

DATE	Meeting
12/03/2015	John Finnie MSP and representative from Rosshire Women's Aid

No Agenda.

Note of meeting 12/03/2015 – [redacted], John Finnie MSP

- **ACTIONS: SG officials to contact COPFS and SCS to verify if trial diets are still being offered within 40 days for domestic abuse cases in Inverness where the crown highlights them. SG officials to find out what the local approach is to clustering domestic abuse cases. Mr Matheson to then write to Mr Finnie and [redacted].**
- [Redacted] expressed concern that more progress was not being made locally on fast tracking and clustering domestic abuse cases. She thought that the closure of Dingwall and transfer of cases to Inverness had compounded matters. She was concerned that the number of domestic abuse cases in Inverness taking over 9 months was significantly higher than in other Highland courts. (N.B. Figures were quoted - more than 20 cases over 9 months in 2010-11 and more than 40 cases over 9 months in 2011-12). The length of cases impacted negatively on domestic abuse victims and their families.
- Mr Finnie met [redacted] an Area Fiscal some time ago and recently received a letter from him that was less supportive in tone on fast tracking cases within 40 days. Mr Finnie had taken the same matter up with [redacted] some time ago but acknowledged that that had not been followed up. Mr Finnie now asked about clustering cases on one day.
- Mr Matheson said that the problem was not one of physical court capacity according to SCS but he cited the increased volume of domestic abuse cases at around a quarter of all court caseload currently, recognising that improvements in policing and prosecution were having an effect on court caseload. He explained that an extra £1.47m had been found in year to assist the SCS and COPFs with appropriate staffing and judicial resources to process the increase in cases, that the Justice Board was doing valuable work on promoting an integrated approach to policing/prosecuting/the courts and the prison services, and that he would be considering further if more funding could be found once the current additional funding runs out.
- [redacted] thought that in general family cases were not being prioritised in the system currently with continuations, lengthy child welfare proceedings etc.
- Mr Matheson explained that he would be considering a proposal from SCS in the coming months on making it less harrowing for children to participate in the court process with one of the options for them to give pre-recorded evidence and not to have to appear in court for cross examination for example. He thought that more could be done to integrate measures into the

court system to make the process more human without compromising high legal and judicial standards.

Outcome:

Rùnaire a' Chaibineit airson Ceartais
Cabinet Secretary for Justice
Micheal Matheson BPA
Michael Matheson MSP

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E: scottish.ministers@scotland.gsi.gov.uk

John Finnie MSP
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The Scottish Parliament
Edinburgh
EH99 1SP



Ur faidhle/Your ref: n/a
Ar faidhle/Our ref:

28th April 2015

Dear John,

Thank you for meeting with me on 12 March along with [REDACTED].
[REDACTED] It was helpful to hear her first hand experience of the growth and management of cases involving domestic abuse in the Highland area. I committed during the meeting to seek further clarification about timescales and management of domestic abuse cases through Inverness Sheriff Court. I attach a copy of the letter which I have sent to [REDACTED]. As you will note, Sheriff Principal Pyle has indicated that he would be happy to meet to discuss the programming of cases through Inverness Sheriff Court.

My letter also updates [REDACTED] on developments since our meeting, including the publication of a consultation on measures to further strengthen the criminal law and procedures against domestic abuse and sexual offences and also the announcement by the First Minister of £20m in additional funding over the next 3 years to help speed up the processing of cases through the courts and enhance measures to support victims and reduce the harm caused by perpetrators.

Thank you again for taking the time to meet with me on this important topic.

Best wishes

MICHAEL MATHESON

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[REDACTED]



Ur faidhle/Your ref: n/a
Ar faidhle/Our ref:

27 April 2015

Dear [REDACTED]

Thank you for meeting with me on 12 March along with John Finnie MSP, to discuss the progress of domestic abuse cases through the courts in the Highlands. It was particularly helpful to hear your direct insights on this important issue.

Following on from our discussion I thought it would be helpful to provide a follow up letter setting out the latest position on trial diets being offered within 40 days for domestic abuse cases in Inverness, and the local approach to clustering of domestic abuse cases.

In relation to trial diets being offered within 40 days, my understanding is that the agreement between the Courts and Crown is that, where requested by the Crown, trials in domestic abuse cases may be fixed within 8-12 weeks to ensure that all pre-trial preparation can be undertaken to allow trials to proceed on the scheduled date. I understand from officials at the Scottish Courts and Tribunals Service that a check of the Inverness diary on 2 April has revealed that there are currently 2 outstanding domestic abuse related cases (which have been highlighted by the Crown) both have been adjourned to ensure that essential Crown witnesses are present and they are fixed for 12 May and 3 June 2015 respectively.

The Court programme is approved by the Sheriff Principal and I am aware that Sheriff Principal Pyle as chair of the Criminal Justice Board for Grampian, Highland and Islands is happy to discuss the current infrastructure at Inverness Sheriff Court for the administration of criminal court business including domestic abuse cases. An appointment can be arranged via [REDACTED]

As you will be aware, following our meeting, the First Minister launched at the Scottish Women's Aid conference in March a consultation on proposals to strengthen the criminal law and criminal procedure to better support the victims of domestic abuse and sexual offences. This includes seeking views on introducing a specific domestic abuse offence that would

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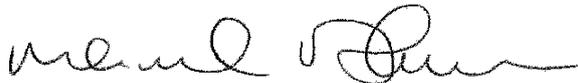


reflect fully the experience of the victims of coercive control. The First Minister also announced an additional £20 million over 3 years to speed up the processing of cases through the courts; increase access to specialist advocacy and support services for victims and expand access to services for perpetrators to reduce the risk of further harm to victims. Going forward, the Scottish Government and Justice agencies will continue to monitor, through the national Justice Board, Justice Systems Planning Group, and local Criminal Justice Boards, the volumes of court business and levels of demand across the justice system, including cases involving domestic abuse.

Thank you again for taking the time to meet with me.

I am copying this letter to John Finnie MSP.

Best wishes

A handwritten signature in black ink, appearing to read 'Michael Matheson', written in a cursive style.

MICHAEL MATHESON

DATE	Meeting
11/06/2016	Members of the Public

Meeting to discuss Victim Notification Scheme
No Agenda
No minutes

Outcome:

Rùnaire a' Chaibineit airson Ceartais
Cabinet Secretary for Justice
Micheal Matheson BPA
Michael Matheson MSP

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Mrs Fiona Hyslop MSP
59 West Main Street,
Whitburn
West Lothian
EH47 0QD



Ar faidhle/Our ref: 2015/0034559

October 2015

Thank you for your correspondence of 30 September on behalf of your constituent, **[redacted]**. Firstly, may I say how sorry I am to hear that **[redacted]** is still feeling disappointed with the Victim Notification Scheme during what must be a difficult time for **[redacted]** family.

As you know, the Scheme was set up to provide victims of crime, where the offenders have been sentenced to 18 months or more, with the right to receive certain information about that offender's progression within prison, including any release or subsequent re-arrest; the ultimate aim being to improve the experience of victims and witnesses of crime within the criminal justice system.

I met with **[redacted]** on 11 June to discuss their concerns about the VNS and agreed to consider and respond to a number of questions raised during the meeting. Following consultation with the Scottish Prison Service, Parole Unit and Parole

Board, I responded to those questions on 2 September. I have attached a copy of this letter.

I appreciate that **[redacted]** may be disappointed that no fundamental changes to the VNS are being considered as a result of the issues **[redacted]** has raised and it is unfortunate that, as a result, **[redacted]** has withdrawn from the scheme. While, in this case, there are aspects of the scheme which have not operated as they should have in terms of timescales for notifications, I hope **[redacted]** can take some reassurance that the matters **[redacted]** raised will be kept under review, and will assist the Scottish Government in considering where improvements may be possible in future to further enhance the information available to victims and witnesses of crime.

I hope this is helpful.

MICHAEL MATHESON

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[redacted]



2 September 2015

Thank you again for meeting with me on 11 June to discuss your concerns about the Victim Notification Scheme. Further to my letter of 24 June, my officials have now considered the various questions you raised, in discussion with the Scottish Prison Service (SPS) and the Parole Board for Scotland. I have provided information on each area below, and please accept my apologies for not responding before now.

- 1) If an offender is released on licence and the conditions include staying away from specific individuals, are those individuals informed of this?

Yes - victims who are registered on the Victim Notification Scheme (VNS) are informed of any specific licence conditions relating to them.

- 2) How quickly should individuals on the VNS be notified of the various events covered, in particular the return of offenders to custody – and are these time limits usually met?

Notification should take place within 48 hours of the event in question (for example, a revocation of licence). If an individual is registered on part 2 of the

VNS, the Parole Unit (within the Scottish Government) write to the victim. Otherwise, SPS will write. It is very rare that these timescales aren't met.

