

# Standards of Service for Victims and Witnesses

Annual Report

April 2015 – April 2016



CROWN OFFICE  
& PROCURATOR  
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

Scottish Courts  
and Tribunals Service



**SPS**  
SCOTTISH  
PRISON SERVICE



Parole Board for Scotland

## Contents

	<b>Page</b>
<b>Introduction</b>	<b>3</b>
<b>Common Standards</b>	<b>4</b>
<b>Standards and report - Police Scotland</b>	<b>6</b>
<b>Standards and report – Crown Office and Procurator Fiscal Service</b>	<b>9</b>
<b>Standards and report – Scottish Courts and Tribunals Service</b>	<b>13</b>
<b>Standards and report – Scottish Prison Service</b>	<b>18</b>
<b>Standards and report– Parole Board for Scotland</b>	<b>21</b>
<b>What to do if you are not happy with our service – How to complain</b>	<b>23</b>
<b>Taking the matter further – The Scottish Public Services Ombudsman</b>	<b>24</b>

## Introduction

Working together in partnership Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Courts and Tribunals Service, the Scottish Prison Service and the Parole Board for Scotland, established standards of service for victims and witnesses in April 2015. We have prepared this report so you can see how we have performed against these standards over the past year and any changes we intend to make and why.

Some of these standards apply to individual organisations, and some are shared by all.

We want to make it clear that those affected by crime are at the heart of the Scottish justice system.

The people who are affected by crime and involved in criminal proceedings should know that the criminal justice system is there for them and we want to make sure that their voice is heard.

The principles that victims and witnesses can look to are clear - they have the right to information about their case, their safety should be ensured, they should be supported and that they should be able to participate effectively.

## What has happened during the year from April 2015 to April 2016?

We have implemented changes within our organisations as a result of the Victims' Rights (Scotland) Regulations 2015. These changes have affected us all differently and where we think it will help you, we may incorporate some of these changes into our standards of service over the coming year.

## Where can I find the original Standards of Service document?

Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Courts and Tribunals Service, the Scottish Prison Service and the Parole Board for Scotland each play a part in the overall justice process. As such, you can find the original standards document on each of our websites and they are available in alternative formats if required.

The original document contains more information, including a flowchart, which sets out what you can expect from each organisation at each stage of the process if you are a victim of crime.

## The Standards of Service

**The Standards of Service are based on the main principles of the Victims and Witnesses (Scotland) Act, set out in Section 1. These are:**

- **That a victim or witness should be able to obtain information about what is happening in the investigation or proceedings;**
- **That the safety of a victim or witness should be ensured during and after the investigation and proceedings;**
- **That a victim or witness should have access to appropriate support during and after the investigation and proceedings; and**
- **That, in so far as it would be appropriate to do so, a victim or witness should be able to participate effectively in the investigation and proceedings**

**In relation to obtaining information you can also expect that:**

- You should have access to relevant information at an early stage and at appropriate points in the process. This should include information on procedures, your role in them (if any), reports on progress (giving an explanation of any delays) and outcomes of criminal proceedings, and where, if possible, you can get further information and assistance;
- You should be able to understand the information that is given to you. The language should be easy to understand and the information should be available in alternative languages or formats if required; and
- You should be told who to contact if you want to discuss the information that has been provided and anything you do not understand will be explained to you.

We have all written standards based on these principles. On the following pages, you can see the standards for each organisation, their reports against those standards and what their plans are for the coming year.

## Our Standards of Service and Annual Report

Being a victim of crime, or witnessing a crime, can be a very upsetting and difficult experience. We each appreciate this, and we will all:

- **Ensure you have fair and equal access to services throughout and are treated with dignity and respect at all times regardless of background, age, disability, gender, gender reassignment, race, nationality, religion, belief or sexual orientation. Where required, additional support will be provided and any reasonable adjustments made to ensure that you have access to information and support services;**
- **Work together and in partnership with victim and witness support organisations to ensure you are provided with the best service possible; and**
- **We will each ensure that we comply with our respective Complaints Policies details of which are found on the following pages.**

**We also implemented the following specific standards:**

## Police Scotland

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### Standards

- We will discuss with you how you will be kept informed of progress in your case; we will also explain how we will deal with your case and what we may ask you to do to help us.
- If you are a victim or witness, a person who has given a statement in relation to a crime, or a family member of a victim who has died as a result of a crime, you can make a request for information. When we receive your application, we will respond within 40 days.
- If you are a victim of one of [these crimes](#) you will have the option to let officers know whether you want a male or female officer to interview you. We will try to meet your request wherever possible.
- We will consider your particular needs to decide whether you are a vulnerable witness. We will then, with our partners, try to ensure your needs are met.

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### Report

**We will discuss with you how you will be kept informed of progress in your case; we will also explain how we will deal with your case and what we may ask you to do to help us.**

We are committed to keeping victims informed of progress in their case. To ensure we are getting things right for people, we conduct a monthly User Satisfaction Survey with a proportion of people who contact us. In this survey, those we speak to are asked to comment on whether they felt they were adequately informed about the progress made in their enquiry. These responses are monitored closely and improvements are instructed where any issues are identified.

We also now provide victims with a Victims' Care Card as soon as we can after a crime is reported. This records the basic elements of the crime or offence reported as well as the enquiry officer's contact details. The Victims' Care Card provides information on how to access victim support and the Scottish Government's Victim's Code.

