

Victims Taskforce

12 December 2018

Edinburgh Centre for Carbon Innovation

Minute of Meeting

Attendees

Cabinet Secretary of Justice - Humza Yousaf (Co-Chair)
Lord Advocate - James Wolffe QC (Co-Chair)
Neil Rennick, Director of Justice, Scottish Government
David Harvie, Crown Agent, COPFS
Eric McQueen, Chief Executive, SCTS
Colin McConnell, Chief Executive, Scottish Prisons Service
John Watt, Chair, Parole Board for Scotland
Pauline Proudfoot, Operational Development Manager, SCRA
Kate Wallace, Chief Executive, Victims Support Scotland
Marsha Scott, Chief Executive, Scottish Women's Aid
Sandy Brindley, Chief Executive, Rape Crisis Scotland
Mhairi McGowan, Head of ASSIST and Domestic Abuse services
Ann Galbraith, Action Against Stalking (Rotating VOCFS seat)
Lorna Jack, Chief Executive, Law Society of Scotland
Lynn Burns

Replacement representatives

Iain Fitheridge, Directorate of Children and Families, Scottish Government
Gillian MacDonald, Assistant Chief Constable, Police Scotland
Rose McConnachie, Community Justice Scotland
Ben Farrugia, Scottish Social Work
Margaret Malloch, Associate Director at Scottish Centre for Crime and Justice Research

Apologies

Angela Grahame, Faculty of Advocates
Mary Glasgow, Children 1st
Michael Chalmers, Director of Children and Families, Scottish Government
Iain Livingstone, Chief Constable, Police Scotland
Karyn McCluskey, Chief Executive, Community Justice Scotland
Kathryn Lindsay, Scottish Social Work
Sarah Armstrong, Director at Scottish Centre for Crime and Justice Research

Secretariat (Scottish Government / COPFS)

Willie Cowan
Anna Donald
Saira Kapasi
Zak Tuck
Lucy Gibbons
Anne Marie Hicks

1. Welcome and Introductions.

The Cabinet Secretary welcomed all attendees to the first meeting of the Victims Taskforce and invited introductions from members.

2. Perspectives of Co-Chairs

Cabinet Secretary for Justice, Humza Yousaf

The Cabinet Secretary gave his perspective as to why the Taskforce was set up and what he hopes it will achieve. He detailed that through meetings with victims and families a number of common themes have emerged. These issues vary for different types of crime and at different stages of the justice system but there is often commonality.

There are gaps in support for victims and these will not always necessarily require legislation or significant resources to fix.

As a group of senior leaders in the system we can consider issues such as how to improve information sharing and other practical actions. As a group we should share the burden of tasks and responsibilities of the Taskforce and the secretariat will look for volunteers to take forward specific actions. Overall, we as a collective should aim to strengthen victims' voices in the justice system but this should be considered in parallel with the rehabilitation of offenders to reduce reoffending and ultimately, the number of victims.

Lord Advocate, James Wolfe QC

The prosecution of crime is fundamental to a just and safe society. Unless victims of crime come forward to report crime and give evidence, prosecutions cannot be carried out effectively. Victims often give feedback that they feel let down by the justice system, that it is daunting or traumatic. We need to treat victims properly, with humanity, to help tackle crime. Our ambition is to take collective action, creatively which will make a difference.

3. Terms of Reference

Paper 1: Terms of Reference

The Cabinet Secretary asked for view on the Terms of Reference, particularly the remit of the group. Members made the following points:

- We need to properly describe the problems we are trying to address. The commitments listed under the remit are not comprehensive and the issues which victims face are broader and more complex. There should be a robust scoping of what the issues are; what we would like to change; and how success could be measured. This should also take account of inequalities of crime and the impact on victims.
- Pleased to have a focus on sexual offences. It could be beneficial to consider recommendations in the Gillen Review and to reference other work going on

in this area within the Terms of Reference. May be useful to consider a sub-group on these issues.