- 3) When individuals on the VNS are invited to make written representations to the Parole Board for Scotland, is there an accompanying explanation of the purpose of the representations and what they should and shouldn't cover? In particular, in cases where an offender has been returned to custody because they have committed another offence, is it made clear which offence the representations should relate to?

I have attached a copy of the guidance note (see Annex A) which is included with letters sent out from the Parole Unit explaining what the Parole Board take into consideration and what information is useful to provide in the representations – and please accept my apologies if this was not provided to you previously. In relation to your particular question, there is no explicit reference to cases where the individual registered on VNS may be aware of another offence, and I have asked officials in the Parole Unit to consider whether, in light of the comments you have made, any clarifications might be useful.

- 4) When letters are sent out through the VNS, is a point of contact supplied in case of any questions – and, if so, is this point of contact able to deal with these effectively?

All correspondence issued by SPS, the Parole Unit and Parole Board Executive provides a contact telephone number. If that person is unable to assist, they will, where possible, provide contact details for someone who can, for example Victim Support Scotland. I recognise, however, that improvements can always be made, and we continue to work with the various justice agencies to examine how they can work more effectively together to ensure that victims and their families can more easily access the information and support they require.

- 5) Although the VNS doesn't provide for victims to be notified of the reason offenders are returned to custody, is there any scope for enabling people to only be notified if this is due to a serious offence being committed?

This is not possible under the scheme at present, which attempts to strike a balance between ensuring that vital information is available to victims and their families, while not creating a system which is overly complex to use or to administer. In this particular area, there are additional issues around only notifying victims of a return to custody in relation to specific offences, given the varying perceptions of what might be considered a "serious" crime – which could depend on the personal circumstances and experiences of the victim. So, while I can appreciate the difficulties you have encountered in your case, I consider that retaining the current system of notification on return to custody (regardless of the reason) is, on balance, preferable.

- 6) If someone registers for the VNS but the offender subsequently commits a second offence and is still in prison when the initial sentence expires, are they notified when the offender is eventually released?

If an offender is still in custody at the expiry date of the original sentence, the victim is simply advised that the offender has reached the end of the sentence for which they can receive information but that they are still in custody. However, no notification is provided when the offender is eventually released.

- 7) Can a person who has been released on licence but who has subsequently been arrested for another alleged offence be released on bail – or would they be retained in custody given their existing licence conditions?

This is determined by the court on a case by case basis. If an individual is recalled to custody then an individual registered on the VNS would be notified of this.

- 8) In cases involving offenders on life licence, would it be possible to have a more nuanced opt-in system, to allow people to receive only some of the information available in order to reduce the number of letters received?

At present, victims are given an opportunity to opt-in to receiving all the information available under the VNS, rather than being able to choose which specific information they wish to receive. To date, there haven't been any indications that this approach is causing any significant issues, though in your particular case it does appear that a more nuanced approach may have been helpful in allowing you to reduce the amount of information received through the scheme.

I have asked my officials to keep this matter, along with some of the other points you have raised, under review – while your case appears to be fairly unusual, this is a potential issue which we and SPS can monitor with a view to determining whether any changes might be warranted in the future.

I hope you find this information regarding the Victim Notification Scheme useful, and thank you again for bringing the issues you have encountered to my attention. While I appreciate that there are aspects of the current scheme which have not worked well in relation to your case, hearing about the experiences of those using it is invaluable in allowing us to monitor any issues and consider whether any improvements can be made. If you have any further questions, please feel free to get in touch.

Yours sincerely,

MICHAEL MATHESON

DATE	Meeting
16/06/2015	Jim Eadie and Constituent

Meeting to discuss the ending of automatic early release.

No Agenda

No minutes

Outcome:

Extract from follow up letter to Jim Eadie from Cabinet Secretary, dated 25 June 2015:

'I agreed to outline how the legislation introduced into Parliament last year by the Scottish Government would improve the current system of early release of prisoners. The legislation will mean that any prisoner receiving a sentence of 4 years or more where the court has ordered extra supervision for the prisoner will not be entitled to automatic early release at any point in their sentence. This compares with the present situation where such a prisoner is entitled to automatic early release at the two-thirds point of sentence. Other prisoners receiving sentences of 4 years or more without any court imposed additional supervision will have their entitlement to automatic early release severely curtailed so release takes place with 6 months left on sentence rather than at the two-thirds point of sentence. I am pleased to say that Parliament approved this legislation on 23 June.'

DATE	Meeting
18/06/2015	Member of the Public

Meeting to discuss death investigations and Fatal Accident Inquiries.

Agenda & Discussion Points

- 1. Welcome & introductions**
- 2. [Redacted] case and the family's experience**
- 3. Fatal Accident Inquiry system**

No minutes taken.

DATE	Meeting
25/06/2015	Member of the Public

Meeting with family who had campaigned for tighter airgun laws.

No formal agenda or minutes. Meeting took place on the day of final Parliamentary debate on the Air Weapons and Licensing (Scotland) Bill, and this was discussed.

Outcome:

Mr Matheson discussed the progress of the Bill with the family and media; the family then watched the Parliamentary debate from the public gallery. Mr Matheson subsequently wrote to the family to provide further updates on implementation of air weapon licensing.

DATE	Meeting
20/01/2016	Cross-Party Group on Men's Violence Against Women and Children

Cabinet Secretary invited to attend the Scottish Parliament's Cross Party Group on Men's Violence Against Women and Children

Attendees, Agenda and minutes

The Scottish Government does not have the information

The Scottish Government does not have the information you have asked for because the Scottish Government is not responsible for the subject, as this Cross-Party Group is a Group within the Scottish Parliament.

This is a formal notice under section 17(1) of FOISA that the Scottish Government does not have the information you have requested.

DATE	Meeting
17/08/2016	Edinburgh Rape Crisis Centre

Cabinet Secretary met survivor, no formal Agenda.

Outcome:

Cabinet Secretary for Justice
Michael Matheson MSP

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The Scottish
Government
Riaghaltas na h-Alba

[REDACTED]

24th August 2016

Dear [REDACTED]

I wanted to write to say thank you for meeting with me so that I could hear first-hand your concerns about your experience of the justice system.

[REDACTED]

As the Cabinet Secretary for Justice, it was very helpful and a privilege for me to hear directly about your experiences and I very much appreciated that you were able to articulate the areas of specific concern that have arisen in how the justice system has dealt with your case.

I am determined to do what I can to improve how our system responds to the needs of sexual offence victims.

One of the areas of concern you raised – the operation of the Victim Information Advice Unit – relates to the Crown Office and I will raise these concerns direct with the Lord Advocate so that he is aware of your experience of VIA.

In other areas such as helping juries understand how victims may react during and in the aftermath of a rape taking place, we have taken steps through introducing statutory jury directions. These directions will require judges to explain to juries in relevant cases there can be good reasons why someone will not report a rape/sexual offence to the police and there can be good reasons why someone will not put up physical resistance to a rape/sexual offence being committed/these can be good reasons why a perpetrator does not use physical force.

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These directions were legislated for earlier this year and will come into force early in 2017 and will help ensure juries approach consideration of evidence in rape/sexual offence cases without allowing any pre-conceived and ill-founded misconceptions to cloud their judgement.

We are also assessing the provision of forensic examination services to help ensure minimum standards are in operation across Scotland. This includes trying to provide sufficient numbers of female examiners and ensuring there are appropriate locations for examinations to take place.

As I mentioned in the meeting, I would like to work towards a justice system that is fundamentally different in that it is designed around the needs of the victims rather than the victim having to navigate their way through a system that is not designed with their needs in mind. That is very much a long term aim, but I am determined to seek to improve the operation of the current system in the short-to-medium term and listening to your experience was greatly beneficial to help me understand where issues exist.

Thank you once again for meeting with me last week and I wish you well for the future.

Every best wishes for the future.



MICHAEL MATHESON

DATE	Meeting
7/09/2016	Member of the public (to discuss Victim's Rights)

Agenda & Discussion Points

1. Welcome & introductions
2. Allow [redacted] to tell [redacted] story and explain concerns
3. Possible issues that may arise in the discussion

Outcome:

Rùnaire a' Chaibneit airson Ceartais
Cabinet Secretary for Justice
Micheal Matheson BPA
Michael Matheson MSP



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[REDACTED]

29th November 2016

[REDACTED]

Thank you for meeting with me in September to discuss a number of issues relating to the handling of the case of the death of [REDACTED]

I very much admire the bravery you have shown in seeking to come forward and highlight such important issues so that any lessons can be learned. As Cabinet Secretary for Justice, it is very helpful for me to hear direct from people who come into contact with the justice system so that I can better understand how it feels to experience the system and to see if specific areas can be improved.

At our meeting, you raised a number of questions with me regarding the financial arrangements for post mortem examinations by the defence, services that are available for bereaved children as a result of crime and expressed concern at the treatment and level of engagement of support services throughout your ordeal. At the meeting, I promised to look further into these areas and provide relevant information in a letter.