**If you are a victim or witness, a person who has given a statement in relation to a crime or a family member of a victim who has died as a result of a crime, you can make a request for information. When they receive your application, we will respond within 40 days.**

Victims and witnesses can ask us why we are not investigating a crime or why we have stopped an investigation. We will tell victims this if the information is not held in confidence and is not considered inappropriate to disclose. As of 01 March 2016 we received 7 requests for information and responded to these within the timescales specified.

We have also created and published a protocol with Crown Office and Procurator Fiscal Service, Scottish Courts and Tribunals Service and Victim Support Scotland, *Working Together for Victims and Witnesses*, to ensure that victims and witnesses know where and from whom to get the right information at the right time. You can access this [protocol here](#).

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## Police Scotland - Standards

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If you are a victim of certain crimes ([here](#)) you will have the option to let officers know whether you want a male or female officer to interview you. We will try to meet your request wherever possible.

Between 30 April 2015 and 01 March 2016 we identified 31,061 victims of these crimes and 25,757 of them were given the opportunity to specify the gender of the interviewing officer. Where the victim was entitled to specify the gender of the interviewing officer but wasn't able to, these are the reasons why :

In 31 cases it would have been likely to prejudice the criminal investigation; and,

In 5273 cases it was not reasonably practicable<sup>1</sup>.

Over and above giving victims the choice of a male or female police officer, we are dedicated to fully supporting them and work closely with local and national partners to achieve this. In relation to the following crimes we commit to:

### Sexual Crime

- Review national training to ensure responses to reports of sexual crime are victim-focused.
- Monitor compliance with the Victim Strategy.
- Work in partnership with Rape Crisis Scotland to introduce the 'Support to Report' advocacy service across Scotland.
- Increase third party reporting mechanisms across Scotland.
- Challenge negative attitudes to sexual crime through joint partner campaigns and encourage confidence to report.

### Human Trafficking

- Develop measures to raise awareness and prevent labour exploitation within 'at risk' industries.
- Collaborate with European counterparts through Joint Investigation Teams.
- Ensure all National Recording Mechanism referrals result in a police Crime Report and associated investigation being raised.
- Implement a Human Trafficking and Exploitation Organisational Learning and Development process to identify good practice and improvement opportunities.
- Continue to develop sexual exploitation investigation guidance.
- Monitor 'off-street' prostitution activity and undertake local risk assessments focusing on threats and risks, proportionately prioritising enforcement activity.
- Engage with community representatives to create problem solving opportunities, while avoiding 'displacement only' options.
- Work with local and national statutory and non-governmental organisations to improve the safety and wellbeing of individuals and enable easier access to available support, including exit services.
- Endeavour to build trust and confidence by improving relationships with victims by encouraging the reporting of criminality directly to Police Scotland or via third party reporting mechanisms.

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<sup>1</sup> Of these cases, 1876 were found not to be a crime and an interviewing officer was not required.

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## Police Scotland - Standards

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### Domestic Abuse

We will reduce the harm caused by domestic abuse by supporting victims through targeting perpetrators, working with partners to better share information and implementing best practice. To do this we will:

- Use best practice to inform a guidance framework for staff, to ensure a consistent national approach.
- Improve the standard of domestic abuse prosecution reports sent to the Crown Office and Procurator Fiscal Service (COPFS).
- Engage with local stakeholders to proactively tackle domestic abuse perpetrators and increase victim safety.
- Develop a robust process to enable third sector organisations to securely share intelligence on domestic perpetrators.

We will also work with partners to ensure victims, or potential victims, have access to appropriate information to allow early identification of risk and increase safety. The Disclosure Scheme for Domestic Abuse Scotland (DSDAS) has now been launched and enables relevant information to be shared with certain people. This information allows those who may be at risk of domestic abuse to make an informed decision about whether or not to remain in a relationship.

**We will consider your particular needs to decide whether you are a vulnerable witness. We will then, with our partners, try to ensure your needs are met.**

We have amended our processes to ensure COPFS can identify child witnesses and deemed vulnerable witnesses. This ensures they have access to standard special measures in all relevant Sheriff and High Court hearings.

We will continue to develop and embed consistent processes and specialist staff skill sets across Scotland to identify wellbeing concerns and ensure adherence to established Child and Adult Protection processes. Where wellbeing concerns are identified, we will share relevant information to secure appropriate support.

### Our Standards of Service 2016 / 2017

We have implemented significant changes this year in terms of victim and witness care. We will continue to monitor the effectiveness of these changes and have reviewed our Standards of Service to ensure they meet the needs of victims and witnesses in 2016 and 2017. As a result, we will make the following addition to our standards of service:

**We will ensure you receive a Victim's Care Card if you are a victim of crime, this will provide you with the details of your enquiry officer, the crime you report and information on how you can access victim support and the Scottish Government's Victim's Code.**

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Crown Office and Procurator Fiscal Service - Standards

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## Crown Office and Procurator Fiscal Service (“COPFS”)

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### Standards

- We will treat you fairly and with respect, we will listen to you through our Complaints and Feedback Policy and the review of our decisions and we will communicate with you clearly and effectively;
- We will make sure that you have access to the relevant and appropriate information that you are entitled to and in situations where we cannot provide that information we will explain the reasons why;
- We will ensure that you are given the help you need to give evidence in court. We will assess your vulnerability, explain the special measures available to you under the law and when available apply for you to be supported with the appropriate special measures; and
- We will take decisions in cases reported to us in line with our [prosecution code](#) and continue to review the training needs of our staff to ensure that they have the appropriate skills.

