

A Victim-centred Approach to Justice in Scotland: Scoping and Modelling Project Update to the Victims Taskforce - November 2023

1. Introduction

This paper provides Taskforce with an update on the Victim-centred Approach to Justice in Scotland: Scoping and Modelling Project. This work was developed by the Victim-Centred Approach workstream of the Victims Taskforce. The project is being led by Journey Associates Ltd, who were appointed in February 2023 following a tendering process.

2. Background

The aim of this project is to explore potential models of service delivery that are scoped and costed and that align with the goal of providing a victim-centred approach, 'one front door' or single point of contact for delivering criminal justice services, as identified by Thomson QC (2017)¹ and Dorrian (2021)². It is important to note that this project relates to all crime types. The options for future models are summarised as:

- A: Continuation of current position
- B: Expansion of the current approach
- C: Expansion of an existing service or new service to provide a single end-to-end support service
- D: Transformational change of the criminal justice system

Previous studies and reviews have identified that the criminal justice system in Scotland does not consistently take a victim-centred approach in delivering its service, which is recognised as overly complicated, difficult to navigate, and with multiple organisations providing services at different points in the journey often leading to the re-traumatisation of victims^{3,4,5,6}. Underpinning this project is placing the needs of the victim and witness at the centre of delivery and minimising re-traumatisation in line with the Victim's Taskforce vision for an approach to justice with the victim at the centre:

"Our vision is that victims and witnesses will be treated with fairness, compassion and in a trauma-informed manner in which their safety and well-being is a priority.

They will have access to consistent, appropriate and timely information and support.

¹ Thomson, L., 2017. Review of Victim Care in the Justice Sector in Scotland. *Crown Office and Procurator Fiscal Service*

² Lady Dorrian, 2021. Improving the management of sexual offence cases: Final report from the Lord Justice Clerk's Review Group. *Scottish Courts and Tribunals Service*

³ Thomson, L., 2017. Op. cit.

⁴ Lady Dorrian, 2021. Op. cit.

⁵ Brooks-Hay, O., Burman, M. and Bradley, L., 2019. Justice Journeys: Informing policy and practice through lived experience of victim-survivors of rape and serious sexual assault, University of Glasgow.

⁶ Victims Taskforce (2020). 'Victims Voices'

They will be able to understand their rights, have confidence that these rights will be upheld and be able to participate effectively.⁷

3. Project Overview

The project takes a victim-centred approach using a number of qualitative and participatory methods and comprises six stages.

1. Set-up
2. Familiarisation and Review
 - 3a. User Research: As Is Mapping with Partner organisations
 - 3b. User Research: Insight Gathering with Victims and Witnesses
4. Co-creating a Single Point of Contact
5. Drafting of Co-created Models and Costings
6. Reporting and Final Presentation

4. Project Update

The project is currently at Stage 4. The following provides a brief update of the activities and emerging findings from the project so far as well, as an overview of next steps.

Stage 2: Familiarisation and review

Current thinking, issues and opportunities related to the victim-survivor experience of the Criminal Justice System, were explored through 20 interviews with leaders of key victim support organisations, criminal justice agencies and pertinent initiatives underway were undertaken alongside a review of a diversity of relevant documents and reports. This preliminary work has helped ensure there is no duplication of activity, raise awareness of this project, and nurture connections that can be built on as the project progresses.

To gain an understanding of how a victim-centred approach works in practice, and what needs to be in place to enable such an approach, exemplar organisations were identified in the UK and abroad. Interviews were conducted with key staff in 11 criminal justice agencies and third sector support organisations noted for having an approach that was identified as a single point of contact or victim-centred. The key insights distilled from the emerging findings are summarised below with more detail provided in Annex 1.

Table 1: Emerging findings from exemplars

Understanding the operating context: The Criminal Justice System is adversarial and complex which creates a barrier to taking a truly victim-centred approach. As such, changes tend to be unsystematic and take place in a piecemeal way. This is recognized by the Government of New Zealand who are investing \$46m over a four-year period to explore a victim-centred model⁸.