In respect of the financial arrangements relating to post-mortems, in most cases, what is called 'criminal legal assistance' is applied for through a solicitor. Once legal aid is granted, the defence solicitor will carry out a number of actions on behalf of their client during the case that can then be paid for from the Legal Aid Fund.

At the end of the case, the solicitor will submit an account to the Scottish Legal Aid Board (SLAB) which covers all of the elements of the work done. The account will show which elements are covered by fees for the services of the solicitor and will detail any outlays incurred by the solicitor. Outlays, such as payment for a defence post-mortem, are subject to the prior approval of SLAB.

The SLAB advice in this area states:

"Where there is more than one accused in a case and there appears to be a conflict of interest, each accused may ask for their own report. We would consider carefully whether more than one report is necessary."

This full guidance is contained at:

<http://www.slab.org.uk/providers/handbooks/criminal/part3chp16#16.60>

Solicitors who wish to provide publicly funded criminal legal assistance must be registered with the Board on the Criminal Legal Assistance Register and adhere to the Criminal Legal Assistance Code of Practice.

This Code of Practice covers the appropriate approach to be taken for claims for outlays. The SLAB will only pay an outlay once it has seen vouching and any solicitors and firms which fail to comply with the Code risk having their names removed from the Register.

I hope this helps reassure you that there is no financial incentive under legal aid rules for a solicitor to instruct the carrying out of an unnecessary post-mortem.

You raised a concern that there was a lack of specialist bereavement counselling available to children. As we discussed, bereavement is an issue that can clearly have a psychological impact (e.g. depression) on a child. If a child is finding it difficult to come to terms with the loss of a loved one, it is of course the case that their first point of contact would be their GP who will discuss with them, and if appropriate their carer/guardian, the options available regarding dealing with their symptoms.

In addition, there are a number of third sector services that provide support to children and their families:

- Barnardo's (http://www.barnardos.org.uk/what_we_do/barnardos_today/scotland.htm),
- Childline (<https://www.childline.org.uk/>) and
- Young Minds (<http://www.youngminds.org.uk/contact>).

Separately, children and families may also benefit from contacting an advocacy service, who can provide support for them. Details of Advocacy services in your local area can be provided by your GP or NHS Health Professional.

You raised some concerns about the operation of the Victim Information Advice Unit within the Crown Office. You also queried at what point in a case do family liaison officers (FLO) hand over responsibility for the engagement with the family.

FLO's are always experienced Police officers and are trained to deliver services at an agreed national standard across Scotland. For example, these officers undertake a five day training course, which is delivered at the Scottish Police College to help them understand and learn how to interact with families appropriately.

In terms of when FLO are involved, it is Police Scotland practice that they should be deployed where there has been a murder; a suspicious death(s) where there is obvious or apparent criminality; a missing person enquiry where there is reason to suspect foul play; and any other serious criminal enquiry where deployment of a FLO would be significantly beneficial to the progress of the enquiry.

A list of duties a FLO has includes:

- Gathering evidence and productions from the family Assisting with the family media strategy;
- Sign posting the victims' families towards other support services including Victim Information and Advice (VIA), Victim Support Scheme (VSS) and other support agencies (as per the Scottish Government publication, Information for Bereaved Family and friends following murder or culpable homicide)
- To obtain relevant background details of the victim and family members;
- To act as a consultant to the family in respect of legal procedures;
- To act as a consultant to the family in respect of police investigative procedures;
- To ensure the family receive appropriate information;
- To advise the family on the progress of the investigation;
- To acquire and document all evidence related to the family and people associated with it.

Once the investigatory role of the FLO is exhausted, it is the practice that the FLO will no longer be directly involved with responsibility for liaison with the family being handed over to Victim Information and Advice (VIA) service. At the outset of their deployment, FLO's should make families aware that there will come a point when they will exit their role and that VIA will undertake the liaison responsibility as it is understood this can on occasion cause confusion and concern where a rapport has been established between a FLO and the family.

VIA is a dedicated service within the Crown Office and Procurator Fiscal Service (COPFS). They exist to provide information to the next of kin of a victim and witnesses regarding the Criminal Justice process in general, keep victims and bereaved next of kin informed about the progress of the case and advise on and facilitate referral to other agencies for specialist support and counselling as required. VIA officers are specially selected and trained for the job and come from a variety of backgrounds. The service is specifically designed to support and guide victims and their carers through the Criminal Justice process and attempt to increase their satisfaction and understanding of that experience.

In terms of the handover of responsibility for dealing with liaison with the relevant family, it is expected that early contact between the FLO and the VIA Officer should take place. Normally the FLO will 'exit' around the same time as preliminary court proceedings. At this time, consideration should be given to the FLO withdrawing from the case and passing responsibility for giving information to the family to the VIA officer. The exact timing of this handover will depend on the circumstances of the case. It may be after the funeral, after the accused first appears in court, or it may be later if police investigations have not been completed.

The reason for this handover relates to who is best placed to provide accurate information to the family – as court proceedings are underway, it is the Crown Office who are at that point in charge of the case with the full details having been provided by Police Scotland to them.

Thank you again for meeting with me to share your experience of the justice system. I wish you and your family every best wish for the future.



MICHAEL MATHESON

DATE	Meeting
13/09/2016	Alison Todd, Children 1st

AGENDA

- 1. Welcome & introductions**
- 2. Introduction of intermediaries as a special measure**
- 3. Progress towards introducing child-centred models of justice**
- 4. Equal Protection**
- 5. Stop to Listen**

Attendees:

Cabinet Secretary for Justice
 Alison Todd, Chief Executive, Children 1st
 [redacted], Children 1st
 [redacted] Children 1st
 Scottish Government Officials

No note taken.

DATE	Meeting
25/01/2017	Member of the Public

In attendance:

Mr John Swinney MSP, Deputy First Minister
 Mr Michael Matheson MSP, Cabinet Secretary for Justice
 Ms Gayle Gorman, Director Education and Children's Services, Aberdeen City Council
 Ms Donna Bell, Deputy Director Strategy & Performance, Directorate for Learning

No formal agenda.

No notes or minutes taken.

Outcome: Ministers undertook to keep **[redacted]** informed of the Scottish Government's work with the UK Government **[redacted]**

Mr Matheson subsequently wrote to **[redacted]** in June 2018 to follow up on the promise to keep them informed about the work that we are doing to **[redacted]**.

DATE	Meeting
22/02/2017	Children's and Women's Organisations (discussing domestic abuse)

[redacted] - Children 1st,
 [redacted] - Aberlour,
 [redacted] - NSPCC Scotland,
 [redacted] - Children & Young Person's Commissioner,
 [redacted] -Barnardos,
 [redacted] - ASSIST,
 [redacted] - Scottish Women's Aid,
 [redacted] - Independent advisor to Equally Safe Justice Expert Group

Neil Rennick: Director of Justice
 Scottish Government Officials

Agenda & Discussion Points

1. Welcome & introductions /Aims objectives

2. Domestic Abuse Offence: Reflecting the harm done to children through domestic abuse.

3. Summary and Way Forward

No note taken.

DATE	Meeting
02/03/2017	Strategic Oversight Group – Human Trafficking and Exploitation

TRAFFICKING AND EXPLOITATION STRATEGY

MEETING OF STRATEGIC OVERSIGHT GROUP

2 P.M. – 4 P.M, 2 MARCH 2017, ST ANDREW'S HOUSE, EDINBURGH

AGENDA

Introduction

1. Welcome, introductions and apologies
2. Opening remarks from Cabinet Secretary for Justice

Main business of meeting

3. Approval of Trafficking and Exploitation Strategy for laying before Parliament

(Draft Strategy issued by email 14 February 2017)

Overview of progress on matters relating to human trafficking in Scotland

4. Lord Advocate
5. Police Scotland
6. Support for adult victims – [redacted], TARA and [redacted], Migrant Help
7. Child victims of trafficking - Donald Henderson, Deputy Director, Care and Protection, Scottish Government
8. Kevin Hyland, Independent Anti- Slavery Commissioner
9. Neil Rennick, Director of Justice, Scottish Government
10. Closing remarks

TRAFFICKING AND EXPLOITATION STRATEGY – STRATEGIC OVERSIGHT GROUP

NOTE OF MEETING HELD ON 2 MARCH 2017

Chair: Cabinet Secretary for Justice

Attendees and apologies at Annex A.

1. Introductory remarks by chair

The Cabinet Secretary thanked the members of the Strategic Oversight Group for their engagement with the process of developing the Trafficking and Exploitation Strategy and made the following points:

- The Strategy needs to be meaningful on the ground for victims and for agencies involved in tackling human trafficking. This Strategy will make that contribution.
- Scotland cannot operate in isolation and we must look beyond our borders and reinforce international connections, whatever happens post Brexit.
- Engagement with partners, collaboration and cooperation are crucial, exemplified by initiatives such as the Romanian police officers seconded to Police Scotland.
- Once finalised the formal review of the Strategy is due in three years, but it should be a living document that will adapt as we learn lessons.