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### Report

#### General

COPFS is responsible for the investigation, prosecution and disruption of crime and the seizing of proceeds of crime in Scotland, the investigation of deaths that require explanation and the investigation of allegations of criminal conduct by police officers. We work closely with our partners in the criminal justice system to help make Scotland a safer place.

The following outlines some of the work which has been done in the past year by COPFS in relation to the Standards of Service which have not been changed or modified in the past year.

**We will treat you fairly and with respect, we will listen to you through our Complaints and Feedback Policy and the review of our decisions and we will communicate with you clearly and effectively**

#### What we have done

We have updated our [Complaints and Feedback Policy](#) to make it clearer and easier to follow, including an easy read version. We have made progress in improving the quality of complaint responses, reducing legal jargon and terminology.

We have, since 30 April 2015, held a further Independent Review Panel regarding cases involving sexual offences and domestic abuse. This panel allows stakeholders to make recommendations for improvement based on the review and scrutiny of randomly selected cases and to raise awareness and understanding of the decision making processes within COPFS.

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## Crown Office and Procurator Fiscal Service - Standards

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In terms of the Victim and Witnesses (Scotland) Act 2014 and after consultation with stakeholders representing victims, we have published our Right to Review Policy which allows a victim to request a review of a decision by COPFS to take no proceedings.

We have together with Police Scotland, SCTS, Law Society of Scotland and the Scottish Legal Aid Board created a code of practice for Working with Interpreters and Provisions of Translations in the Scottish Criminal Justice System which contains guidelines for Interpreters and professionals within the criminal justice system dealing with interpreters.

### What we will do

COPFS will continue to be represented on the Working Group on Interpreting & Translation (WGIT) which aims to improve the quality of service around interpreting and translation. The work in the following year will include consideration of training requirements for interpreters and professionals working within the criminal justice system.

We will develop a new customer service strategy, built around the journey of the victim or witness through the justice system and the interactions with COPFS.

We will revise our website and other corporate materials using the feedback from victims and witnesses.

We will introduce a complaints toolkit to help our staff resolve the concerns of victims and witnesses without the need for formal complaints to be made.

We will continue to monitor that the policy and procedures agreed in the Joint Domestic Abuse Protocol with Police Scotland are adhered to.

**We will make sure that you have access to the relevant and appropriate information that you are entitled to and in situations where we cannot provide that information we will explain the reasons why;**

### What we have done

We have fully reviewed and amended the letters sent out by Victim Information and Advice Staff to victims and witnesses to ensure that we are communicating clearly and effectively. Letters will be created in a language and format nominated by the victim or witness. Consultation on these letters has been carried out with relevant stakeholders.

Together with Police Scotland and SCTS we created and published a protocol to ensure that victims and witnesses know where and from whom to get the right information at the right time. This protocol can be accessed [here](#), and an easy read version [here](#).

COPFS have for a number of years given information about case progress and, where appropriate, about our decision making. Our intention was that this should continue but we recognised that in addition to the informal routes already present, through staff at our Enquiry Point, VIA staff and other staff interacting with witnesses and victims, there needed to be a more formal route. This was created as part of the protocol. It was recognised that significant numbers of formal applications might indicate that the informal routes of information flow already in place were not working.

Since the protocol was published on 31 January 2015 COPFS have received 8 formal requests of which 4 appear to be the first time that the information had been requested. This is one positive indicator for

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## Crown Office and Procurator Fiscal Service - Standards

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COPFS that victims and witnesses are receiving the information they require without resorting to a formal application. The requests made have been for information which it is appropriate for COPFS to give.

In order to ensure that victims of summary crimes are advised of a decision to take no proceedings in a VIA category case we have piloted the provision of a VIA officer whose main duty is advising such victims of the decision by telephone or letter at the earliest opportunity

### What we will do

Implement the commitments set out in the charter for liaison with bereaved families where there is a deaths investigation. COPFS is working towards implementation by 1 September 2016.

Review and evaluate the Pilot referred to above.

Continue to monitor the formal requests for information and where appropriate take action to resolve difficulties where information is not being given without the necessity for a formal request.

**We will ensure that you are given the help you need to give evidence in court. We will assess your vulnerability, explain the special measures available to you under the law and when available apply for you to be supported with the appropriate special measures**

### What we have done

COPFS has published a [charter for liaison with bereaved families in deaths investigations](#). This makes clear how and when COPFS will communicate any information regarding case progress with bereaved families.

COPFS have amended the processes for interacting with vulnerable and deemed vulnerable witnesses to ensure that these are compliant with the terms of the Victim and Witnesses (Scotland) Act 2014. This means that child witnesses and deemed vulnerable witnesses will have access to standard special measures in all relevant Sheriff and High Court hearings. Children, deemed vulnerable witnesses and other witnesses with vulnerabilities, who wish further protection whilst giving evidence will be assessed and where appropriate other special measures will be applied for.

### What we will do

COPFS will continue working with partners in the criminal justice system to implement special measures in the Justice of the Peace Courts.

**We will take decisions in cases reported to us in line with our prosecution code and continue to review the training needs of our staff to ensure that they have the appropriate skills.**

Between 1 July and 29 February 2016 87 applications for a decision to review our decision have been made. A full analysis of these applications, the decisions made and the outcome of the review process will be carried out and published on an annual basis.

Prosecutors who deal with cases of children being abused in Institutions are to be given bespoke training. This training has been created and quality assured by stakeholders with expertise in this field. A pilot training course has been held, which was attended by 16 members of staff, including VIA officers, case preparers, Procurator Fiscal Deputies and Advocate Deputies. As a result of feedback refinements are being made to the course and thereafter further courses will be held, the first of which is scheduled for the end of March 2016.

