steps to raise awareness and promote the interests of victims and witnesses
- monitoring compliance with the [Standards of Service](#) and the [Victims' Code for Scotland](#)
- promoting best practice and a trauma-informed approach by criminal justice agencies and those who provide support services to victims
- undertaking and commissioning research in order to produce the Commissioner's annual report, and to make recommendations to criminal justice agencies and to persons who provide victim support services

Engaging with victims and witnesses, and with organisations who provide victim support services will be a key part of the Commissioner's role.

Evidence for reform

The Scottish Government has engaged with stakeholders about the concept of a Victims' Commissioner since 2019, and there has been a clear demand for such a role to be established.

This was explored as part of the consultation on [improving victims' experiences of the justice system](#) (in summer 2022) with views sought on the role, remit and functions and powers a commissioner might have, and through [a workshop in July 2022](#).

Respondents to the public consultation were strongly supportive of the creation of an independent Victims' Commissioner. Respondents considered that it would be necessary to establish the role through legislation in order to ensure transparency and to give victims confidence in the person representing them. Respondents also felt that the Commissioner should be able to hold the Scottish Government and criminal justice agencies to account to ensure that victims' experiences are at the centre of the justice process.

The remit, functions and powers of the Commissioner set out in the Bill were informed by the responses to the consultation.