

**Victims Taskforce**  
11 September 2019  
Norton Park Conference Centre  
**Minute of Meeting**

**Attendees**

Cabinet Secretary of Justice, Humza Yousaf (Co-Chair)  
Lord Advocate, James Wolffe QC (Co-Chair)  
Dorothy Bain QC, Faculty of Advocates  
Sandy Brindley, Chief Executive, Rape Crisis Scotland  
Linda Brown, Chief Executive, Criminal Injuries Compensation Authority  
Lynn Burns, Victims' Voice  
Michael Chalmers, Director of Children and Families, Scottish Government (SG)  
Bill Fitzpatrick, Community Justice Scotland  
Mary Glasgow, Chief Executive, Children 1<sup>st</sup>  
David Harvie, Crown Agent, Crown Office and Procurator Fiscal Service (COPFS)  
Gillian MacDonald, Assistant Chief Constable, Police Scotland  
Margaret Malloch, Scottish Centre for Crime and Justice Research  
Eric McQueen, Scottish Courts and Tribunals Service (SCTS)  
Anita Morrison, Justice Analytical Services, SG  
Jim O'Neill, Scottish Prison Service  
Pauline Proudfoot, Scottish Children's Reporter Administration  
Neil Rennick, Director of Justice, SG  
Marsha Scott, Chief Executive, Scottish Women's Aid  
Tirion Seymour, Service User Engagement Officer, Victim Support Scotland  
Gillian Urquhart, Moira Anderson Foundation (Rotating VOCFS seat)  
Kate Wallace, Chief Executive, Victims Support Scotland  
John Watt, Chair, Parole Board for Scotland

**Apologies**

Mike Callaghan, COSLA  
Angela Grahame, Vice-Dean, Faculty of Advocates  
Kathryn Lindsay, Head of Children, Families & Justice Angus, Social Work Scotland  
Karyn McCluskey, Community Justice Scotland  
Colin McConnell, Scottish Prison Service  
Mhairi McGowan, Independent Adviser  
Lorna Jack, Law Society of Scotland

**Secretariat (Scottish Government/COPFS)**

Rebecca Aitken, SG  
Katharine Cook, SG  
Anna Donald, SG  
Anne Marie Hicks, COPFS  
Saira Kapasi, SG  
Zak Tuck, SG

**1. Welcome**

The Cabinet Secretary welcomed attendees to the fourth meeting of the Victims Taskforce and passed on apologies from those unable to attend.

## **2. Victims' Voices – Direct quotes from victims**

Victim Support Scotland (VSS) introduced quotes from victims and survivors, which had been collected by Rape Crisis Scotland (RCS), Scottish Women's Aid (SWA) and VSS. This will become a standing item at the beginning of each meeting of the Taskforce.

A number of the quotes came from participants of the Everyday Heroes project, which gave young survivors of gender-based violence (like domestic abuse, rape and sexual assault) an opportunity to speak out about how services and the justice system should be improved. It highlighted the need for professionals to interact with and listen to young people.

Some of the common themes from the quotes included having to deal with multiple agencies, not feeling listened to and being peripheral to proceedings. The victims organisations will continue to gather victims' views and present them to the Taskforce.

**ACTION:** Victims organisations to continue to gather views of victims and survivors and present them to the Taskforce.

## **3. Minutes and matters arising**

Members agreed the minutes of the meeting of 12 June 2019. The Cabinet Secretary ran through the actions arising from the meeting and updated members on progress.

It was agreed that it would be helpful for members to have an informed view of how actions are progressing. Secretariat agreed to consider a tracker or similar tool to keep members updated and to review what has been achieved since the inception of the Taskforce in late 2018.

**ACTION:** Secretariat to develop a tracker to keep members informed of how actions are progressed and carry out a review of activity since the inception of the Taskforce.

## **4. Update on victim engagement**

VSS and RCS updated members on recent engagement with victims and survivors, and the common themes arising from this engagement.

Sandy Brindley from RCS noted that the attendance of the Cabinet Secretary and the Lord Advocate at the July meeting of the Survivor Reference Group had allowed members to share their stories in what was a powerful and memorable event for all involved.

Kate Wallace from VSS and Lynn Burns updated members on recent engagement they had undertaken in bringing together a Victim Reference Group. The commonality of experience described by victims was discussed, including: trying to unlock a system you don't understand and ask questions in a language you don't know; an emerging imbalance and feeling that no-one is on your side; feeling that the system is built around the people who work in it and not those who use the service; ultimately, people want to feel safe and know they are safe. Kate and Lynn also noted the peer support the group provides, with victims further along in the process being able to offer advice and support to those with more recent experience.