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## Crown Office and Procurator Fiscal Service - Standards

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Since 2009 those staff within COPFS who prepare serious sexual offence cases must be trained and accredited. The training and accreditation process has been reviewed internally and with external stakeholders with a view to refreshed training and new accreditation processes being rolled out in the coming year. During this period of review staff continued to receive training in relevant areas, including the Sexual Offences core course, which was attended by 30 staff, and Evidential Interviewing of Children, which was attended by 16 staff.

In May 2015 COPFS rolled out new in-depth training for both legal and VIA staff on Domestic Abuse. In the period until 29 February 2016 63 legal staff and 73 VIA staff received this training. The training will continue to be provided to ensure all staff dealing directly with victims and witnesses in domestic cases have been trained in areas such as the typology and dynamics of abuse, our prosecution policies and addressing issues that arise in the presentation of these cases in court. We are also redeveloping our core Domestic Abuse Awareness course and will be introducing the new course in May 2016. We work closely with groups such as SafeLives, Scottish Women's Aid and the Police Service of Scotland in this area.

Stalking remains a key area for training, and in 2014 COPFS appointed national stalking leads and local stalking specialists. Since 2012 all COPFS staff dealing with stalking cases are required to attend face-to-face training as well as undertaking an eLearning course on stalking, including the dynamics and effects on victims, and this continues to be a requirement. This general training continues to be provided at least 4 times annually. In addition, in 2015-16 56 specialists received 2 days of training, overseen by the Solicitor General. The stalking training continues to be updated as required to keep it current and to ensure staff are fully prepared to deal with the challenges these cases can present and to provide a good service to victims.

### What we will do

Our Victims and Witnesses course remains under constant review and over 2015-16 closely followed the developments under the Victims and Witnesses (Scotland) Act 2014, ensuring staff had the most up to date position. This was supplemented by mandatory eLearning for all staff on the subjects of Victims' Rights to Review and Provision of Information. In the 2015-16 period 42 members of staff attended the face to face course. In the 2016-17 period this course will remain under review, with consideration of amendments now that the Act has been implemented.

COPFS remains dedicated to providing the best possible training to all staff, but especially our legal trainees and new deputies under our Trainee and Depute Accreditation programmes. We will be undertaking a review of both of these programmes to ensure they are equipping our staff to follow our prosecution policy and to allowing them to develop themselves as prosecutors.

We will consider new laws, and any further policies produced by COPFS, to develop appropriate training responses to ensure staff will have a variety of ways to learn and implement the policies. Where appropriate, we will amend existing courses, create new face to face courses, create eLearning packages, or utilise other appropriate training methods.

### The Standards of Service in the coming year

The year 2015/2016 has been a year of significant changes for the way in which the criminal justice system interacts with victims and witnesses with the implementation of the Act and the Regulations. COPFS will continue to monitor the effectiveness of the changes made and that the Standards of Service meet the needs of victims and witnesses. For the year 2016/17 COPFS is not intending to amend or modify the Standards of Service but has set out above some of the actions which will be carried out in the following year.

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**Scottish Courts and Tribunals Service - Standards**


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## Scottish Courts and Tribunals Service

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### Standards

- If you are a witness, we will update you on the progress of the court case at least once per hour and advise you when you can leave the court;
- We will provide separate waiting rooms for prosecution and defence witnesses, and access to refreshments;
- If you are entitled to give your evidence to court by live TV link, we will meet you on the day and explain the process for giving your evidence to court;
- We will respond to requests received on behalf of witnesses, for court familiarisation visits, within 3 working days of receipt; and
- If you want to know what support is available to you when you arrive at court, we will direct you to the Witness Service or other support services which are present in the court building.

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## Report

### General remarks

One of the central objectives of the Victim and Witnesses (Scotland) Act 2014 (“the 2014 Act”) is to improve the experience of victims and witnesses within the criminal justice system in Scotland. The Scottish Courts and Tribunals Service (“the SCTS”) is committed along with its justice partners to that aim, and strives to provide the necessary facilities and accommodation to meet the needs of victims and witnesses who are required to give evidence or to attend at a court building.

The 2014 Act significantly extended the availability of special measures to support giving evidence in court. This has resulted in a large increase in applications and notices for special measures, presenting additional challenges for justice agencies. January 2016 saw an almost threefold increase in the number of applications received for special measures in criminal cases over the same month last year. The principal increase in demand relates to applications for supporters and for the use of screens in court as indicated in the following tables.

#### All Solemn Special Measure Applications Received (High Court & Sheriff Court Solemn)

Special Measure- Application	2015												2016			2015 Total	2016 <sup>YTD</sup> Total <sup>1</sup>
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar		
Screens	71	54	71	87	76	79	84	99	74	112	74	58	93	122	99	939	314
Video between courts	8	15	10	8	10	15	18	10	1	14	13	6	11	7	7	128	25
Video remote	3	7	14	6	4	5	6	15	9	5	4	4	4	6	6	82	16
Supporter	106	93	112	110	93	103	117	137	96	154	99	82	141	168	136	1,302	445
Other Applications	3	4	0	5	2	1	2	2	2	2	4	7	4	8	18	34	30
<b>Total</b>	<b>204</b>	<b>192</b>	<b>218</b>	<b>224</b>	<b>190</b>	<b>210</b>	<b>232</b>	<b>281</b>	<b>191</b>	<b>303</b>	<b>200</b>	<b>172</b>	<b>260</b>	<b>319</b>	<b>280</b>	<b>2,617</b>	<b>859</b>

