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# Standards of Service for Victims and Witnesses

Annual Report 2022-23



CROWN OFFICE  
& PROCURATOR  
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

Scottish Courts  
and Tribunals Service



**SPS**  
SCOTTISH  
PRISON SERVICE



# Standards of Service for Victims and Witnesses Annual Report 2022-23

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# Introduction

The Victims and Witnesses (Scotland) Act 2014 sought to improve the support available to victims and witnesses in the criminal justice system. One of the duties the Act placed on organisations within the criminal justice system was to set clear standards of service for victims and witnesses.

Those organisations are Police Scotland, Crown Office and Procurator Fiscal Service, Scottish Courts and Tribunals Service, Scottish Prison Service and Parole Board for Scotland (justice partners).

Each justice partner is responsible for setting their own standards of service and reporting on them. However, we have worked collaboratively from the outset to publish a joint annual report on our performance against the standards.

The following report focuses on the steps taken by each organisation to help victims and witnesses feel supported, safe and informed at every stage of the process. The report demonstrates the commitment of partners to ensure that the standards set continue to be met, challenged and reviewed; and where we haven't met those standards, we have explained why.

Working collaboratively, and with the Scottish Government, we remain committed to putting the rights of victims and witnesses at the heart of Scotland's justice system, to improving their experiences and ensuring they have access to the right support, advice and information at the right times.

We know there are challenges that still need to be addressed. Whilst major milestones have been reached, efforts are ongoing to make further improvements. The desire to do more and willingness to do things differently is evident in our continued work in partnership with the Victims Organisations Collaboration Forum Scotland (VOCFS) to better understand the needs of victims and witnesses and our role in helping to meet those needs.

Justice partners have continued to be represented on the Victims Taskforce which was established in 2018 to improve support, advice and information for victims of crime. The Taskforce consists of a wide representation of senior decision-makers from justice agencies, academia, the legal profession, and the voluntary sector, including direct representation of victims.

Being a witness or victim of crime means that you are likely to have contact with a number of different organisations and individuals who work within the Scottish criminal justice system. Some of these organisations and people will provide a service directly to you, such as the provision of information or support, and others will have contact with you because of your involvement in a court case. We want to make sure that you have knowledge of your rights, are able to exercise them and that you are treated fairly.

To achieve our shared vision of placing those affected by crime firmly at the heart of the Scottish justice system, we know it is crucial that victims and witnesses are supported in their journey. This in turn enables victims and witnesses to participate effectively, allowing their voices to be heard.

## **What has happened during the year from April 2022 to April 2023?**

The following pages set out how we have continued to embed the Standards of Service during the past year and the plans we have for the continued development of services in support of victims and witnesses heading into 2023–24. We are grateful to the members of VOCFS and victim support organisations for their continued support and for their valuable feedback on the Standards of Service.

## **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. You will find the original standards document on each of our websites. It can be made 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 justice process if you are a victim of crime.

# Police Scotland



## Report- General

Police Scotland's main purpose is improving the safety and wellbeing of people, places and communities through high quality operational policing and working alongside our partners. There are 13 local policing divisions supported by national divisions and each of them are committed to keeping the communities in which they serve safe.

Victims and witnesses can experience a wide range of emotions as a result of crime. When a person who has little experience of the criminal justice process is trying to navigate it, this can cause additional, unnecessary stress and confusion. Police Scotland recognises victims and witnesses rely on officers and police staff to provide them with information on their rights, which includes accessing support services, and it is essential that we get this right.

We continue to work closely with our criminal justice partners to identify areas which need to be prioritised. This includes improving the rights, support, protection and participation of victims and witnesses within a streamlined and cohesive criminal justice process.

The following information summarises what has been done in the past year by Police Scotland in relation to the standards of service commitments.

**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.**

Throughout an investigation we have a duty to maintain regular contact with victims to keep them updated on the progress of their case. This is reinforced to our operational officers within our Standard Operating Procedures (SOPs) and through internal communications which include mandatory daily briefings.