⁷ Victims Taskforce Papers: May 2022

⁸ <https://www.justice.govt.nz/about/news-and-media/news/budget-2022-ministry-of-justice/-::~:~:text=Victims Operating Model%3A%2445.7m over four years&text=The first priority is to,meet the needs of victims.>

Criminal Justice agency considerations

- **Ensure accountability for a victim-centred approach**
- **Maximise referrals**
- **Enable collaborative working across Criminal Justice agencies**
- **Streamline information sharing**
- **Introduce components to support a victim-centred approach** such as: (1) a Victim Passport; (2) a needs assessment; (3) increased awareness of the rights of victim-survivors of crime; (4) provide choice on giving evidence.
- **Ensure appropriately skilled staff across the Criminal Justice System**
- **Provide court advocacy**

Victim support organisation considerations

- **Formalise a network of victim support organisations**
- **Enhance the profile of victim support organisations**
- **Build on existing good practice**

Engaging victim-survivors

- **Extend support through a single point of contact**
- **Provide victim-survivors with relevant information to understand the process**
- **Seek victim-survivor involvement**

Barriers to a victim-centred approach

- **Capacity is stretched**
- **Mental health and emotional support are limited**
- **An adversarial and complex Criminal Justice System**
- **Inadequate access to information**
- **Lack of understanding and expertise within the Criminal Justice agencies**

Stage 3a: User Research: As Is Mapping with partner organisations

The As Is Mapping workshop sought to understand the current journey of the victim-survivor across the criminal justice system and to identify the pain points and opportunities to develop a victim-centred approach. A total of 16 participants attended including VCA Governance Group representatives from ASSIST, Criminal Injuries Compensation Authority, Crown Office Procurator Fiscal Service, Parole Board Scotland, Police Scotland, Scottish Courts and Tribunal Services, Scottish Prisons Service, and Victim Support Scotland.

Table 2: Emerging findings from the As Is Mapping workshop

There is a need for a deeper understanding of the support for victim-survivors across Criminal Justice agencies. Participants learned about the activities of other agencies in supporting victim-survivors across the criminal justice system, challenging assumptions that agencies within the criminal justice system are familiar with the role of others in supporting victim-survivors. It was suggested that agencies would benefit from guest speakers and/or shadowing members of other agencies to build understanding and to enable a more joined-up approach.

From a victim-survivor perspective the Criminal Justice system is more complex than thought. The mapping activity visually highlighted the complexity in the Criminal Justice System for victim-survivors. It was suggested that if professionals working in the system find it complex, how can victim-survivors be expected to find their way through it.

The victim-survivor's experience goes beyond the Criminal Justice System. The victim-survivor's experience and needs exist from the point where the crime takes place, whether reported or not, and whether the case goes to trial or not. The end of the Criminal Justice process is not the end of the journey for the victim-survivor, who may require support to move forward with their life.

Every journey is different. The victim-survivor's journey through the system, and the number and variety of agencies they connect with, will differ depending on the crime type, their location, and whether the case is summary or solemn.

There are identifiable points for improvement in the system. Victim-survivors may dip in and out of the system for different reasons. There are stages where long waits and little or no contact can negatively impact on the experience of the victim-survivor, e.g. where the case is reported to COPFS and a decision is made on prosecution. There are particular trigger points where support is needed, for example, when the trial or parole is upcoming, or the offender is due for release. In Stage 4 it was highlighted that victim-survivors tend to initiate contact rather than agencies proactively providing information.

The experience of the victim-survivor needs further development. The map provided a starting point to understand how the system should work in an ideal situation. A deeper understanding of the real-life experience of victim-survivors is required.

Suggestions for change from each of the three working groups.

- Streamline the victim-survivor experience by appointing a single person/navigator to provide support through all layers of their journey.
- An independent advocacy service to help every victim-survivor navigate their way through the criminal justice system from committal of crime until they feel they no longer need support.
- Increased clarity and simplicity about the VNS.