## Scottish Courts and Tribunals Service - Standards

### All Summary Special Measure Applications Received (Sheriff Court & JP Court Summary)

Special Measure- Application	2015												2016			2015	2016 <sup>YTD</sup>
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total	Total <sup>1</sup>
Video in court	66	62	68	62	61	59	58	71	63	70	66	69	107	76	72	775	255
Screens	275	206	270	217	207	226	232	285	224	528	648	772	1,027	1,171	1,140	4,090	3,338
Video between courts	15	3	12	3	12	9	21	25	6	19	9	9	21	11	14	143	46
Video remote	49	31	39	22	45	38	45	44	36	44	34	23	55	15	34	450	104
Supporter	384	289	379	287	314	315	329	393	338	641	743	913	1,276	1,350	1,314	5,325	3,940
Other Applications	1	13	9	4	3	5	5	9	9	24	30	29	50	53	39	141	142
<b>Total</b>	<b>790</b>	<b>604</b>	<b>777</b>	<b>595</b>	<b>642</b>	<b>652</b>	<b>690</b>	<b>827</b>	<b>676</b>	<b>1,326</b>	<b>1,530</b>	<b>1,815</b>	<b>2,536</b>	<b>2,676</b>	<b>2,613</b>	<b>10,924</b>	<b>7,825</b>

1. YTD 1 January 2016 – 31 March 2016

Source: Scottish Courts and Tribunals Management Information Reports. The Scottish Courts and Tribunals Service uses a live operational case management system for the processing of court business. The information held on the system is structured for these operational needs, rather than for statistical reporting or research purposes. The information provided is based on the best information available from the case management system as at 19 April 2016.

In preparation for commencement of the 2014 Act last year, the SCTS engaged with a number of third sector support organisations, both directly, and through the auspices of the Victim Organisations Collaboration Forum Scotland. The Forum also undertook a valuable consultative role in establishing the current agency standards reported on here. As part of that work, the SCTS entered into a joint training exercise with Victim Support Scotland to enhance awareness of the pressures and stresses victims face during their engagement with the justice system, and to better equip front line staff to recognise when additional support might be required when those concerned are present in the court environment.

### Individual standards

**If you are a witness, we will update you on the progress of the court case at least once per hour and advise you when you can leave the court;**

#### What we have done

The SCTS appreciates that attendance at court can be a stressful experience. To help alleviate some of the anxiety in waiting for the hearing, the SCTS has committed to providing regular updates on the progress of cases on an hourly basis. Additional efforts have been made across the court estate to help keep witnesses apprised of progress and potential delays. We are aware however that further improvements are needed. Comments received from witnesses, and their supporters, submitted through the SCTS Court Users' Survey 2015 indicate that in some areas updates could be more frequent.

#### What we will do

It can be difficult in particular cases to obtain accurate information relating to the likely remaining wait while the court is in progress. However, during the next reporting year, we will increase our efforts to engage with witnesses, at least on an hourly basis, to provide what information is available, to answer any questions, and to ensure that those waiting are comfortable and have access to any necessary support.

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## Scottish Courts and Tribunals Service - Standards

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**We will provide separate waiting rooms for prosecution and defence witnesses, and access to refreshments;**

### **What we have done**

SCTS makes every effort to make best use of available space and to make every court building a comfortable and safe environment for court users. We have undertaken to provide separate waiting rooms for crown and defence witnesses, and provision for this has been made at all court locations.

By doing so, we seek to mitigate against stress and possible intimidation of witnesses while they wait at court to give evidence. Being a public building, there however remains potential for witnesses and accused persons to come into contact with each other when entering or leaving the building or when using catering facilities or restaurants during breaks in the proceedings.

### **What we will do**

The SCTS Court Users' Survey 2015 suggested that, in some buildings, refreshments are not readily available. In many locations there are restaurants, vending machines, or access to other catering facilities. In smaller buildings, the lack of accommodation can restrict the availability of such services. In the coming year, SCTS will improve signage in each building regarding the facilities that exist within the building and when they are open. And, in all cases, we will ensure that all witnesses are provided access to fresh drinking water.

**If you are entitled to give your evidence to court by live TV link, we will meet you on the day and explain the process for giving your evidence to court;**

### **What we have done**

As well as having responsibility for securing suitable facilities for the giving of evidence to court by live TV link, the SCTS also requires to have members of staff present at the site to help manage the equipment and provide guidance and assistance to those vulnerable persons present. To accommodate increases in applications for the use of TV links following the commencement of the 2014 Act, the SCTS recruited and trained additional members of staff to attend at TV link facilities. Additional investment in recent years has also seen an increase in the number of available sites and an improvement in the quality of requisite video equipment.

### **What we will do**

We are monitoring the level of demand for live TV links closely, and will continue to do so over the course of the next reporting year, in order to determine that existing facilities remain sufficient to the level of demand, are fit for purpose, and that staff resource is effectively deployed to provide the necessary support and advice to those concerned.

## Scottish Courts and Tribunals Service - Standards

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**We will respond to requests received on behalf of witnesses, for court familiarisation visits, within 3 working days of receipt**

### **What we have done**

Emerging increases in the use of special measures has also resulted in an increase in demand for additional visits or familiarisation to help witnesses prepare themselves for the experience of giving evidence. Permitted special measures may include the use of live TV links or giving evidence in court from behind a screen, and it can be valuable to experience what this will look and feel like in advance. The SCTS recognises the importance of affording sufficient time to allow for familiarisation visits prior to the trial taking place, and to this end requests are currently responded to within 3 working days in order that suitable plans may be made.