In terms of the next steps, it was agreed that a Sounding Board would be formed with members from the Survivor Reference Group, Victim Reference group and the victim support organisations' existing networks. Once formed, the Sounding Board will be available to meet with a sub-group of the Taskforce as required to discuss relevant issues.

**ACTION:** VSS, RCS and SWA to identify victims/survivors who could participate in a Sounding Board to discuss relevant emerging issues with Taskforce members.

Taskforce members discussed the importance of expectation management and not gathering information from victims on issues that would not be addressed in some way - though members acknowledged that it might not always be possible to find a solution to suit everyone. It was agreed that it is essential to keep people informed and ensure transparency, even where the message is a difficult one.

The Taskforce went on to discuss some of the challenges faced in both operating and being part of the Victim Notification Scheme, and the opportunities to reengage victims through the Scheme by providing information about the process leading up to temporary release and parole and involving them in that process, where appropriate.

The importance of simplifying the system for victims and minimising the need for them to retell their story was also raised and members noted the various exercises that had been carried out to map the victim's journey. Victims' organisations enquired whether victims had been involved in these exercises and noted that they were often carried out from the perspective of an adult victim and not a child. Secretariat agreed to collate the existing work on victims' journeys and share it with Taskforce members.

**ACTION:** Secretariat to collate existing work on victims' journeys and share with Taskforce members.

Members discussed the digital portal being developed, with both COPFS and SPS working on products that will form parts of a digital pathway for victims and witnesses. Whilst welcoming greater access to information, victims' organisations cautioned that any such tools need to follow a trauma-informed approach and justice agencies need to recognise the differing needs of their service users. It was agreed that the Sounding Board would provide a useful forum for consulting on longer term projects but that proper consideration would need to be given to supporting victims in these discussions.

Mary Glasgow (Children 1<sup>st</sup>) highlighted the ongoing work on a Barnhaus model, and the synergy and information that can be shared with the Taskforce in relation to that work. An Expert Advisory Group is to be formed and will be led by Mary.

## 5. Update on work plan

- **Work stream 1 – Victim Centred Approach**

An update on this work stream was provided at item 6 on the agenda.

- **Work stream 2 – Trauma Informed Training – update provided by Community Justice Scotland (CJS)**

CJS, SCTS and SG officials met on 27 August to discuss how to take the work stream forward. A mapping exercise to better understand current trauma-informed training within justice organisations is being developed and will be circulated to work stream members in October, with a view to the work stream meeting in November.

The work stream will need to consider a definition of trauma-informed training and ensure it translates into trauma-informed practice. CJS officials are exploring the use of nudge theory to reinforce practice.

- **Work stream 3 – Sexual Offending/Gender Based Violence – update provided by RCS and SWA**

Work stream leads noted that they are in a position to revise the work plan in light of the SCCJR research and other work in this area.

In relation to action 3a, work stream leads advised that up-to-date research is required on the operation of section 274/275 (Restrictions on evidence relating to sexual offences) of the 1995 Act and that this is a decision for the SG.

<p><b>ACTION:</b> SG policy leads to discuss with analytical colleagues the options for further research on the operation of section 274/5 of the Criminal Procedure (Scotland) Act 1995.</p>
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On action 3b, it was noted that the results of the SG commissioned jury research would be published in October.

It was also advocated that the work stream make connections with Equally Safe and take into consideration smaller cohorts of victims, e.g. FGM, forced marriage.

- **Work stream 4 – Research – update provided by JAS and SCCJR**

Anita Morrison from JAS discussed the equalities paper (paper 3) analysts had produced based on findings from the Scottish Crime and Justice Survey, noting that when combined with more qualitative evidence it could provide a strong evidence base. The paper doesn't cover what is driving change but JAS will start to look at that now.

Anita thanked members for their comments on the call for proposals for grant-funded research projects. JAS will do the first sift of proposals and then come back to Taskforce members.

Anita ran through the publication schedule for the next few months, including jury research and the SCCJR report 'Taking Stock of Violence in Scotland'.

SCCJR continues to liaise internally and work with other relevant bodies, for example, the Centre for Child Wellbeing and Protection, and has been struck by emerging common themes.

Sandy from RCS raised an issue with the recorded crime bulletin, namely the lack of comparability between recorded crime data and criminal proceedings statistics – making it impossible to determine how cases progress from criminal investigation stage to the conclusion of proceedings. Anita agreed to discuss this further with RCS.