2. Update from Lord Advocate

The Lord Advocate indicated that he was happy with the strategy subject to refinement of some of the language in it. He endorsed the Cabinet Secretary's remarks that the document reflects a commitment to action and to change.

- The Lord Advocate's *Instructions for Prosecutors when Considering the Prosecution of Victims of Human Trafficking and Exploitation* are operational and in use.
- Lead prosecutors have been appointed with a view to ensuring consistency and robustness.
- The Crown Office and Procurator Fiscal Service (COPFS) are in the process of rolling out training to staff. The Solicitor General is preparing a short video for this purpose.
- Cross border work continues with other Prosecutors through the Joint Commitment across the UK and collaboration with prosecutors beyond the UK.

The Lord Advocate reaffirmed his commitment to the prosecution of perpetrators and the non-prosecution of victims and noted that these principles had been evident in recent cases, including the setting aside of convictions for victims.

3. Update from Police Scotland – ACC Johnson

ACC Johnson indicated that Police Scotland are extremely supportive of the Strategy and are committed to driving it forward. He welcomed the Cabinet Secretary's approach to review the Strategy in real time as required.

- An update on recent Police Scotland operations was given, including the role that Migrant Help had played in establishing a reception centre for victims for some of these operations, which was seen as good practice. A focus on joint agency enforcement activity had also taken place to mark Modern Slavery day on 18 October.
- 165 NRMs were submitted between April 2016 and February 2017. 41 children and 124 adults; 92 females and 73 males. 65 victims were trafficked for the purposes of labour exploitation; 50 for sexual exploitation; 19 for forced criminality; 17 for domestic servitude and 14 for unknown purposes. The main nationalities of the victims were Vietnamese (71), Chinese (27), Albanian (14) and Nigerian (10).
- A great deal of work is ongoing between Police Scotland and COPFS and with the Independent Anti-Slavery Commissioner.
- Police officers have been seconded from Poland and Romania and Police Scotland are exploring the possibility of secondments from Vietnam. These secondments have been beneficial to both sides and have also meant the victims can be signposted to the support available back home.
- Police Scotland are restructuring where the Human Trafficking Unit sits within the organisation to make stronger links with the Serious Organised Crime Taskforce, officers and resources whilst maintaining the interest in Public Protection and a continued focus on victims.
- The co-location at the Scottish Crime Campus of a number of relevant organisations is helpful but contact with victim support processes could continue to be improved.

4. Update from TARA and Migrant Help

TARA and Migrant Help gave the group an update on support provided to victims and fed back some of the comments made by victims as part of the consultation process on the Strategy.

- Both organisations have seen a rise in the number of victims this year to date, particularly Albanian and Vietnamese in the case of TARA and Vietnamese and Chinese in the case of Migrant Help.
- Both organisations have also seen an increase in the number of women presenting in the late stages of pregnancy.
- Cases are more complex than previously.
- Presenting issues are a general distrust of authority, including the support agencies; a need for a safe place to stay; a need for early legal advice.
- TARA and Migrant Help work closely with Police Scotland to provide intelligence and with other agencies, here and abroad to provide the best possible support for victims. Broader support also includes access to positive activities locally.
- The partnership with the Anchor psychological trauma support service is seen as best practice. Trauma can affect individuals, making them hostile to engagement with police and other agencies.

- Longer term support needs for victims include: clarity about their immigration status and other legal issues; child protection; self care; social isolation. Victims' trust needs to be earned and they need to feel safe, supported and protected.

The Cabinet Secretary commented on the telling nature of the personal testimony which TARA and Migrant Help presented and the particular importance of the message around earning the trust of victims.

5. General comments on the Strategy

- The Strategic Oversight Group were supportive of the Strategy and very much welcomed the collaborative approach taken in developing it.
- COSLA welcomed the Strategy and noted that council leaders are keen to see it and take it forward. The Cabinet Secretary emphasised that local authorities are very important partners and will play a key role in making the Strategy work and raise awareness of the issue.
- The Children and Young People's Commissioner for Scotland welcomed the strategy and the way in which feedback had been incorporated, but emphasised the importance of reflecting victims' voices and experiences.
- Linda Thomson, Women's Support Project, broadly supported the Strategy and welcomed the idea of the Strategy being a living document. She expressed concern that reducing the demand for prostitution / sexual services was not addressed in it but was pleased that links would be made with other strategies such as Equally Safe.
- Donald Henderson, Deputy Director, Care and Protection, Scottish Government updated the group with regard to the children's aspects of the Strategy. He also highlighted the First Minister's commitment to supporting unaccompanied asylum seeking children and the round table that had been held the previous day.
- SallyAnn Kelly, Aberlour Childcare Trust was supportive of the strategy and asked for references to the Independent Child Trafficking Guardian to be strengthened and that it be stated that unaccompanied asylum seeking children were at a high risk of being trafficked. It was agreed that this would be discussed by the relevant people outwith the meeting.

6. Update from Kevin Hyland OBE, Independent Anti-Slavery Commissioner

Mr Hyland was also supportive of the Strategy and the consultation undertaken. He noted that it will be important that the three UK Strategies and pieces of legislation work together to address human trafficking.

The Commissioner is of the view that the National Referral Mechanism (NRM) is not working well and he is currently leading a consultation looking at how it can be reformed. Support to victims needs to be improved. In addition, the Commissioner is aware that the NRM system contains a great deal of information which could be used to disrupt the activities of perpetrators if it was effectively collated. He is clear that the crime of human trafficking needs to be treated as such by law enforcement agencies and welcomed the moves made by Police Scotland regarding crime reporting. As we move forward, he would like to see an increase in the number of prosecutions.

He has worked with Frank Field M.P. to get the Work and Pensions Committee to undertake an enquiry into how victims are supported by the benefits system.

The Commissioner's report on trafficking from Vietnam will be available in June. The problems need more than a short term solution and there are opportunities to intervene upstream. 60% of Vietnamese victims recovered in the UK are male, but none of the UK funded projects in Vietnam are

for men and boys. The Commissioner's report on Greece and Italy will be available in the next few weeks.

Like the Cabinet Secretary, the Commissioner is committed to keeping relationships such as those with Europol and Eurojust going in the future.

7. Update from Willie Cowan, Deputy Director Criminal Justice Division

Willie Cowan updated the group on the work carried out over the last year by the Human Trafficking team within the Scottish Government, and thanked SOG members for their considerable and important input in developing the Strategy. He highlighted the collaborative way in which the strategy was developed and noted that such collaboration would be necessary in ongoing work to implement the legislation and the strategy.

8. Cabinet Secretary's closing remarks

The Scottish Government will consider the various comments on and amendments to the Strategy, both from the meeting and those submitted by email. The final draft will be shared before the Strategy is published and laid before Parliament by the end of May. The date of the launch will be shared with the Group once it is finalised.

The Cabinet Secretary envisages a continuing role for the Strategic Oversight Group in overseeing the implementation of the Strategy and measuring its impact.

The Cabinet Secretary reiterated his commitment to adapting the Strategy on an ongoing basis as lessons are learned and thanked the SOG for their input to date, and in the future.

Attendees:

Members

Cabinet Secretary for Justice

Lord Advocate

Neil Rennick, Director of Justice

Donald Henderson, Deputy Director, Care and Protection (representing the Minister for Childcare and Early Years)

SallyAnn Kelly, Chief Executive, Aberlour

[redacted], Chair, Child Protection Committees, Scotland

Tam Baillie, Children and Young People's Commissioner, Scotland

[redacted], COSLA

[redacted], Equality and Human Rights Commission

Kevin Hyland OBE, Independent Anti-Slavery Commissioner (IASC)

[redacted], National Adult Protection Convenor

[redacted], Police Scotland

[redacted], Scottish Refugee Council

[redacted], Women's Support Project

Attendees for the purpose of this meeting

[redacted], TARA

[redacted], Migrant Help

Apologies

Minister for Childcare and Early Years

[redacted], Association of Churches Together in Scotland (ACTS)
[redacted], COSLA

Officials in attendance

Willie Cowan, DD Criminal Justice
[redacted], Unit Head, Victims and Witnesses Unit
[redacted], Team Leader, Human Trafficking Team
[redacted], Child Protection Team, SG
[redacted], Looked After Children Unit, SG
[redacted], COPFS (in support of the Lord Advocate)
[redacted], Human Trafficking Team, SG
[redacted], Human Trafficking Team, SG

DATE	Meeting
19/04/2017	The Moira Fund

Meeting with Beatrice Jones, Chair, and Colin Field, Vice-Chair and Trustee of The Moira Fund.

Suggested Agenda

- 1. Welcome & introductions**
- 2. Discussion around the support offered by The Moira Fund**
- 3. Concerns around funding for the Victim Fund**
- 4. Current support available to victims and witnesses**
- 5. Summary and Way Forward**

No note taken.