Participants at the As Is Mapping workshop



Stage 3b: User Research: Insight Gathering with Victim-Survivors

To obtain an in-depth, first-hand understanding of their experience of the Criminal Justice System, nine one-to-one interviews were held with victim-survivors representing a range of crime types including four murder-related cases, two cases involving rape and domestic abuse, and one case each relating to stalking, unlawful entry, and fraud/cybercrime. On completion of data analysis, all interviewees were invited to attend either an online or an in-person workshop to validate the findings and identify any gaps. Five interviewees participated in the sessions. The emerging findings and insights from interviews and workshops with victim-survivors are summarised in Table 3 below with additional detail provided in Annex 2.

Table 3: Emerging findings from victim-survivor interviews

1. Insights on the victim-survivor experience of the Criminal Justice System

The Criminal Justice System is inconsistent, outdated, and biased. Victim-survivor experience varied significantly within specific agencies as well as across agencies. The system was considered outdated with little regard for the victim-survivor and favouring the perpetrator.

"I constantly felt I was an afterthought in this, and everything was about the defendant. [...] No one ever came to me and said, what's this like for you?"

Referrals for support need to be improved. Victims-survivors were not always aware of the support available to them and referrals to victim support organisations by Criminal Justice agencies were not always made or made well, which could put vulnerable individuals at risk. There should be multiple ways of accessing support, consistent with a 'no wrong door' approach. There was some confusion between VIA and VSS.

Victim support organisations are a vital resource. These organisations provide a critical role in supporting victim-survivors, some of whom may have dropped out of the system without their assistance.

Appropriately trained staff are central to a victim-centred approach. Staff in Criminal Justice agencies and victim support organisations should be trained in and demonstrate trauma-informed practice. This extends to language, communications (including the frequency, mode, and timing of contact), attitudes of staff, and processes that are sensitive to the needs and experiences of victims-survivors.

There is no pathway through the system. Victims-survivors would have found it helpful to see a flowchart or guide of how the justice system operates, to know where they were in the process at any point in time.

“There is so much stuff. It’s like tsunamis. You’re dealing with a wee mini tsunami. Once you have that dealt with, you lock it away, then deal with the next tsunami, then the next tsunami, then the next one. Because you’re not in control of any of that. You’re not even informed, you don’t know what the pathway looks like or what it’s [Criminal Justice System] going to be like.”

Constructive feedback should be welcomed. Victims-survivors want the opportunity to give feedback to Criminal Justice agencies on their experience on an ongoing basis, without having to raise a formal complaint.

Impact of repeat adjournments. Delaying trials exacerbates the stress and trauma experienced by the victim-survivor. There is a perception that the conduct of defence lawyers adds to this.

“[It’s] a game that defence lawyers play to string it out as long as possible, because obviously, as long as it’s going on, they’re getting paid.”

2. Proposed changes to the Criminal Justice System

The following summarises the suggested changes that would make the biggest difference to the experience of victim-survivors as they journey through the Criminal Justice System.

Provide a single point of contact. A consistent and named individual, or group of individuals, who provides guidance and support to the victim-survivor throughout their journey

“What would have been helpful was to have a dedicated caseworker that is a human being that you can have a meeting with at some point early on in the stages, so that they can address any concerns and explain the process that you are now involved in.”

Enhance communications and interactions with Criminal Justice System agencies. This encompasses: (1) staff who demonstrate trauma-informed practice including in the mode and frequency of communications, how staff and the system interact with the victim-survivor, and language used; (2) having access to accurate and up-to-date information when required; (3) access to information online to complement in-person support; and (4)

access to the witness statement in advance of the trial and choice on how to give evidence to avoid court attendance, if preferred.

Improve the profile and delivery of victim support organisations. Ensure that victim-survivors are effectively signposted to support, appropriate to their needs, from agencies across the Criminal Justice System, especially police and VIA. Specialist rather than generic support was suggested for victim-survivors of sexual offences.