**ACTION:** JAS to consider whether anything can be done to address the lack of comparability between recorded crime data and criminal proceedings statistics, particularly in relation to sexual offending, and discuss with RCS.

Marsha from SWA raised some questions emerging from the implementation of Domestic Abuse (Scotland) Act 2018. SWA is keen that the experience of its client base is taken on board in any decision making around how the impact of the Act is assessed. Anita agreed to pick this up with SWA.

**ACTION:** In assessing the impact of the Domestic Abuse (Scotland) Act 2019, SWA are keen that the SG take on board the experience of their client base. JAS to follow up with relevant stakeholders.

- **Work stream 5 – Specific projects**

See agenda item 7 for discussion of a Victims Commissioner.

## 6. Deep dive - Work stream 1: Victim Centred Approach

Members were given an update on the work of the Victim Centred Approach work stream. The newly formed Governance Group met for the first time on 9 September. It was a productive meeting involving representatives from the criminal justice agencies and third sector organisations. A number of the papers from the meeting were shared with Taskforce members (see papers 8, 9, 10 and 11). It was agreed that the Group would revisit the work plan (for work stream 1), looking to sequence and prioritise actions in order to develop a task-based work plan. The Group recognised the need to focus on what success might look like and meeting individual needs within the wider system. There was also discussion around digital solutions, different levels of support required, existing models that can be built on, the service design ITT and victim engagement. An Operational Group will be formed and tasked with translating strategy into action. The Governance Group will meet again prior to the first meeting of the Operational Group, in order to determine the tasks for the Operational Group to take forward.

The Taskforce discussed the membership of the Governance Group. It was agreed that the core membership should remain as is, but that different individuals and/or organisations could be brought in for specific pieces of work.

The Taskforce considered whether a separate work stream on children and young people is required. It was noted that there had been previous discussion around “mainstreaming” children and young people throughout the work plan, and that this could be a task for a short-life working group. Members agreed that, whilst not necessarily a separate work stream, there is a need for a strategic, co-ordinated discussion as there is a lot of activity ongoing around children and young people, both in relation to victims and to offending/harmful behaviour. The SG Director of Children and Families recommended that there be a look across the work streams and activity across the SG, with a view to capturing this information and identifying synergies and opportunities for a co-ordinated approach. It was also suggested that the SG could provide the Taskforce with an update on the Barnahus work at the meeting in March 2020.

**ACTION:** Secretariat to work with relevant SG policy leads and others to collate information on all activity relating to child victims, and cross-reference this with the work plan to identify gaps and opportunities for collaborative working

**ACTION:** Secretariat to consider update on Barnahus work as an item for the March 2020 meeting of the Taskforce.

## 7. Discussion of Victims Commissioner

The Cabinet Secretary provided some background on the topic (see paper 12), including how the Victims Commissioner model operates elsewhere and previous discussions on whether to introduce a Victims Commissioner in Scotland.

There was discussion amongst members on the expectations that discussion of such a role may raise and what Victims Commissioners in other jurisdictions can and cannot do. It was agreed that it is essential to understand the role fully, including any limitations, prior to engagement with victims and survivors. It was also agreed that it is essential to identify where there would be duplication with existing services and how the role would be resourced. Furthermore, members discussed the role in the Scottish context, including in relation to existing third sector provision, accessibility of senior figures and the existence of the Taskforce.

It was recognised that some calls for a Victims Commissioner may reflect dissatisfaction with the current system, which could be more directly addressed, or a misconception that the Commissioner role could provide advice/support in individual cases.

The Cabinet Secretary advised that he was keen not to dictate the questions around introducing a Victims Commissioner, as the role could be developed specifically for a Scottish context, but that it was essential to de-mystify the role before seeking opinions on the pros and cons of introducing such a role. Members also suggested it might be useful to frame the discussion in terms of what alternatives might be available for the same resource (e.g. increasing provision of direct support).

The issue of how representative one person could be of all victims/survivors was also raised – particularly in relation to areas such as domestic abuse. It was considered that it would be useful to gather information from subject experts in other jurisdictions on this point. In terms of next steps, the Secretariat will consider inviting a Victims Commissioner from another jurisdiction to address the Taskforce and victims organisations will gather views on the role from their counterparts in England and Wales.

**ACTION:** Secretariat to consider inviting a Victims Commissioner from another part of the UK to address the Taskforce.

**ACTION:** Victims organisations to gather views on a Victims Commissioner from counterparts in England and Wales.

## 8. AOB

It was suggested that it would be helpful to have a summary of action points at the end of each meeting and for this to be circulated to Taskforce members after the meeting. Members agreed this would be useful.