Outcome:

On 20 Apr 2017, at 08:41, [redacted] wrote:

Hi Colin

It was good to meet you and Beatrice yesterday – I found the discussion to be particularly informative. As discussed I'd be grateful if you could please send an electronic copy of the report you left with the Cabinet Secretary yesterday.

Kind regards

[redacted]

Email sent from Colin Field after meeting:

Hi [redacted] thank you for your email this morning and we are both extremely grateful for the opportunity yesterday to speak both with yourselves and the Cab Sec. We could not have wished for a more kind reception, both Bea and I were overwhelmed.

Please find attached the electronic copy of the report which we will now circulate to our other trustees and key partners. We will include in that circulation (as a matter of courtesy rather than seeking endorsement), Dr Lesley Thomson, the Sol Gen., VSS (Scotland), Police Scotland and other members of the 3rd Sector with whom we have a relationship. Our Patrons Dame Elish Angiolini and Elaine C Smith both received a copy after the Minister yesterday. Whilst there was very valuable media interest yesterday before and after the meeting with the Minister, we did not disclose to them the existence of the report and the fact that the Minister had kindly accepted a copy. We felt that to do so would potentially have exposed the Minister as he would not have been briefed on the contents.

As I mentioned yesterday the report -

- seeks to establish the current "as is" position highlighting the gaps and weaknesses in the current service provision in Scotland.
- Considers the comments and recommendations made in the Louise Casey and Lesley Thomson reports
- Examines the alternative models operating elsewhere in the UK
- Proposes a solution for Scotland in the form of a **Scottish Homicide Service**

In so doing we have gone into a fair bit of detail covering

- Benefits
- Structure
- Scope
- Capacity
- Implementation
- Training
- Governance and
- Costs

and this extends as you will see, to providing draft job descriptions, costing models and training proposals.

As a charity we do not wish to dwell on the past or the current shortfalls in service delivery to families, but would rather encourage our partners and other stakeholders focus on finding and implementing a solution that once and for all addresses the current issues and sets about making a real long term sustainable difference to the lives of those affected by murder.

We hope that this reports goes some way to proposing an effective, simple and manageable solution and we hope that it can be the subject of discussion at any proposed workshop.

Thank you once again and should you need any further information or wish a further meeting to discuss the contents of the report then please don't hesitate.

Best wishes.

Colin

DATE	Meeting
25/05/2017	Member of the Public

Meeting about bail, bail conditions and their breach

Agenda & Discussion Points

- 1. Welcome & introductions**
- 2. Allow [redacted] to tell his story and outline his concerns**
- 3. Possible issues that may arise in the discussion**

No note taken.

Outcome:

Dear [redacted],

Mr Matheson has been following up on the various issues you discussed at your meeting on 25 May. He has asked me to pass on the following as a response

Bail decisions/Closed court

The Scottish Courts & Tribunals Service (SCTS) has advised that it is normal practice for accused persons to appear in private for all matters on petition. The

original bail decisions were made during examination on petition and thus procedure relating to this matter is held in private. This is because the accused has not yet been indicted, which sets out the actual charges the accused is facing. Under the Data Protection Act 1988 “the commission or alleged commission by [a person] of any offence” is sensitive personal data, and thus should not be public until the indictment followed by the trial proper.

We asked if we were able to obtain the court minutes. However, again, the SCTS advised that, for petition hearings, court minutes are not provided to the public. The information forms part of a court record and the personal data of another person. As such, the information is restricted, and may not even be released in response to a Freedom of Information request, because of the interplay with the Data Protection Act 1988.

Crown Office issues

The Crown Office have confirmed that it is not their policy to present victim statements to the court at a bail hearing, and advise that this has been explained by their staff, together with the reasons why it is not done.

The Crown Office also advise that information about **[redacted]** has also been explained. Updates will be provided as the case progresses. The Crown Office understands there is frequent contact with the Victim Information & Advice service (VIA) who are providing assistance and information.

Joint and several liability

[redacted]

This is, of course, legally correct, and is because of joint and several liability. Council tax is a property tax: the dwelling is chargeable, not the residents. As with Standard Securities – mortgages – parties are made aware that they are jointly and severally liable at the outset.

Joint and several liability is premised on the theory that the parties to an agreement are in the best position to apportion costs amongst themselves. An effort was indeed made to depart from this model and make individual residents liable for a *per capita* payment – in the form of the Community Charge, or poll tax. This was not a success for the Government at the time.

Letter to the Financial Conduct Authority (FCA)

I have written to the FCA and a copy of the letter is attached. We are awaiting their response

Kind regards,

Rùnaire a' Chaibineit airson Ceartais
Cabinet Secretary for Justice
Micheal Matheson BPA
Michael Matheson MSP



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Dr Andrew Bailey
Chief Executive Officer
Financial Conduct Authority
25 The North Colonnade
Canary Wharf
London
E14 5HS

15 June 2017

Dear Andrew,

As I am sure you will understand, in my work I frequently deal with individuals who have been bereaved in the most horrendous circumstances. Often their cases present, in an extremely acute form, a problem which is common to those who are bereaved unexpectedly for whatever reason – namely, an immediate heavy burden of expenditure. Only part of this will relate to the costs of the funeral, and to legal expenses attendant on death. In many cases they take on the financial duties of the deceased. At the same time they will have to continue meeting their own financial obligations. This may present its own problems, notably in the case of self-employed people who are unable to work while dealing with all the stresses of bereavement, and the sheer volume of things which have to be attended to.

I know the organisations which you regulate are often very alive to these issues, and many will look sympathetically at requests for payment holidays in these circumstances. I wondered if there was any role the Financial Conduct Authority might play in ensuring a general preparedness among the sectors you regulate to permit bereaved individuals an automatic payment holiday for a few months?

I would be grateful for your thoughts on this matter.

Best wishes
Michael Matheson

MICHAEL MATHESON

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www.gov.scot



Subject: Private Office for Justice - letter from Dr Andrew Bailey CEO Financial Conduct Authority - Payment Holiday following murder of family member - 13 July 2017

Dear [redacted],

Mr Matheson has now received a reply from the Financial Conduct Authority. He has asked me to pass on a copy to you.

Kind regards,



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Michael Matheson MSP
Cabinet Secretary for Justice
St Andrew's House
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EH1 3DG

13 July 2017

Our Ref: SA170619A

Dear Mr Matheson

Thank you for your letter dated 15 June 2017 and for sharing your experiences of working with those suffering from bereavement.

Your letter raises a timely challenge to us following recent terrible events, which highlighted the devastating impact that bereavement can have on individuals and communities.

We cannot compel firms to allow payment holidays, as premium payment is a matter of contractual obligation between the policyholder and the firm. However, we do seek to promote a flexible approach among firms as part of our wider work on vulnerable customers.

The fair treatment of consumers is something the FCA takes very seriously and is an area where we are actively engaged. Over recent years, we have carried out a considerable amount of work to understand the experiences of vulnerable consumers and those struggling to access financial services.

Our Occasional Paper on Consumer Vulnerability and accompanying research published in 2015 identified a number of circumstances in which consumers can find themselves at increased risk of poor outcomes if financial services providers do not act with appropriate levels of care. This included those experiencing bereavement, who as you say can face greater financial burdens and additional challenges in interacting with providers.

As part of this work, we have highlighted the importance of firms providing a more flexible and tailored response for consumers when they become vulnerable. In all the sectors we regulate, we would expect firms to treat a bereaved customer with compassion and able to provide additional specialist help and advice if required.

We would also expect firms to proactively contact a bereaved customer if the firm suspects they may be having financial difficulties. We continue to work with firms to better understand their strategies in relation to vulnerable consumers. As part of our supervisory work we also continue to investigate particular issues relating to vulnerable consumers as they arise.

As a result of this work and our engagement with firms, we have been pleased to see positive developments from the industry in this area. This includes work led by the Financial Services Vulnerability Taskforce to address the issues identified in our paper and subsequently the British Bankers' Association's development of Bereavement Principles for firms, launched in 2016. In addition, we have also seen the implementation of firm strategies to identify and improve outcomes for vulnerable consumers.

The publication of "Our Mission 2017: How we regulate financial services" recognises that vulnerable consumers may be significantly less able to represent their own interests and we have committed to giving greater priority to tackling issues affecting vulnerable consumers as a result. Our Business Plan for the coming year puts this into action, setting out a program of work with a strong emphasis on tackling issues for vulnerable consumers, which includes the publication of a Call for Input on Access to Insurance for those living with cancer.

As part of our Mission we committed to developing a "Consumer Approach" document to draw together separate strands of consumer work, explore consumers' current experience of financial services (by drawing together existing research, stakeholder views and commissioning in depth research through our Financial Lives survey) and set out a framework for future FCA work. This will be published in the autumn.

It is therefore timely that you raise the issues around financial services firms' general preparedness for dealing with bereavement and a standardised approach to supporting individuals. We will consider this further as we develop our Consumer Approach.