- Stalking should be considered for inclusion as a specific type of crime in the remit, although it may not be the right approach simply to list different types of crime.
- The remit should set out actions specifically around victims' experiences with courts, both logistical and procedural, consulting with the Lord President on this, where appropriate.
- Victims see a 'system' so if one part of the system or one organisation lets them down, they can feel the whole system has let them down. The Taskforce could help find solutions to some of the practical issues raised by victims which impact on their experience.
- The review of Standards of Service could potentially be included in the Terms of Reference, being careful to recognise existing work and processes in place for ongoing review of these.
- Paragraph 3 focuses on trials but consideration should also be given to referencing parole hearings as victims are likely to get involved in these.
- It's not clear whether management of offenders falls within scope.
- A need to detail some specific actions on the attitudes towards rape and coordination with the relevant groups. Also a need to ensure a gendered approach.
- Consideration should be given to children within the context of civil cases being included in this remit
- Victims don't always end up in the criminal justice system as some are involved in the youth justice system.
- Possible consideration of offenders and their families as victims too. Working with the Scottish Prison Service to ensure proper information in the correct spaces. Recent work demonstrated the benefit of developing new relationships between the justice agencies and third sector support providers.
- Include principles of diversity and inclusivity in all approaches taken by the Taskforce including geographical considerations.
- The interface between the Taskforce and the Justice Board should be considered further.
- Consideration should be given to terminology around victims, witnesses, survivors.

Membership

- Are there organisations on the Taskforce that can represent the views of victims of historical offences – Rape Crisis Scotland can feed in and Lynn Burns is vice-chair of Break The Silence.
- Eric McQueen to act as the conduit to the Judiciary and bring in their perspective when required.
- Consideration over whether Action Against Stalking should be a permanent member of the Taskforce.
- Should there be representation for families of offenders who also see themselves as victims of the system, e.g. Families Outside?
- Consider whether health should be represented to offer their perspective, particularly around mental health, as a core or potential sub-group member

Action 1: The Secretariat to consider the points raised on Terms of Reference and circulate a revised version ahead of the next meeting.

Action 2: Secretariat to look into options for having an online shared space for members to collaborate on documents and share views.

4. Engagement with Victims and Families

Paper 2: Engagement with Victims and Families

This paper asked members to consider how best to engage with victims and families on the range of issues detailed in the remit of the Taskforce. The Cabinet Secretary invited views from members. The main points of discussion were:

- Evidence sessions with the full Taskforce could be very intimidating and appear tokenistic.
- The content of a work plan for the Taskforce should inform how to best engage with victims. Difficult to decide on this without a more detailed work plan as it feels rather abstract.
- Victim support organisations are well placed to facilitate engagement. The survivors network is keen to make an impact and could feed into this group. A reference group for these survivors would need to represent the wide range of views. The Cabinet Secretary and Lord Advocate would be keen to attend this type of group and it may be possible for other members to attend also..
- Different or hybrid of approaches should be taken depending on what the issue is being considered and who we wish to hear from.
- Need to ensure there is an open door for any victim who wanted to contribute and that this is geographically inclusive.
- There are a number of research groups being carried which could feed in – considering presentation of findings if appropriate. This includes Justice Journeys which is funded by the Scottish Government and the SCCJR could facilitate this.
- Consider a communications strategy should be developed to encourage engagement, including with those who we do not currently reach – exploring use of social media. Further research required to understand needs of those who do not engage with services.
- Value in understanding particular types of crime and the challenges victims of these face in the system.
- Peer support aspect of convening groups of victims and survivors of particular crimes.
- The principle of user involvement should be included in the remit, including an explicit reference to unmet need.

Action 3: All members to consider how they can facilitate engagement with victims and families on issues that are most pertinent to them.

Action 4: Secretariat to follow up with organisations who offered to be involved in this work (e.g. RCS, VSS, SWA) to discuss victim engagement strategy in further detail and feed back to next meeting.

5. Improving the Experience of Victims and Witnesses – The Role of the Taskforce

Paper 3: Improving the Experience of Victims and Witnesses – Role of the Taskforce

The Cabinet Secretary opened discussion by asking what areas the Taskforce should look at as a priority. The discussion is summarised as follows.

Some areas suggested were:

- Review of the criminal justice agencies' Standards of Service
- Development of the single point of contact / one front door / 'victim centred' approach which needs to be seamless, compassionate and developed in collaboration.
- Issues experienced by survivors of sexual offences
- Consideration of children's rights and experiences looking across the civil and criminal justice systems
- Access to affordable, competent legal advice looking at issues such as who gets access, how and what is the impact.
- Information sharing and the implementation of GDPR.
- A Victims Commissioner - a requirement to consider what the best collective approach is. This issue was last considered as part of the passage of the Victims and Witnesses Bill in 2013, and the Secretariat will bring a paper to a future meeting of the Taskforce. This should also be considered in conversations with victims directly.