**ACTION:** Secretariat to provide a summary of action points at the end of each meeting and circulate them to Taskforce members after the meeting.

Secretariat asked members to indicate if they were happy for members' email addresses to be shared with other Taskforce members. No members' indicated otherwise.

**ACTION:** Members who have not already done so to advise secretariat if they are content for their email address to be shared with other members.

## **9. Date of next meeting**

Wednesday 11<sup>th</sup> December 2019

## TABLE OF ACTIONS

Date assigned	Action	Owner	Progress update
11/09/19	Victims organisations to continue to gather views of victims and survivors and present them to the Taskforce.	VSS, RCS, SWA	Complete. See Victims Voices at item 2 on the agenda
11/09/19	Secretariat to develop a tracker to keep members informed of how actions are progressed and carry out a review of activity since the inception of the Taskforce.	Secretariat (SG)	Ongoing. See item 5 on the agenda for review of activity. Secretariat working on a tracker, though require actions in work plan to be agreed to enable tracking.
11/09/19	VSS, RCS and SWA to identify victims/survivors who could participate in a Sounding Board to discuss relevant emerging issues with Taskforce members.	VSS, RCS, SWA	Ongoing. See update on victim engagement at item 2 on the agenda.
11/09/19	Secretariat to collate existing work on victims' journeys and share with Taskforce members.	Secretariat (SG)	Ongoing. Secretariat will continue to liaise with the service design agency, Thrive, on the output from the discovery phase of the Transforming Services for Victims and Witnesses project. This will include bringing together existing mapping exercises and research on victims' journeys.
11/09/19	SG policy leads to discuss with analytical colleagues the options for further research on the operation of section 274/5 of the Criminal Procedure (Scotland) Act 1995.	VAWG officials, JAS	SG is giving further consideration to this under Work Stream 3: Gender Based Violence.
11/09/19	JAS to consider whether anything can be done to address the lack of comparability between recorded crime data and criminal proceedings statistics, particularly in relation to sexual offending, and discuss with RCS.	JAS	We are continuing to develop a system wide model across all of the criminal justice system which will add to our understanding of how crimes proceed from initial police recording through to

			disposal. However work at this stage is at an aggregate level and therefore will not identify not follow through individual cases. There are some difficulties – both in terms of what is permissible in terms of data sharing and also technical – in terms of linking data across different IT systems. We are considering whether it is possible to do some work on a sample of cases to better understand what might be achieved and will report plans and progress to the taskforce in Spring 2020.
11/09/19	In assessing the impact of the Domestic Abuse (Scotland) Act 2019, SWA are keen that the SG take on board the experience of their client base. JAS to follow up with relevant stakeholders.	JAS	Justice Analytical Services are currently progressing work, with others, to address the legislative commitment to assess the impact of the Domestic Abuse (Scotland) Act. This will likely also involve a range of additional actions including continued engagement with victims groups, a review and refresh of approaches to collect and report on Domestic Abuse crime and incident statistics and a ‘deep dive’ into Domestic Abuse recording systems to understand the impact of the Domestic Abuse (Scotland) Act 2019 on these statistics, to be undertaken later in 2020 after the new Act has been in place for a full year. Possible methodologies for collecting information on the experiences of witnesses at court are currently under consideration, and

			victim's groups will be consulted in due course.
11/09/19	Secretariat to work with relevant SG policy leads and others to collate information on all activity relating to child victims, and cross-reference this with the work plan to identify gaps and opportunities for collaborative working.	Secretariat (SG), Children & Families officials	Ongoing. Director of Children and Families to provide a short verbal update at December meeting, with a view to a more in-depth consideration of child victims and Barnahus at the March 2020 meeting of the Taskforce.
11/09/19	Secretariat to consider update on Barnahus work as an item for the March 2020 meeting of the Taskforce.	Secretariat (SG)	As above.
11/09/19	Secretariat to consider inviting a Victims Commissioner from another part of the UK to address the Taskforce.	Secretariat (SG & COPFS)	Ongoing – Secretariat considering inviting Victims Commissioner to a future meeting of the Taskforce.
11/09/19	Victims organisations to gather views on a Victims Commissioner from counterparts in England and Wales.	VSS, RCS, SWA	Ongoing - Victims organisations to provide update at December meeting.
11/09/19	Secretariat to provide a summary of action points at the end of each meeting and circulate them to Taskforce members after the meeting.	Secretariat (SG)	Complete. Will be implemented as of December meeting.
11/09/19	Members who have not already done so to advise secretariat if they are content for their email address to be shared with other members.	All members	Complete. No objections received.