I hope that this letter is helpful in setting out our wider focus on this important topic and our expectations of firms.

I have copied this letter in to your colleague Angela Constance MSP in view of her related letter of 25 June regarding funeral plans. We will also copy you in when we respond to her.

Yours Sincerely


Andrew Bailey
Chief Executive

Cc Angela Constance MSP

DATE	Meeting
31/05/2017	Cross Party Group on Men's Violence to Women and Children

Attendees, Agenda and minutes

The Scottish Government does not have the information

The Scottish Government does not have the information you have asked for because the Scottish Government is not responsible for the subject, as this Cross-Party Group is a Group within the Scottish Parliament.

This is a formal notice under section 17(1) of FOISA that the Scottish Government does not have the information you have requested.

Agenda and minutes are available on the Scottish Parliament website:
<http://www.parliament.scot/msps/mens-violence-against-women-and-children.aspx>

DATE	Meeting
09/11/2017	Action Against Stalking

[redacted], Action Against Stalking
[redacted], Action Against Stalking
[redacted], Action Against Stalking

**NOTE OF MEETING BETWEEN ACTION AGAINST STALKING AND CABINET
SECRETARY FOR JUSTICE – 9 NOVEMBER 2017**

Present
[redacted]

Main Points

Action Against Stalking (AAS) views on gaps in existing service provision

- Claim that existing support offered for victims of stalking is either focused around stalking in the context of domestic abuse (SWA/SWRC) or sexually motivated stalking (RCS)
- Stalking by acquaintances/strangers makes up around 45% of all stalking and not well covered by existing support services as a result. Also of the view that there is a gap around support for male victims and children.
- [redacted]

What Action Against Stalking see as rationale for specialist service for stalking victims

- They claim that it is important that those providing support to victims of stalking understand the nature of the crime – claim that many services do not.
- See a role for AAS in providing specialist support on a one-to-one basis to victims (they do this to some extent at present, but are limited by the fact that they have only volunteer staff)
- See role for themselves in training those working for other 3rd sector services.
- Highlight what they see as a requirement under the Istanbul Convention for specialist support for victims of stalking.
- Also see a role for themselves in providing short-term crisis intervention (which they do to an extent at the moment).
- [redacted]

Cabinet Secretary's comments

- The Cabinet Secretary told AAS that it is important to bear in mind that funding is highly constrained – no new money, so providing support would mean having to withdraw/reduce funding elsewhere.
- Keen to explore what can be done but not able to say what support might look like
- Will be in a better position to assess the position following the completion of the spending review in December.
- Gender differences in likelihood of being a victim of stalking might open up possibilities for applying for funding relating to violence against women.
- Another possibility may open up when the victim surcharge fund comes into operation.

Other issues discussed with AAS

- AAS claim that the conflation of stalking with harassment (in e.g. the crime and justice survey) leads to failure to understand the specific form that stalking can take and to understand perpetrators' behaviours.
- AAS concerned that stalking is often misrepresented as bullying where it involves victims and perpetrators under the age of 18.
- AAS say that there is a link that is often missed between especially on-line stalking and sexual predation on children

DATE	Meeting
23/11/2017	Member of the Public

Agenda & Discussion Points

1. Welcome & introductions

2. Allow [redacted] to tell [redacted] story and explain concerns

3. Possible issues that may arise in the discussion

No note taken.

DATE	Meeting
10/01/2018	Ben Macpherson and constituents

Meeting was with the First Minister, with Cabinet Secretary for Justice in attendance.

This was a private meeting, with no agenda or notes taken.

DATE	Meeting
08/02/2018	Meeting with Willie Coffey MSP and constituent

Agenda & Discussion Points

1. Welcome & introductions

2. Allow Mr Coffey to relay the concerns and experience of [redacted] in relation to criminal justice system following the death of [redacted] in a road traffic collision.

3. Possible issues that may arise in the discussion.

No note taken.

DATE	Meeting
14/03/2018	Members of the Public

Agenda & Discussion Points

1. Welcome & introductions

2. Allow the [redacted] to tell their story and explain their concerns

3. Possible Issues that may raise in the discussion

No note taken.

Cabinet Secretary for Justice
Michael Matheson MSP



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[REDACTED]

18th April 2018

Dear [REDACTED]

I am writing to you further to our meeting in March to discuss your concerns about the justice system [REDACTED]

[REDACTED] I was grateful to meet with you to hear first-hand about your experience of the justice system. I hope that you found the meeting helpful.

At that meeting, you asked for information about how you can obtain information from the courts about the reasons for the sentence imposed on [REDACTED]

Victims and bereaved relatives can request information about criminal proceedings, including details of a court's final decision or disposal (e.g. sentence) and any reasons for it.

My officials have contacted the Scottish Courts and Tribunals Service (SCTS) who have said that if you wish to request information about the reasons for the sentence imposed in this case, you should contact [REDACTED] either by e-mail at [REDACTED]

More general information about how victims and bereaved families can request information about criminal proceedings is available on SCTS' website at [http://www.scotcourts.gov.uk/docs/default-source/coming-to-court/protocol-on-access-to-information-\(3\).doc?sfvrsn=4](http://www.scotcourts.gov.uk/docs/default-source/coming-to-court/protocol-on-access-to-information-(3).doc?sfvrsn=4). I have enclosed a copy of the leaflet with this letter.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

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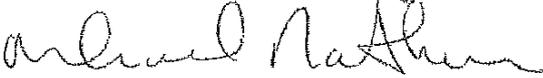


In the meeting, you also asked for information regarding why [REDACTED] was granted bail and why bail conditions were not imposed. As I explained at our meeting, decision relating to bail are a matter for the court.

It might however be helpful if I clarify that there are certain standard conditions which are *always* imposed when a person charged with an offence is released on bail. These are set out at section 24 of the Criminal Procedure (Scotland) Act 1995 and require that the accused must appear at court at the appointed time, must not commit an offence while on bail, must not interfere with witnesses or otherwise obstruct the course of justice and must not behave in a manner likely to cause alarm or distress to witnesses. However, it is a matter for the court to consider whether any further conditions should be imposed to ensure that those standard conditions are observed.

Courts should state their reasons for the grant or otherwise of bail, though this may be only a brief oral statement. It is possible that SCTS may hold information concerning the reasons for the decision to grant bail, and you may wish to ask [REDACTED] SCTS are able to provide any information about the decision to grant bail to [REDACTED] well as the decision in relation to sentencing.

I hope this information is helpful to you and I would like to take this opportunity to wish you the best for the future.

With kind regards,

MICHAEL MATHESON

DATE	Meeting
28/03/2018	White Ribbon Scotland

To discuss aspirations White Ribbon Scotland have for the role of men in ending violence against women in Scotland and to discuss the emerging ideas they have for the campaign in Scotland. This meeting is also to introduce **[redact]** as the new Chair of WRS Trustees and **[redacted]**. The meeting is an opportunity to reinforce the SG's strong commitment to this work.

Note:

Some notes and action points from this evenings meeting with WRS and Mr Matheson – this meeting was delayed about an hour and only around 15/20 minutes so there may be an ask for a follow up meeting.

Actions for me:

- WRS asked about the possibility of receiving additional funds from the Scottish Government - from equalities or another area. Mr Matheson asked that we assist WRS with locating additional external funding – I suggested VAF but will look into other funding streams and feed that back to **[redacted]**.
- WRS also asked about the potential to link with SG marketing to co-produce a national WRS campaign/campaign to engage men and boys. I'm not sure about the possibility of this but indicated I would look into it.

(I know we have the national sexual harassment campaign confirmed and have approached RCS to produce that – could there be scope to include WRS in this in terms of our wider plans to engage men and boys and for their ask for a national campaign? Something to discuss and think about.)

- WRS also asked about linking and potentially partnering with public bodies/COSLA/local authorities to identify potential ambassadors in those organisations and to make them aware of WRS campaign. Again Mr Matheson asked for us to assist making those links.
- WRS are holding an event on 19th November (International Men's Day) and asked Mr Matheson to speak - we should be receiving details and an invitation shortly. Mr Matheson indicated he's be interested in attending subject to diary commitments etc.

The general crux of the meeting was that WRS are struggling to coordinate existing volunteers, train new volunteers with existing resources – and would like to run a national campaign but cannot commit to that with existing resources. They would like to hire additional regional staff to coordinate volunteers freeing up **[redacted]** to coordinate the WRS campaign nationally.

I did indicate that they could submit a more detailed bid for additional funding/to run a national campaign and we would consider it.

DATE	Meeting
17/04/2018	Event to accompany announcement of bidding process for Caledonian roll out

Cabinet Secretary met with Caledonian coordinator and Edinburgh Women's Aid to discuss the Caledonian System and the benefits to local authorities who provide the service.

No formal agenda for that discussion and no notes taken.