Every month Police Scotland conduct an external, quality-assured, "user experience survey" for local policing. This survey is intended to capture the experiences of individuals who have engaged with Police Scotland to report an incident or crime. The survey enables the service to understand people's experiences throughout their journey, from first point of contact through officer engagement and overall reflections.

Around 14,000 individuals who have contacted police to report a low-level crime or policing incident are invited each month to participate in this survey, this includes telephone (101/999), web based and police station public counter contact. The survey is conducted by an independent market research agency – Progressive Partnership Ltd. Progressive send text messages with a web link to individuals from the above sample. Around 2,000 people take part each month and

the results and insights are reported locally to all 13 local policing divisions, national divisions such as Contact, Command and Control Division (C3) and to the Police Scotland Executive via the Strategic Leadership Board and the Public Confidence Governance Board.

The below table illustrates the questions asked in the survey and the survey results for April 2022 to March 2023;

Question	April 2022 – March 2023
How easy or difficult was it to contact Police Scotland? (Easy & very easy)	72%
During the initial contact how satisfied are you with the way you were treated by the staff member? (Satisfied & very satisfied)	84%
Did you feel staff properly understood what you needed? (Yes)	86%
Do you feel that the police provided the appropriate response to the incident you reported? (Yes)	63%
How satisfied are you with the way you were treated by the officers who attended the incident? (Satisfied & very satisfied)	81%
Were you adequately informed about the progress of the incident you reported? (Yes)	49%
Based on your overall experience, how satisfied are you with Police Scotland? (Satisfied & very satisfied)	68%

These results are collated monthly by Progressive Partnership Ltd and shared with the Police Scotland Research and Insights team. These results are monitored on an on-going basis and insights are used to drive service improvement as set out in the section above. The User Experience Survey and rich data and insight it provides enable the service to respond to emerging trends, identifying areas of focus on people and outcomes.

As part of this survey, individuals are asked to indicate whether they had been adequately informed about the progress made on their reported incident. In 2022–2023 49% of those surveyed stated they had been adequately informed. In recognition of this, updates have now been made to the new national crime system to remind officers to keep people updated. In addition, a new mechanism was launched in May 2023 inviting victim survivors of domestic abuse and sexual crime to provide anonymous feedback on the service they received. Telling us where we could do better will help us drive change and help future victims.

Police Scotland has carried out a number of meaningful engagement and research programmes with victims and advocate organisations around issues such as Violence against Women and Girls (VAWG) and police use of Body Worn Video (BWV). These findings are incorporated in service design and strategy development, including the new **Violence against Women and Girls Strategy** which was approved by Scottish Police Authority Board on 23 March 2023.

Criminal Justice Services Division (CJSD) are working with partners through a number of support and diversionary projects. These set out to gather lived experience of those in custody centres and use referral frameworks to meaningfully involve families in decision making processes resulting in better personal and community outcomes.

Attention is also being given to how we understand the experience of people who have been subjected to major crime including domestic abuse and violence, using trauma informed approaches to guide the design and working with people with lived experience.

The Victims and Witness Care National Guidance and Domestic Abuse (DA) SOP outline responsibilities for all officers/staff roles in respect of victims and witnesses. This includes keeping victims informed of the progress of their case, offering referrals to victim support services and issuing Victim Care Cards (VCC). DA training reinforces the guidance and victim care standards. This is being reinforced and included in the new national crime system. The introduction of this system commenced at the end of 2021 and the roll-out to all Divisions will continue throughout 2023.

In relation to human trafficking, a specialist role, that of the victim navigator, serves to act as a bridge between victims and law enforcement. The navigator role manages victim support and offers strategic advice to officers where possible regarding potential trafficking cases. Being independent, the navigator role can provide advocacy to victims, help them navigate and access the right services and correct benefits and signpost them to other local or national support providers.

Sexual Offences Liaison Officers (SOLO) maintain contact logs with victims to ensure that all contact is appropriately recorded and can be routinely subject to governance.

It is the responsibility of individual officers, supported by their supervisors, to provide the highest possible standard of service to our communities. This includes providing regular updates regarding criminal investigations.

**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.**

This standard is embedded into practices and procedures. Victims and witnesses will be provided with this information, as long as it is not held in confidence and not considered inappropriate to disclose.