Further discussion on some of these items followed:

Single point of contact/ Victim-centred approach

VSS are developing a report on the victim centred approach which aims to reduce the need for victims to tell their story to several different organisations.

- There has been a lack of progress towards this vision – how do we unlock the barriers to take action on this.
- Is it about silos? A victim of one crime is seen individually by each organisation.
- We need to clarify the vision as important that do not just add another layer to the victim's journey.
- We should consider a map of the current system with access points identified. This will help highlight where there are problems. Also need to consider self-referrals and alternative access points outwith the justice system (e.g. where there is no police report).
- Acknowledgement that the 'one front door' may be a different front door for different victims.

- The initial point of contact needs to lead into a consistent service, and should be at the point which is best suited and comfortable for that individual victim.
- Access points should be able to demonstrate a combined knowledge and constructive relationships across the system so as to provide the correct information about the next steps and connect with the right support for that individual
- Issues over information sharing and GDPR – work of the Justice Board should feed into the Taskforce and support Victim Support Organisations (VSOs).
- Ultimately as a system we may need to reprioritise as individual organisations for the common good and put aside territoriality, with victims rather than institutions at the centre
- We as a Taskforce should build upon work ongoing in this area including the improvements resulting from JIIs, pre-recording evidence, the Domestic Abuse act, making sure we do not cut across areas where work is already underway.
- We should focus on relationships – e.g. SPS and VSS have been working together to solve problems together resulting in a more productive relationship which ultimately better supports victims.
- Developing this approach will need extensive engagement with victims.
- The vision could perhaps be described as making improvements to the system to prevent victims having to retell their stories multiple times and providing transparent and accessible information at the right times to help victims understand complex issues like sentencing and parole.
- From a victim's perspective the most important thing is that the people who are interacting on the front line are compassionate, take accountability, provide the necessary information and have the willingness co-operatively to do the best for that victim.
- Need to consider in particular how people are treated when they disclose, this should be trauma informed. Noted that there is activity already taking place in Police Scotland in Ayrshire and within Community Justice Scotland on trauma informed training which may be relevant.
- Take learning from the NHS and the development of a 'person-centred' approach
- Need to consider the need for simple messaging about any changes and user-friendly terminology.

Action 5: Secretariat to consider bringing a paper to a future meeting of the Taskforce, setting out how and why GDPR may be considered an issue when seeking to improve the position of Victims and Witnesses in the justice system-linking into other relevant groups who are looking at the current challenges,

Focussed look at sexual offences

Potential issues for consideration include:-

- Public attitudes to rape and potential implications for juries
- Privacy issues – access to sensitive personal records and sexual history
- Court reform and delays
- Recommendations from the Gillen Review

- Issues of corroboration and not proven sentences as part of this consideration, but recognising that these cannot be addressed in isolation.

Work planning

- The Taskforce should consider the small number of strategic issues that only it can collectively progress, in addition to being aware of wider work across the system
- When identifying work streams for the taskforce this should include both short term and longer term actions and be informed by victims themselves.
- As well as working together it is important to recognise that it is incumbent on each organisation to consider what we can change within our own organisations.
- The Taskforce should have a watching brief to consider the ongoing policy work and changes which the Taskforce should consider from a victim's perspective.
- Secretariat to develop catalogue of ongoing work and will ask all members to feed into this and keep it up dated.
- Where else can we learn from – looking at international best practice and what research tells us. Important to get an understanding of how individual organisations feed into these areas already and share learning within the group.
- Secretariat to compile a list of this international engagement with members providing the relevant information.
- Need for communication/collaboration tools to be set up for the Taskforce.
- Each member should feedback to the secretariat their top priorities, and where the combined attention of the Taskforce can influence strategic level change.

Action 6: Secretariat to develop a paper to capture all relevant initiatives/ research across the justice portfolio and will ask all members to feed into this. To be tabled at next meeting.

Action 7: Secretariat to compile a list of international engagement/learning undertaken at present by members of the taskforce. Members will need to provide the Secretariat with this information. To be tabled at next meeting.

Action 8: Secretariat to circulate a template to members asking them for their top 3 priorities of which collective action by the Taskforce will help to significantly drive forward progress. This should take into account long, medium and short timeframes. This should also include the steps needed to achieve these and areas where their organisation can action some quick wins. Secretariat to shape this information into first draft of a work plan for consideration at next meeting.

6. AOB

7. Date of next meeting

6th March 2019