Provide a pathway through the Criminal Justice System. Information should be provided in a consistent and accessible way, with an explanation about each stage, that helps to manage expectations of victim-survivors from the outset.

"I think It's very significant having gone through it [Criminal Justice System], that I'm not very clear about the whole thing either."

Specialist provision for sexual offences. Included meeting the prosecutor in advance of the trial, choice on how to give evidence, legal representation, and the use of specialist courts.

Reduce the time to court. There is a pressing need to speed up the process of getting cases to court and for courts to ensure necessary preparations are in place to assist this. Court adjournments and floating trials contribute to the stress experienced by victim-survivors and extend the time that the person is living with trauma.

Safeguard victim-survivors through parole and release from prison. Where a Parole Board hearing is planned, victim-survivors should have the choice of whether the perpetrator has access to their written statement (Representations). An agreed safety plan should be in place across the key agencies involved and before the release of a dangerous person into the community.

Protection from press /media exposure. Victim-survivors should have choice about engaging with the media. There should be an embargo on press reporting until victim-survivors have been informed about decisions, for example, sentencing and appeals.

Stage 4. Co-creating a Victim Centred Approach

The focus of the co-creation session is to explore potential solutions to enable a victim-centred approach to Criminal Justice. A participatory workshop will be held on 5th December 2023 with participants from the As Is Mapping workshop to ensure continuity of contributions from key personnel across Criminal Justice agencies and victim support organisations (Governance Group). The session will use a series of propositions to generate discussion, critique and to identify potential solutions to the challenges identified so far. The propositions are generated from the emerging findings across the range of data sources from the research and activities so far, including:

- Victim-survivors: Nine interviews and two workshop sessions with five participants
- Victim-survivor support organisations: Interviews ASSIST, RCS, SFBC, SWA, VSS and a workshop with 20 National Advocacy Project workers from across Scotland
- Victims Taskforce Governance Group: The ‘As Is Mapping’ workshop
- UK and International Exemplars: Interviews staff from with 11 organisations.

Propositions for change

The propositions are intentionally provocative at times, presenting ‘ideal scenarios’ that describe the key changes that could assist a victim-centred Criminal Justice System. Each proposition is allocated the approach/es that best represent the idea. The four options are:

- Approach A: Continuation of current position
- Approach B: Expansion of the current approach
- Approach C: Expansion of an existing service or new service
- Approach D: Transformational change of the criminal justice system

Propositions for a victim-centred approach to the Criminal Justice System	Approach
<p>1. Implement a shared purpose with clear ownership and monitoring of actions across the Criminal Justice process: common goals are agreed with senior accountable staff in Criminal Justice agencies and VSOs working in collaboration to deliver the approach. Actions are monitored and report on and political backing is visible and embedded.</p>	<p>B, D</p>
<p>2. Formalise the referral process: referrals are automatic across the Criminal Justice System. Clear roles and protocols are adhered to. Compensation options are highlighted where relevant.</p>	<p>A, B</p>
<p>3. Enhance the profile and activities of VSOs: awareness of VSOs is raised across Criminal Justice agencies. A collaborative network consists of approved and regulated VSOs with staff who have relevant knowledge and skills including for complex cases such as domestic abuse, sexual assault and homicide. VSO staff are co-location with justice and other statutory agencies. There is increased capacity to meet demand.</p>	<p>A, B, D</p>
<p>4. Create a Single Point of Contact (SPOC): who is a named and consistent contact within a VSO who has ‘insider knowledge’ of the Criminal Justice System and can advocate for victim-survivors. A needs assessment is used to identify the level of support required. The SPOC makes appropriate links to the Criminal Justice agencies and other support channels. Within</p>	<p>A, B, C</p>

