

Year One of the Victims Taskforce Summary of Activity to Help Victims of Crime

Introduction

The past 12 months has seen the establishment of the Victims Taskforce, alongside a range of other activity being taken forward by the Scottish Government (SG) and partner organisations to improve the experiences of victims in the justice system.

This paper aims to highlight some of this activity and also poses some questions relating to future challenges and how members collectively approach year two of the Taskforce and take forward our aims of developing a more victim centred approach.

The Victims Taskforce

The Victims Taskforce was established in late 2018 by the Cabinet Secretary for Justice and the Lord Advocate, with a primary aim to improve support, advice and information provided to victims of crime and their families.

The Taskforce is working to encourage a more 'victim centred' approach in the justice system, reducing the need for victims to have to repeat their story multiple times to different organisations, leaving them vulnerable to re-traumatisation. The Taskforce is also focussed on ensuring victims are treated in a more compassionate and trauma-informed manner and that they have access to the right advice and support at the right times.

The Taskforce has published a **work plan** and activity under individual work streams is starting to take shape. For example, a Governance Group has been established for work stream 1 - **Victim Centred Approach**, has met twice and is honing and prioritising its aims and actions. An Operational Group is being formed to deliver the Governance Group's objectives. This work is also being informed by a service design project '**Transforming Services for Victims and Witnesses**' which is being carried out by Thrive Associates on behalf of Victim Support Scotland, SG and the Crown Office and Procurator Fiscal Service (COPFS).

A Working Group for work stream 2 - **Trauma Informed Workforce** has also met and is developing its approach to build upon existing work to establish wider provision of trauma-informed training for individuals in the justice system who come into contact with victims. This is to support the development of a trauma-informed workforce within justice sector organisations.

Work stream 4 – **Research** has already commissioned work by SG analysts to look at some key Scottish Crime and Justice Survey findings by equality breakdowns to provide broad context for Taskforce members on experiences of crime and attitudes towards the justice system in Scotland. In addition, Taskforce members were involved in shaping a research grant call by SG analysts, the outputs of which will help inform the work of the Taskforce. Furthermore, the Taskforce heard a presentation from the Scottish Centre for Crime and Justice Research on the results

of its Justice Journeys project, which included frank feedback on experiences of the justice system from victims of sexual violence.

Victims Voice

Taskforce members have been clear from the start that its work has to be informed directly by the experiences of victims and their families.

To help achieve this, Rape Crisis Scotland and Victim Support Scotland have set up a **Survivor Reference Group** and a **Victim-Centred Reference Group** respectively to bring together victims and relatives who wish to share their experiences of crime in a confidential and, if desired, anonymous way.

These groups are also providing government and other organisations with the opportunity to engage with a broad range of victims, helping shape policies and approach to improving the justice experience for victims.

Direct feedback from victims is being aired at Taskforce meetings and we will be looking for further opportunities for the Chairs and other Taskforce members to meet with these groups and hear experiences first-hand, through the establishment of a Sounding Board and other mechanisms.

Wider Work to Support Victims of Crime

In addition to the work of the Taskforce, a range of other initiatives have been developed or delivered in 2019.

A key focus has been on providing emotional, practical and financial support to victims and their families in the aftermath of crime.

April saw the launch of Victim Support Scotland's **Support for Families Bereaved by Crime** service which is providing dedicated support to families affected by murder or culpable homicide. This includes emotional support as well as advice on issues such as housing, finances and funerals. In the first six months the service has already supported over 40 individuals.

More recently, the **victim surcharge** was introduced in Scotland. Anyone who commits a crime from 25 November that results in a court fine will be charged an additional penalty – the victim surcharge. The money will be banked in the **Victim Surcharge Fund**.

Once the Fund has built up – which we forecast will be within six to 12 months' time - victim support organisations like Victim Support Scotland, Rape Crisis Scotland and Scottish Women's Aid will be able to apply to it. They will then be able to use the money to provide short-term and practical support such as new windows and locks for victims of house breaking or help towards funeral expenses for families bereaved by crime.

We have also undertaken public consultations in 2019, to help give victims more of a voice in the justice process.

It is clear from feedback from victims that they felt left out of the parole cases that impacted their lives. Our recently published consultation report on **Transforming Parole in Scotland** contains commitments to further involve victims in the parole process. This includes making provisions for victims to attend and participate in hearings, better information sharing and improved communication with victims. Work between Victim Support Scotland and the Scottish Prison Service has already focussed on some improvements to the **Victim Notification Scheme**, providing an opportunity for victims of life sentenced prisoners to make oral representations around temporary release.

We have also been consulting on extending the scope of the **Victim Statement Scheme** to provide more victims with the opportunity to tell the court how crime has impacted on them physically, emotionally and financially.

June 2019 saw the publication of a new action plan setting out how government and its partners can make **restorative justice** more widely available across Scotland by 2023.

Restorative justice is an entirely voluntary, facilitated process which enables the victim and offender to come together, and discuss the emotional, physical and practical impact the harm has had on their lives. Evidence suggests that participating in restorative justice can help reduce fear of re-victimisation and can improve symptoms of post-traumatic stress disorder.

Gender Based Violence

There has also been significant work done to improve the experiences of victims of gender based violence.

A key example of this is the **Domestic Abuse (Scotland) Act 2018**, which came into effect on Monday 1 April 2019. In the first six months since the legislation came into force, criminal proceedings using the new section 1 offence have been commenced by COPFS in over 330 cases with a number of convictions already recorded.