DATE	Meeting
18/04/2018	Human Trafficking Strategic Oversight Group

TRAFFICKING AND EXPLOITATION STRATEGIC OVERSIGHT GROUP

WEDNESDAY 18 APRIL, 10:30 – 12:30

CONFERENCE ROOM A, ST ANDREWS HOUSE, EDINBURGH EH1 3DG

AGENDA

Introduction

1. Welcome, introductions and apologies
2. Opening remarks from Cabinet Secretary for Justice

Overview of progress and update from key partners

3. Lord Advocate
4. Police Scotland
5. Support for adult victims – TARA and Migrant Help
6. Child victims of trafficking – SG child trafficking official
7. COSLA
8. NHS Scotland
9. Independent Anti-Slavery Commissioner
10. Scottish Government Criminal Justice Division

Main business of meeting

11. Discussion of Annual Progress Report on Strategy implementation

Conclusion

12. Closing remarks from Cabinet Secretary for Justice

TRAFFICKING AND EXPLOITATION STRATEGY – STRATEGIC OVERSIGHT GROUP

NOTE OF MEETING HELD ON 18 APRIL 2018

Chair: Cabinet Secretary for Justice

Attendees and apologies at Annex.

1&2. Introductory remarks by chair

The Cabinet Secretary thanked returning members of the group for their input in developing the Strategy and welcomed new members, setting out the new role for the group in overseeing implementation of the Strategy. He emphasised the continuing importance of a collaborative approach.

He set out two key aims for the meeting: to hear updates on the work of key partners, and to discuss the first annual progress report, a working draft of which was shared with members in advance.

3. Update from Lord Advocate

The Lord Advocate updated on COPFS's progress based on two key principles: prosecuting perpetrators of trafficking and exploiters, and applying the presumption of non-prosecution of victims.

- The High Court case against Robert McPhee and John Miller had concluded with convictions including under Section 4 of the Human Trafficking and Exploitation (Scotland) Act 2015. Trafficking and Exploitation Prevention Orders had been applied. This case highlighted the reality of trafficking within Scotland. In other cases, challenges arise around the use of evidence from victims, who may be vulnerable and may want to return to their home country. Pre-recorded evidence may be helpful for this in the longer term.
- Scotland's approach to non-prosecution via Crown policy rather than a statutory defence has been subject to legal challenge on a specific case. There is a pending application to the Supreme Court.
- Wider international cooperation remains crucial – Brexit may affect the structures but shouldn't prevent cooperative working relationships.
- The Lord Advocate had attended a summit on trafficking and related issues hosted by the Director of Public Prosecution for England and Wales.
- A National Lead Prosecutor for human trafficking was now in place as well as a network of local lead prosecutors and training to support this.
- The Solicitor General issued a video message to all staff in 2017 on human trafficking.
- An electronic training package for COPFS staff is to be developed in 2018.

The Cabinet Secretary highlighted the impact of the McPhee case in challenging the public perception that trafficking affects people from overseas, whereas domestic trafficking remains a real issue.

4. Update from Police Scotland

[redacted] updated on the work of the Action Area 2, identifying and disrupting perpetrators.

- The Action Area 2 group met quarterly with members including the network of local police leads and other bodies.
- Police Scotland was exploring the potential to get feedback from victims via TARA and Migrant Help on their experiences of the process, to inform improvements.
- Early conversations with COSLA were underway on the possibility of a licensing pilot for nail bars.
- A multi-agency threat desk had been established and compiled monthly threat assessments and identified emerging threats. This was shared with the NCA and Joint Slavery Analysis Centre.
- The Duty to Notify was not yet in force but a trial implementation was underway with City of Edinburgh Council.
- Police Scotland was implementing the NCA-led Project Aident, with intensification periods around key aspects of human trafficking, including labour exploitation, sexual exploitation, child trafficking, domestic servitude, illegal border activity, and Romanian and Vietnamese traffickers. A number of victims and perpetrators had been identified in Scotland.
- Police Scotland continued to be involved in Joint Investigation Teams across Europe, with four operating currently. The secondment of Romanian officers had been a success, and discussions were underway about seconding officers from Vietnam.
- Training was in place for operational officers, and a new indicator on reports specific to human trafficking had been introduced to improve recording.
- A human trafficking investigators course was run in March with colleagues from the College of Policing, with 17 officers trained and now able to cascade learning.

The Cabinet Secretary commented on the challenges around labour exploitation which can be hidden in supply chains.

Several members raised joining up and sharing elements for training materials, including for adult protection and child protection work.

There was discussion of the proposed nail bar licensing pilot, where it's not clear if existing powers will allow it.

Action: COSLA to engage with Scottish Government if legislation on licensing needs to be considered

[redacted] raised a concern around procurement and the lack of active monitoring of contracts. There was discussion of targeting specific sectors at greater risk (e.g. nail bars, hospitality, construction) and the risks of tarring responsible employers with the same brush. Unions are a potential route to reaching other workers who could report concerns.

5. Update on support for adult victims

[redacted] updated on behalf of Migrant Help and TARA.

- Migrant Help had supported 167 survivors in 2017-18, with a new partnership with Bright Work recruitment providing potential employment opportunities, work with Action Earth on a new community garden, support from Renfrewshire Food Bank to supplement subsistence payments, and ongoing joint work to support repatriation including to Slovakia with a local NGO Caritas. There was a recent trend of prisoners increasingly reporting as trafficking victims, which highlights greater awareness in that environment but also potentially indicators being missed at initial stages of engagement.
- TARA had supported 68 women, with 9 potential victims having declined support. There was an increase in repatriations (9 of which 7 were Romanian), which involved joint work with Police Scotland and local NGOs on risk assessment and support. There was an instance of re-trafficking with a survivor who had previously engaged with TARA and been repatriated returning some years later.
- Significant funding increases to both bodies in 2018-19 would support increased staffing and capacity.
- The 90 day statutory support period for trafficking as well as statutory support for the Section 4 offence were in place from 1 April 2018.
- TARA and Migrant Help were working with Self Evaluation Scotland on victims-focused soft outcomes.
- Quotes in the draft annual progress report were taken from exit interviews and reflect the voices and experiences of survivors.
- A joint visit with Police Scotland to Romania to improve joint working on repatriation, look at prevention activity in place in Romania, and consider the risks of re-trafficking was taking place in the next few weeks.
- There were increasing partnerships with local authorities, including specific engagement with Aberdeenshire.
- TARA would be piloting early legal information on general rights and entitlements as potential victims of human trafficking, intending to use Tumbling Lassie funds for this.
- There were challenges around the National Referral Mechanism reforms and the ability of service users to participate given childcare and language needs.

The Cabinet Secretary highlighted the issue of re-trafficking and welcomed work on this to develop strategic relationships.

6. Update on support for child victims

Michael Chalmers updated on the work of the Child Trafficking Strategy Group, chaired by the Scottish Government.

- A self-audit of Child Protection Committees on guidance, protocols and procedures for human trafficking had been supported through a questionnaire.
- The contract had been awarded for new research on routes into child trafficking, due to report in January 2019.
- Revised age assessment guidance was published on 22 March, reflecting the changes under section 12 of the Act. This was to be followed up with awareness raising activity.
- The group was engaging with the Home Office on NRM reform.

- The work was aligning with wider child protection activity including national action plans on child sexual exploitation and online protection. A joint learning session with these areas had been held.
- A workshop in May with CPCs had given an opportunity to share learning on sexual abuse and exploitation. Further workshops were planned with an expanded remit to include child trafficking.
- On Independent Child Trafficking Guardians, public consultation was planned for autumn 2018.

[redacted] commented that the CPC self-evaluation had had very good engagement and that the real challenge was the culture and awareness that sits below the procedures and processes. The numbers of trafficking cases are small so professionals can be overwhelmed by the raft of different sets of processes. The most helpful thing would be to clearly identify an individual in each area who can be contacted when a case arises.

7. Update from COSLA

[redacted] updated on Action Area 1, identifying and supporting victims.

- A standard presentation was being finalised for awareness raising of trafficking issues. This would be shared widely and was intended for use by the public, in community groups etc. to spread messages and build on the marketing campaign.
- An e-learning module had been developed by Police Scotland and was being published on DVD for distribution to the public sector initially, with plans to host it online. Local authorities would place the module on their intranet for staff to use. This would also be shared with CPCs and Adult Protection Committees.
- Work continue on support for victims and the National Referral Mechanism reforms.
- Plans for next year include further awareness raising activity, supporting the development of regional networks, building on the trauma informed approach.
- COSLA's activity on human trafficking included the Edinburgh Duty to Notify trial implementation, work on the potential nail bars licensing pilot, and looking to adapt the Independent Anti-Slavery Commissioner / Local Government Association guidance for local authorities in England.

8. Update from NHS Scotland

Jeff Ace updated on NHS Scotland activity on human trafficking. **[redacted]** of NHS Health Scotland had been closely involved in joint work on the Strategy.