### **What we will do**

In the next twelve months, SCTS will be exploring alternative methods of familiarisation with Witness Service colleagues, who facilitate the majority of familiarisation visits. This will include examining using available technology to support “virtual walkthroughs” of the facilities, where this may be preferred to personal attendance at a court building, or TV link facility.

**If you want to know what support is available to you when you arrive at court, we will direct you to the Witness Service or other support services which are present in the court building**

### **What we have done**

Many victims and witnesses will already have engaged with support services prior to attendance at court and some may be accompanied by supporters on the day. The SCTS recognises however that anxiety may only truly manifest itself once the pressures of the court appearance become a reality: it is important therefore that support can be provided immediately once needed. Specialist services, such as those provided by the Witness Service and ASSIST, are available at High Court and sheriff court sites.

### **What we will do**

Front line staff, including those manning court reception desks, work closely with support service colleagues and are familiar with support services available within the precincts of the court. Training provided by Victim Support Scotland has also enhanced ability to detect early tell tale signs that someone may need help. SCTS staff will accordingly continue to direct those in need to available services without delay.

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## Scottish Courts and Tribunals Service - Standards

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### Going Forward

As well as progressing initiatives emerging from the above Standards of Service in the next reporting year, the SCTS is also working with justice partners to explore the manner in which evidence is currently presented to court and how we might improve the experience of those involved in that process. The Evidence and Procedure Review – [Next Steps Report](#) was published by SCTS on 26 February 2016 and is available on the SCTS website. It follows on from the Evidence and Procedure Review [Report](#) published by the Scottish Court Service (as it then was) on 13 March 2015. The Review was chaired by Lord Carloway (then Lord Justice Clerk), who in 2013 had called for “clear-sky thinking” to help modernise trial procedures and the giving of evidence. The Review was intended to initiate that thinking by exploring the best way to ascertain the truth in the context of the criminal trial, given developments in new technology. The principal recommendation of the Next Steps Report promotes that, initially for solemn cases, there should be a systematic approach to the evidence of children or vulnerable witnesses in which it should be presumed that the evidence in chief of such a witness will be captured and presented at trial in pre-recorded form; and that the subsequent cross-examination of that witness will also, on application, be recorded in advance of trial. SCTS will be leading a multi-agency approach in taking forward the recommendations.

Another initiative which will look to improve the experience of witnesses will be in the design of future justice centres, starting with the creation of the first such facility in Inverness. Formal plans for the facility were announced in March 2016. One of the aims behind the creation of the centre is to enable a stronger community justice approach by co-locating justice partners and third sector organisations in the same building, and to offer specialist facilities and support for victims and witnesses of domestic abuse, sexual violence and child abuse as well as providing services for offenders. It is expected that the new centre will be open for business towards the end of 2018. Meetings have already been held with justice sector partners including Victim Support and CAB who have each confirmed interest in having a physical presence in the new development. Partners are also represented on the Justice Centre Users Group which has its inaugural meeting scheduled for April 2016.

### Standards of Service in the coming year

For the time being SCTS does not intend to alter its standards moving into year 2. We consider it is important to allow time for the standards to bed in, giving victims and witnesses and their supporting organisations the opportunity to become familiar with them and what to expect; and, we also consider it is important to allow a sufficient length of time to assess performance.

## Scottish Prison Service

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### Standards

- For those who have joined the Victim Notification Scheme (VNS), information that you are entitled to receive under section 16(3) of the Criminal Justice (Scotland) Act 2003 will be provided to you by the Scottish Prison Service (SPS) within 48 working hours. This consists of the following:
  - The date of the prisoner's release (other than being granted temporary release);
  - If the prisoner dies, his date of death;
  - If the prisoner has been transferred out of our custody;
  - That the prisoner is, for the first time, entitled to be considered for temporary release;
  - That the prisoner is unlawfully at large; or
  - That the prisoner who was released or was unlawfully at large has been returned to custody.
  - If you write to SPS about any matter concerning the Victim Notification Scheme, they will respond within 10 working days.
  - Where a telephone enquiry cannot be answered by SPS at the time, they will call you back within one working day.
- For those of you who have joined the Victim Notification Scheme, and have expressed a desire to make representations in relation to licence conditions under section 17 of the Criminal Justice (Scotland) Act 2003, SPS will write to you no less than 2 weeks before any decision will be taken for release:
  - On Home Detention Curfew; or
  - On the first occasion that the prisoner is considered for temporary release.

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## Report

### General

The Scottish Prison Service (SPS) is an agency of the Scottish Government and was established in April 1993. There are 13 publicly managed prisons and 2 privately managed prisons (HMP Kilmarnock and HMP Addiewell).

### Learning

In the past year we have sought to embed the recording and analysis systems for the Standards of Service which has been both informative and challenging. We have sought to record data to demonstrate that the Standards are being met and that we are meeting the needs and expectations of victims. The recording of the data that we considered would assist in evidencing delivery of the Standards has not been as consistent as we would have hoped and as a consequence the quality of the data we have captured could be better. The processes we have put in place therefore require to be revisited to ensure that they are less burdensome. We have considered how we might evidence compliance with our Standards going

## Scottish Prison Service - Standards

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forward. We are considering whether we should record some information by exception, such as when we do not provide information within 2 working days, and some information by targeted recording over a defined period, such as recording of telephone calls over two separate months. We consider that this approach could provide a more workable and equally informative approach to evidencing that the Standards of Service are contributing to the quality of experience and service that victims receive from the Scottish Prison Service.