<p>Criminal Justice agencies named contact/team is allocated to each case to allow joined up approach, ensure a ‘no wrong door’ approach.</p>	
<p>5. Enhance standards of service across Criminal Justice agencies: standards of service are monitored through regular meetings with accountable staff and consistency is supported through sharing best practice. Victim champions are named in each agency. Staff across agencies have appropriate skills and knowledge including being trauma-informed and competent in dealing with victim-survivors of domestic abuse and sexual assault. VIA officers are appropriately trained to deal with complex cases and answer technical/legal questions. There is a clear feedback loop for victim-survivors to share their experiences. Staff are provided with emotional and wellbeing support. There is increased capacity to meet demand.</p>	<p>A, B, D</p>
<p>6. Enable data sharing and access to information: a Victim Passport enables a free-flow of information and mitigates the victim-survivor having to retell their story. Accurate and timely information supports safety (e.g. on bail). VSOs and victim-survivors have view-only online access to information to reduce gatekeepers and streamline support for victim-survivors. Online access does not ‘replace the human’.</p>	<p>A, B, D</p>
<p>7. Humanise the Criminal Justice System through trauma-informed practice and processes: encompassing the mode and frequency of communications with victim-survivors, the interaction with staff, the language used in communications, and explanations when decisions are made, or action is taken. Staff across all levels of the agencies, including judges and sheriffs, are trauma informed. Agency contacts are named and information is easily accessible. The victim-survivor can choose whether the perpetrator can read their representations.</p>	<p>A, B, D</p>
<p>8. Enable victim-survivors to give their best evidence: victim-survivors can choose how to give evidence. Specialist provision is made for sexual offence cases to use Evidence on Commission. Victim-survivors can access their statement on demand. Court familiarisation, meeting the prosecutor and accessing their statement are in advance of the trial. Wrap-around emotional support is provided to allow effective engagement with the Criminal Justice system, and emotional and practical aftercare is provided after the trial.</p>	<p>A, D</p>

9. Support victim-survivors after the trial: clear guidance is provided on the next steps following the trial including sentencing and parole. VNS is modernised and enhanced.	A
10. Create a pathway through the Criminal Justice System: a visualised and accessible pathway is used across Criminal Justice agencies and VSOs to help victim-survivors navigate the system.	B
11. Protect victim-survivors from the Media: victim-survivors are protected from unwanted media exposure.	D
12. Reduce time to court: the conduct of defence lawyers is reviewed to ensure deeper scrutiny for, and careful management of, adjournments and to mitigate unnecessary delays.	D
13. Enhance safety: Dangerous prisoners are not automatically entitled to routine Parole hearings. Safety plans are in place across all relevant agencies before the release of dangerous prisoners.	D
14. Balance the Criminal Justice System: Victim-survivors have legal representation putting them on a par with perpetrators	D

5. Next steps

Following distillation of the data gathered from the co-creation session, potential solutions will be identified, modelled and costed for consideration.

Victims Taskforce members will be invited to a workshop prior to the final report being completed to help shape the final conclusions. This is likely to be in February/March 2024. More details will be provided closer to the time.

6. Timeframe

This project was scheduled for completion in October 2023. However, several unforeseen circumstances have resulted in the multiple re-scheduling of the activities that are a critical element of the project. It is anticipated that the project will complete in May 2024, if activities are delivered as currently scheduled.

7. Steering group

The project is overseen by a multi-agency steering group which meets 4-weekly, and its members are noted below:

Kate Wallace, VSS (co-chair)
Colin Spivey, Parole Board (co-chair)
Sandy Brindley, Rape Crisis Scotland
Moir Price / Emma Forbes, COPFS
Lindsey Henderson/ Bekki Aitken, Scottish Government
Catherine Docherty, Journey Associates

8. Conclusion

Victims Taskforce members are invited to note the project progress to-date.

9. Questions for discussion

The project team would appreciate if the Victims Taskforce members would consider the following:

- Are there any reflections on where we've got to and what is coming out of the project so far?
- Having considered the approach and emerging findings so far, is there anything we missed?
- Are the propositions arising from the project activities ambitious enough?
- Are there other initiatives that we are not aware of that could impact on this work?