- The most recent guidance for all of NHS Scotland on human trafficking was from 2012, and this was now being rewritten to reflect the developments since then. Individual NHS Boards have done their own work but a national framework that is consistent and up-to-date is important.
- NHS Scotland was involved in conversations about whether the Duty to Notify when implemented should include health.
- An e-health module for NHS workers on human trafficking from 2014 was being rewritten over the summer.
- A trauma training framework was in place to ensure consistency of approach.

- There would be board by board analysis of implementation and targeting of key services, including sexual health, A&E, GPs.
- There would be monitoring of training through performance measures. This had been led by health board leads on gender based violence, though there is a risk in this approach of focussing too much on female victims.

9. Update from the Independent Anti-Slavery Commissioner's office

[redacted] updated on behalf of the Commissioner's office.

- The Commissioner remains impressed by the scale and breadth of work in Scotland to tackle human trafficking.
- The Commissioner has shared his draft Strategic Plan with Scottish Ministers, and hopes to publish this in May.
- The Commissioner is closely monitoring the NRM reform process, and is keen for devolved administrations to have a strong role in this.
- The UK Government is embedding trafficking survivors care standards into care contracts, and an independent inspection regime is planned for victim support in England.
- Joint guidance for local authorities by IASC and the Local Government Association has been published, and the Commissioner's office are keen to support a Scottish equivalent.
- Human trafficking guidance for judges in England has been produced, and the Commissioner is looking to do similar work in Scotland and Northern Ireland.
- An online resource for training materials and sharing of best practice is being developed.
- The Commissioner has written to FTSE 100 firms that do not seem to have published a trafficking and modern slavery statement, and will follow this up. He has called on the UK Government to publish a list of all covered by the requirement for a modern slavery statement.
- There has been sector specific work on procurement, including on sea fisheries, hotels, construction and transport.
- Internationally, the Commissioner is seeking to get human trafficking on the agenda for G20 and B20 meetings.

10. Update from Scottish Government Criminal Justice Division

Willie Cowan updated on the work of Action Area 3, addressing the conditions that foster trafficking and exploitation. This implementation group is chaired by the Scottish Government.

- A public awareness survey in spring 2017 found that people's awareness of trafficking decreased dramatically when asked about increasingly local contexts. A national marketing campaign ran between August and October 2017, including tv and digital adverts. A follow-up survey had just been completed, showing good recollection of the campaign imagery and improvements in how people would respond if they had a concern about trafficking. Awareness of trafficking in local communities remains low.
- A corporate group had been established with representatives from key business interests to take a role in implementation of the strategy.
- An ethical public procurement tool was being developed and would be shared online.
- Marketing and awareness raising materials had been distributed in languages common in trafficking victims.

- The AA3 had made connections with other government strategies including the Homelessness and Rough Sleeping Action Group, the New Scots refugee integration strategy, Equally Safe, and wider social justice and child poverty work.
- Key priorities for the group in the coming year include further work on corporate responsibility and public awareness.

11. Draft annual progress report

The Cabinet Secretary invited comments on the draft annual progress report.

[redacted] offered to provide quotations from child victims to use alongside those from TARA and Migrant Help.

No other concerns were raised about the report. The Cabinet Secretary invited further comments by email.

There was some discussion of concerns around the current operation of the National Referral Mechanism, particularly the length of time taken for decisions and the fact that inconsistencies between NRM and asylum applications could be used against survivors though these could be caused by changing circumstances or increased confidence to report details.

The next meeting of the group will be in a year's time, ahead of the second annual progress report.

Action: all to provide comments on the draft annual progress report by email

Attendees

SOG members:

Michael Matheson, Cabinet Secretary for Justice
 James Wolffe, Lord Advocate
 Willie Cowan, Deputy Director, Criminal Justice
 Michael Chalmers, Director of Children and Families
 [redacted], Child Protection Committees, Scotland
 [redacted], COSLA
 [redacted], office of the Independent Anti-Slavery Commissioner
 [redacted], National Adult Protection Convenor
 [redacted], Police Scotland
 [redacted], Fair Work Convention
 [redacted], Scottish Refugee Council
 Jeff Ace, Chair of NHS Scotland Chief Executive's Group and Chief Exec NHS D&G

Additional attendees:

[redacted], COPFS
 [redacted], Unit Head, Victims and Witnesses Unit
 [redacted], Team Leader, Human Trafficking Team
 [redacted], Child Protection Team, SG
 Redacted], TARA (attending for the purpose of item 5)

Apologies

Minister for Childcare and Early Years
 SallyAnn Kelly, Chief Executive, Aberlour
 Bruce Adamson, Children and Young People's Commissioner, Scotland
 [redacted], COSLA
 [redacted], Equality and Human Rights Commission
 Kevin Hyland, Independent Anti-Slavery Commissioner (IASC)
 [redacted] Women's Support Project
 Redacted], Scottish Churches Anti-Human Trafficking Group

DATE	Meeting
19/04/2018	Victim Support Scotland

Visit to Victims Support Scotland in Edinburgh, to announce funding for development of Homicide Service.

Outline agenda

1. 10am - Welcome and introductions– Kate Wallace, CEO
2. Handover to **[redacted]**, Operations Manager for introduction to VS Edinburgh staff and volunteers based on the ground floor, Hardwell Close
3. Staff member **[redacted]**) to demonstrate victim’s journey and securing positive outcome for victims and witnesses of crime
4. Staff member **[redacted]**) to show Minister volunteer recruitment process and on-going support and management techniques
5. Opportunity to meet with volunteers to talk about their role and experiences

6. **Key issues meeting** – new CEO and Chair and Cabinet Secretary for Justice. CEO office, 1st floor Hardwell Close
 - i. Funding of VSS and Strategic plan 2018-21 (Homicide Service for Scotland – wider Single Point of Contact model)
7. *Time permitting*
 - a. Informal discussions with **[redacted]**, Director of Operations, **[redacted]**, Director of Finance and Administration, **[redacted]**, Director of People and their respective staff teams in the National Office based on the first floor
8. 11am – Thanks and close of visit

DATE	Meeting
23/05/2018	Rape Crisis Scotland – Survivor Experience

Mr Matheson and Chief Medical Officer met with victim and her mother. There was no agenda and no notes were taken during the discussion. A number of follow up actions to improve health and justice outcomes for survivors of sexual crime are now being progressed with the NHS and Police Scotland.

DATE	Meeting
24/05/2018	Member of the public – survivor’s experience

Meeting with survivor to discuss experience of justice system.
No formal agenda and no notes taken but follow up letter of thanks provided.

I wanted to write to you to say thank you for taking the time to meet with me so that I could hear first-hand your concerns about your experience with the justice system. I was struck by your strength and courage in revisiting your experiences for the benefit of others. This was, understandably, not an easy thing for you to do.

As the Cabinet Secretary for Justice, it was very helpful for me to hear directly about your experience and I very much appreciated that you were able to articulate your views about the impact that corroboration had in your very personal experience.

I would like to again take the opportunity to reassure you that we have not closed our minds to corroboration reform. We discussed the history of the issue and that there had been no parliamentary or legal consensus for the removal of the corroboration requirement. In light of this, we asked Lord Bonomy to conduct a review into what additional safeguards may be required if the corroboration rule was removed. The Review recommended research into jury reasoning and decision making should be undertaken so that any changes to the jury system are made on a fully informed basis. As you are aware, this research is underway and expected to complete in Autumn 2019. As I mentioned, any future consideration of corroboration reform needs to await the findings of this research and be considered in the wider context of that and any other potential related reforms.

We discussed at the meeting, the Scottish Government funded research announced last week to build the evidence base on people's experiences of the justice system. You had indicated that you would welcome the opportunity to contribute to that research and I understand that [REDACTED] will be putting you in contact with the researchers at the Scottish Centre for Crime and Justice Research.

Listening to the experience of survivors has been greatly beneficial to me in understanding where improvements in the justice system need to be made. I am determined to do what I can to improve how our justice system works and engaging with those who want to tell me about their experience is absolutely vital to ensure that these improvements will make the most difference to those who need it.

Thank you once again for meeting with me and if you do have any further comments about your experience, I would be very happy to consider.

I wish you well for the future.

DATE	Meeting
28/06/2018	George Adam MSP and Constituents

No formal agenda, nor note taken but discussion points put forward by constituents ahead of meeting were:

- **Police powers to apprehend those unlawfully at large**
- **Home Detention Curfew (HDC) – Release process**
- **HDC – Breach process**
- **HDC – Reviews**

DATE	Meeting
11/07/2018	Victim Support Scotland

Agenda:

Overview of Victim Support Scotland’s strategic plan, and organisational goals
Homicide Service – opportunities and developments

- Kate Wallace – CEO, VSS

[redacted] – Director of Operations, VSS

[redacted] – Operations Manager L&B, VSS

DATE	Meeting
03/08/2018	John Scott MSP with constituents

No formal agenda.