**If you are a victim of either a sexual offence, trafficking for sexual exploitation for prostitution, trafficking for exploitation, domestic abuse or stalking, Honour Based Abuse (HBA), Female Genital Mutilation (FGM) or Forced Marriage, 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.**

The option for victims of sexual crime, rape, prostitution, trafficking and exploitation to choose where possible the gender of the interviewing officer has been embedded within Police Scotland for a number of years.

The Initial Briefing Report (IBR) police complete when first responding to these victims clearly outlines this process and is designed to record the preferred gender chosen by victims. All staff within Divisional Rape Investigation Units (DRIU) and Human Trafficking Units (HTU) are well aware of this embedded process, which supports a victim centred approach to these types of crimes.



Police Scotland have an ongoing work stream with the focus to explore all opportunities to enhance the understanding of call centre staff in relation to specialist crime. This is to ensure victims receive the best service from first-contact.

Our specialists within Domestic Abuse Investigation Units (DAIU) and Domestic Abuse Task Force (DATF) are made up of a sufficient number of male and female officers to enable the standards set in Section 8 of the Victims and Witnesses (Scotland) Act 2014, to be met. Over and above giving victims the choice of a female or male police interviewing officer, we continue to be dedicated to fully supporting them, which includes working closely with our partners to achieve this.

Following engagement with victim/survivor groups, good practice has been developed whereby the preferred gender of any translator/interpreter is accommodated where possible.

**To assess your requirements as a witness, we will consider, with our partners, your particular needs and try to ensure those needs are met.**

Police Scotland triage, assess and share relevant, necessary, justifiable and proportionate information with partners through divisional concern hubs, to ensure secure appropriate intervention or support is delivered in compliance with statutory requirements, national guidance and UK General Data Protection Regulations (UK-GDPR).

As part of continuous improvements to the interim Vulnerable Persons Database (iVPD), a new upgrade will better highlight the types of concerns / relevant offences which require consideration of the gender of the interviewing officer.

Further developments are planned to improve how this data is displayed within iVPD as part of a future upgrade, scheduled for release late 2023.

A review and internal consultation for the investigation of forced marriage has been completed by Police Scotland and the Crown Office and Procurator Fiscal Service (COPFS). In autumn of 2022 'The Investigation, Reporting and Prosecution of Offences of Forced Marriage or with a Background of Forced Marriage – Joint Guidance Document', was published. The guidance highlights best practice to safeguard persons affected by Force Marriage, meeting their needs while carrying out investigations.

Police Scotland has delivered two programmes to provide guidance on the support available to vulnerable witnesses within the deaf community and for those whose first language is not English.

Police Scotland, working with Hemat Gryffe, developed a foreign nationals video to provide details of women's rights on entering Scotland and the protection they are afforded in law was translated into 12 languages: English (available with or without subtitles), Urdu, Arabic, Punjabi, Mandarin, Hindi, Russian, Ukrainian, Polish, Bengali and British Sign Language. The number of languages can however be increased should additional languages be considered necessary.



### **National Joint Investigative Interview Team - Scottish Child Interview Model**

Police Scotland and Social Work Scotland continue to work in partnership with the Convention of Scottish Local Authorities (COSLA), the Scottish Government, COPFS and the Scottish Children's Reporter Administration (SCRA) to take forward recommendations of the Evidence and Procedure Review to improve the quality and consistency of Joint Investigative Interviews (JIIs) of children with the aim of this being used as 'evidence in chief' and remove the need for children to give evidence within court.

The National Joint Investigative Interview Team (NJII), made up of experienced police officers and social workers continues to work with local partnerships across Scotland to adopt and implement the Scottish Child Interview Model (SCIM) by March 2024. The model sets the standards for JIIs, supported by a trauma informed framework to ensure best practice is used to secure best evidence for court purposes to reduce the potential of further trauma for child victims and witnesses.

A strong focus of the training programme involves effective planning and preparation to meet individual needs of any child being interviewed. The programme itself continues to be delivered in a phased approach across Scotland with key stakeholders committed to robust quality assurance and evaluation processes to ensure high standards of interview are maintained, embedded with a culture of learning and continuous improvement.