### Common Standards of Service

There are a number of common standards of service for the agencies and these are set out earlier in the document.

### Complaints

The Scottish Prison Service received five complaints. The complaints were acknowledged within 3 working days and a response provided with 15 working days. The complaints did not concern the service provided by the SPS in relation to the Victim Notification Scheme but rather the decisions to release prisoners, either temporarily or on Home Detention Curfew. It is acknowledged that such decisions create significant anxiety in victims and the SPS consider that more support requires to be offered to victims at this key time. We will continue to raise this matter with key victim's organisations to explore whether, and if so how victims can be better supported at this time.

### Request for Information in alternative format/language

There was one request for information in an alternative format/language and this was provided.

## SPS Standards of Service

### Context

The SPS is legally required to deliver custodial and rehabilitation services for those sent to it by the courts. It achieves this by ensuring delivery of secure custody, safe and ordered prisons, decent standards of care and opportunities for prisoners to develop in a way that help them reintegrate into the community on release. This includes unescorted access to the community which many victims find difficult for understandable reasons. The SPS is acutely aware of this difficulty and we will continue to ensure that victim's views are taken into account when making such decisions.

There are currently 2283 victims registered with the Victim Notification Scheme. 1124 victims are registered against long term prisoners (sentenced to more than 4 years), 786 victims registered against life sentence prisoners and 371 victims registered against short term prisoners (those serving between 18months but less than 4 years).

The SPS estimates that around 1600 application forms were issued to victims in the past year. Around 350 applications were received in the year. This represents around 22%. The number of applications received by SPS is therefore small when compared to the number issued. Care should be taken when considering these figures as victims may choose to join the Victim Notification Scheme some time after the perpetrator of the crime has been convicted and sentenced however it is reasonable to conclude that not all victims seek information. In our engagement with victims organisations we will seek to explore how we

## Scottish Prison Service - Standards

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might support and encourage victims to exercise their rights to receive information. The data captured shows how we complied with our standards.

### Written Enquiries

We recorded that 44 written enquiries were received and all were issued with a response within 5 days of receipt.

### Provision of Information

We recorded that more than 1400 letters were issued to victims providing information. All were issued within 48 hours of the circumstance in which the right to receive information arose. All letters are sent to victims by courier to ensure that communications are received securely and at the earliest opportunity. A signature is required upon delivery. A number of letters that are sent to victims are returned as undeliverable. In certain circumstances we make further attempts to ensure that the victim receives the information, such as sending the letter again. The SPS currently has 76 victims with whom we cannot provide information. This may be because the registered victim has moved address, no longer wishes to receive information or the attempts to deliver the information have failed. We will consult with key victim's organisations in the year ahead to explore how we might address this matter.

### Representations

A total of 41 letters were issued to victims who had expressed a desire to make representations about the release, either temporary or on home detention curfew, of an offender. On six occasions these letters were not issued within 10 days of the date that a decision was to be taken. In the majority of cases, the decision was deferred to allow the victims representations to be fully considered. Where this did not happen we engaged with the prison concerned to ensure that awareness was increased as to this right of victims. In reviewing these cases a further contributory factor was identified was that this provision had only recently come into force. A greater understanding now exists amongst those making decisions about the release of an offender and there have been no incidents since the summer of 2015.

### Telephone Enquiries

More than 200 enquiries were received by telephone. All enquiries were responded to within one day with the majority able to be dealt with at the time of the call. A number of enquiries were received from victims who had not registered with the Scheme. This results in a delay for the victim in receiving information whilst the application process is completed.

### Modification of Standards of Service

There has been no modification of the Standards of Service during the preceding year and they have not been subject to a review. This is because the Victim and Witnesses (Scotland) Act 2014 was amended by the Victims' Rights (Scotland) Regulations 2015 and therefore only fully implemented on 23 December 2015. In light of this, the SPS consider that a review of the Standards would be premature. We require to review our data collection systems to ensure that we can best evidence compliance with the current Standards. We do not intend to modify the present Standards of Service for this coming year but we will engage with key victim's organisations to seek their views to inform any revised Standards for 2017-2018.

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Parole Board for Scotland - Standards

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## Parole Board for Scotland

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### Standards

- If you are registered for part 2 of the Victim Notification Scheme, we will take account of your representations alongside other relevant information when deciding whether to approve release. Victim Support Scotland may be able to help you prepare your representations (contact number 0345 603 9213);
- If you are registered for part 2 of the Victim Notification Scheme, we will tell you when the Parole Board has made its decision. You will be offered the option of being told by telephone and, if release is granted, we will tell you about any licence conditions that are relevant to you. If you prefer to receive a letter, we will send this by 1<sup>st</sup> class post within 1 day of the Parole Board's decision;
- If you are registered for part 2 of the Victim Notification Scheme, we will give you the opportunity, where the prisoner has been given a life sentence, of making your representations in person to a member of the Parole Board (the Parole Board member will not be part of the Tribunal considering the prisoner's case). Please note that the meeting with the member of the Parole Board will normally take place between 12 and 8 weeks before the date set for the Tribunal and will not normally be at your home. The meeting will be at a time that is suitable for you;
- We will answer your letters, emails or telephone calls promptly. We will answer your letters or emails within 7 working days. If we are not able to fully answer your telephone enquiry at the time of your call, we will arrange to call you back; and
- We will normally contact you by letter clearly stating why we are contacting you and, if there is any action that we need you to take, we will set that out clearly. If we need to contact you by telephone, we will check that it is convenient for you to discuss the matter and we will explain why we are contacting you and, if there is any action that we need you to take, we will tell you what that is and why it is required.