As part of assessing the impact of the new domestic abuse offence, SG statisticians will be gathering quantitative and qualitative data from cases recorded, including seeking feedback from victims and witnesses. COPFS has also been actively monitoring the implementation of the legislation and has provided information about the circumstances in which the new offence is being used, including the characteristics of those involved and the types of criminal behaviour that occurred as part of a course of conduct.

This new legislation has also provided an opportunity to facilitate work to explore where professionals in the justice system could be better supported to understand and support individuals who have suffered trauma. With the support of NHS Education for Scotland (NES), and in light of its Knowledge and Skills Framework for the Scottish Workforce on Transforming Psychological Trauma, over 14,000 police officers and support staff are undertaking **trauma-informed training** on the new legislation.

Similarly, all COPFS prosecutors, case preparers and VIA staff have received bespoke training on the new legislation. This complements the enhanced training on domestic abuse introduced by the National Procurator Fiscal for Domestic Abuse several years ago, with inputs from Scottish Women's Aid and SafeLives, which includes trauma-informed practice. Trauma-informed practice is also integral to other COPFS training, including training on sexual offending, evidential interviewing of children and victims and witnesses. COPFS is supported in training delivery by NES and a range of key agencies including Rape Crisis Scotland, and Children 1st. COPFS is currently in discussion with NES around additional opportunities and mechanisms to further improve trauma-informed training and practice within COPFS.

The Judicial Institute for Scotland oversaw **new training for all sheriffs and judges** including a module on trauma-informed practice and a bespoke trauma-informed training resource for solicitors and legal professionals, as part of their continued professional development, is in preparation.

In addition, a pilot project to visually **record rape complainers' statements** launched on 1 November. The pilot will involve police visually recording the witness statements of adult complainers in cases involving allegations of rape and attempted rape. This has the potential benefits of capturing the evidence at the outset of the investigation and, where possible, the recording will be used as their evidence-in-chief at the trial, avoiding the need for the complainer to attend at court and re-tell their story. It is intended that cross-examination of the complainer will also be conducted in advance of trial at an evidence by commissioner hearing, thereby removing the need for the complainer to attend at court for the trial.

The pilot is running in three areas of Scotland which have rural and city locations and is supported by government and run by operational partners, Police Scotland and COPFS. Rape Crisis Scotland will provide advocacy and support for victims who are part of the pilot.

In addition, the **Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill** was introduced to the Scottish Parliament on 26 November. The Bill provides a clear statutory duty for health boards to provide forensic medical services for victim of rape, sexual assault or child sexual abuse, recognising that access to appropriate healthcare and forensic medical services is vital, and will ensure that an individual's holistic healthcare needs are paramount.

The Bill also sets out provision for health boards to retain certain evidence from a forensic medical examination (which may support any future criminal investigation or prosecution), even if a victim does not wish to report the incident to the police or are undecided about doing so.

Improving the experience of child and vulnerable witnesses

A package of measures specifically aimed at improving the experience of child and vulnerable victims and witnesses is also being delivered. This includes the first phase of **implementation of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019**, starting with child witnesses in certain High Court proceedings.

This will ensure that, where child witnesses are due to give evidence in the most serious cases, they will be allowed to have it pre-recorded in advance of the trial.

There has also been investment in the **upgrade of facilities for child witnesses to give pre-recorded evidence**, including the launch in November of a new Scottish Courts and Tribunals Service Vulnerable Witness Evidence and Hearings Suite in Glasgow and upgrading of facilities and equipment for **Joint Investigative Interviews**. A joint project led by Police Scotland and Social Work Scotland is creating a revised model for Joint Investigative Interviews, including extensive training, which is both trauma informed and achieves best evidence through more robust planning and interview techniques.

Work is underway to develop and publish Scottish standards for the **Barnahus** concept and there is work in train to support the development of an **Equally Safe Multi-Agency Centre** in Edinburgh, bringing experts from child and adult protection, healthcare, police and social work together under one roof to provide wrap-around care for children, young people and adults who have been victims of sexual assault and other forms of abuse and neglect.

What Next?

A **vision** is emerging through the work of the five Victims Taskforce work streams – *for a victim centred, trauma informed and responsive justice system, in which justice agencies and the third sector work collaboratively to put the needs of victims at the forefront whilst ensuring the justice process operates efficiently and effectively.*

Work to date has demonstrated a recognition that the system must:

- Offer bespoke support, tailored to the needs of the individual;
- Provide for vulnerable victims and witnesses to give evidence away from the court setting;
- Support the taking of evidence at the earliest possible opportunity;
- Not require victims to constantly retell their story, but rather actively seek to reduce re-traumatisation;
- Ensure information is provided to victims and witnesses in an accessible and compassionate manner;
- Ensure the workforce understands the impact of trauma and how to respond.

The Taskforce must continue to work collaboratively to deliver this vision and we turn to you, as members, to shape our priorities for year two of the Victims Taskforce.

We would welcome your thoughts on the following questions:

- What are the next key steps in delivering this vision – what should our priorities be for 2020?
- What are the key challenges we face in delivering this vision?
- How can the Taskforce help organisations to overcome these challenges?

- Does the structure or working practices of the Taskforce or its work streams need to adapt to deliver/address these challenges?
- How should the changes that have already taken place, and those that are still required, be communicated?