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## Report

### General

In some criminal cases, victims have a right to receive information about the release of an offender. They may also have a right to be told when the offender is being considered for release and to make written representations about the release of the offender.

The process that allows victims to be told about an offender's release and to make representations is known as the Victim Notification Scheme, or VNS.

## Parole Board for Scotland - Standards

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The VNS is in two parts, the first part allows victims to receive information about an offender's release. The second part allows victims to make representations to the Parole Board in advance of an offender being considered for release. The Board will consider these representations along with other information on the offender's case before reaching a decision.

The following provides information on what the Board has achieved in relation to the Standards of Service.

### What we have done

We have updated our processes to ensure that VNS part 2 letters are issued in accordance with the Standards of Service. If requested, then we will also phone with the Parole Board's decision. The Board will also communicate with a victim by email if they have stated that they are happy to do so.

Following implementation of the Victim and Witnesses Act 2014, we have met with 16 victims of life sentence prisoners to receive representations. In total, there have been 22 meetings held and the majority of these have taken place in Victim Support Scotland (VSS) offices. One victim wished to give their representations by telephone. All of these meetings were held within 8 – 12 weeks of the prisoner's Tribunal subject to the date of the victim making initial contact with the Board to request a meeting.

This has been a new service offering from the Board, and apart from making meeting arrangements based on the victims' needs, it is also responsible for preparing a draft victim statement following the meeting and agreeing it with the victim before it's put in the prisoner's dossier.

### What we will do

We will continue to review our methods of communication to ensure that they are fit for purpose.

We will continue to develop our approach to receiving oral representations based on experience and feedback from victims and VSS. The format of the interview statement will be reviewed by Board members to ensure consistency.

We will enhance our Casework Management System to improve our management information on victim service delivery.

We will look at further victim specific training for Board members and its staff.

## What to do if you are not happy with our standard of service

### How to complain

Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Courts and Tribunals Service, the Scottish Prison Service and the Parole Board for Scotland, are committed to delivering the highest standards of service to you. We know that sometimes things go wrong and we will try to put things right if that happens. If you are not happy with the service you have received from one of these organisations, it is important that you let them know.

If the matter cannot be resolved, you should be offered information about the relevant complaints procedure, so that you can raise your concerns formally. Your complaint will be taken seriously and will be dealt with quickly and effectively, you should be able to complain without fear of victimisation.

**Details of where to make a complaint for each organisation are found below:**

### **POLICE SCOTLAND**

[www.scotland.police.uk](http://www.scotland.police.uk)

- Complete our online complaint form;
- Write to  
Professional Standards Department  
Police Headquarters Scotland  
P.O. Box 21184  
Alloa, FK10 9DE;
- Dial 101 and make a report of your complaint over the telephone; or
- Attend at a police station in person.

### **THE SCOTTISH COURTS AND TRIBUNALS SERVICE**

[www.scotcourtribunals.gov.uk](http://www.scotcourtribunals.gov.uk)

Our complaints procedure sets out how we will investigate and deal with your complaint and the timescales involved. The complaints procedure can be accessed:

- by clicking the Complaints and Feedback link on the home page of the SCTS website (above), or
- by requesting a copy from your local court.

### **CROWN OFFICE AND PROCURATOR FISCAL SERVICE**

[www.copfs.gov.uk/about-us/comments-complaints](http://www.copfs.gov.uk/about-us/comments-complaints)

You can email [RIU@copfs.gsi.gov.uk](mailto:RIU@copfs.gsi.gov.uk) or write to:

Response and Information Unit  
Crown Office and Procurator Fiscal Service  
25 Chambers Street  
Edinburgh EH1 1LA

From a landline, you can phone 0844 561 3000

From a mobile, you can phone 01389 739 557

### **SCOTTISH PRISON SERVICE**

[www.sps.gov.uk](http://www.sps.gov.uk)

- In person to the VNS Department at the SPS;
- By phone: 01312448745;
- By writing to:  
Victim Notification Scheme  
Room G14  
Calton House  
Edinburgh EH12 9HW; or

- By e-mail to [vns@sps.pnn.gov.uk](mailto:vns@sps.pnn.gov.uk)

Please make it clear that you want the matter to be treated as a complaint. It will help us if you give as much background information as you can, for example why you are dissatisfied and your VNS reference number.

### **THE PAROLE BOARD FOR SCOTLAND**

[www.scottishparoleboard.gov.uk](http://www.scottishparoleboard.gov.uk)

You can either write to the Chief Executive at the address on our letter or telephone on the phone number on our letter. We will acknowledge your complaint within 3 working days and will normally discuss the matter with you before writing to you within 20 working days to let you know the outcome.

You can find out how to make a formal complaint here.

### **Taking the matter further**

If you consider that Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Court Service, the Scottish Prison Service or the Parole Board for Scotland have not dealt with your complaint satisfactorily, you can ask the Scottish Public Services Ombudsman to adjudicate. You can contact them by telephoning 0800 377 7330 or at the following address:

SPSO,  
Freepost EH641,  
Edinburgh EH3 0BR.

### **Who you can contact for support or advice**

You can find further support, advice and guidance for victims and witnesses here:

<http://www.mygov.scot/victim-witness-support>

This document has been prepared by Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Courts and Tribunals Service, the Scottish Prison Service and the Parole Board for Scotland working in partnership.

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