Police Scotland, Social Work Scotland and COSLA are collaborating to consider succession planning post-March 2024.

### **National Guidance for Child Protection in Scotland 2021**

The revised National Guidance for Child Protection in Scotland was published in September 2021, outlining how agencies should work together with parents, carers, families and communities to prevent harm and protect children from harm caused by abuse and neglect. It aims to provide a national framework for services and local inter-agency forums. The ongoing implementation of the guidance has represented an evolutionary change to practice for Police Scotland.

The guidance integrates Child Protection within the Getting it right for every child (GIRFEC) continuum, whilst recognising the future change, development and improvement to the Child Protection System that will come from incorporation of the United Nations Convention on the Rights of the Child (UNCRC), The Age of Criminal Responsibility legislation, The Promise and the implementation of the Scottish Child Interview Model.

The guidance builds on evidence and well established single and multi-agency practice. A significant change, in line with the principles of UNCRC is the age of a child now being defined as a child or young person up to the age of 18 years old. The revised guidance identifies Inter-Agency Referral Discussion (IRD) practice as the 'cornerstone' of the child protection system. The guidance aims to provide consistency to the instigation of this formal process of information sharing, assessment, analysis and decision-making following reported concern about abuse or neglect of a child or young person up to the age of 18 years.

Police Scotland continues to participate in multi-agency work streams to support the steady implementation of the National Child Protection Guidance across Scotland by collectively reviewing and improving existing procedures and practice.

## **Barnahus or ‘Bairns’ Hoose’**

Scottish Government continues to work towards the implementation of a Barnahus Model in Scotland. The vision of this is to provide all children in Scotland who have been victims or witnesses to abuse or violence to trauma-informed recovery, support and justice. This also applies to children under the age of criminal responsibility whose behaviour has caused significant harm or abuse.

Healthcare Improvement Scotland (HIS) and the Care Inspectorate are leading on the development of this set of standards to introduce a Barnahus style model in Scotland, ‘The Bairns’ Hoose’. Police Scotland participate in a number of multi-agency forums, including the Bairns’ Hoose Standards Development Group. The remit of the group is to contribute to the development of a set of standards drafted by HIS and the Care Inspectorate, which are close to finalisation in support of the Scottish Government’s commitment of delivery by 2025.

## **Multi-Agency Response to Sudden and Unexpected Infant Death**

Child death Senior Investigating Officers (SIO) from Police Scotland will actively participate in national child death learning reviews across the country, to improve the multi-agency response to child death, positively influencing experiences for bereaved families, ensuring every death of a child in Scotland is subject to a quality review through a consistent process.

## **Tackling Online Child Sexual Abuse and Exploitation**

We continue to enhance our proactive partnership approach to Online Child Sexual Abuse and Exploitation OCSAE via the Police Scotland led Multi-Agency Preventing OCSAE Group by promoting a culture of cooperation and sharing of new developments and learning. This group has helped build new relationships, not least of all with the Ofcom Scotland team, who we are working closely with to develop process and agreement in anticipation of the online safety bill.

The development of the Police Scotland Victim Identification (VID) team has reformed our approach in dealing with recovered OCSAE media, ensuring we maximise opportunities to protect children and prevent their re-victimisation. The VID team provide a specialist investigative support to OCSAE investigations throughout Scotland to ensure each victim contained in imagery is identified where the opportunity exists, supported by the delivery of a local policing education strategy.

Year to date figures between 2021 and 2023 demonstrate that the VID team has more than doubled their input to OCSAE investigations across Scotland, witnessing a 53% year to date of victims referred to the National Crime Agency (NCA) and a significant increase of submission of victim images to the national Child Abuse Image Database (CAID).

On a wider spectrum, officers work closely with law enforcement agencies and partners across the UK to support ongoing national investigations and the exchange of necessary information in a bid to remove harmful content of children from the World Wide Web. We continue to increase our understanding of victim identification by proactively engaging in innovative development opportunities internally and externally by improving processes in conjunction with our UK partners and the Home Office CAID team.

## Adult Survivors of Childhood Abuse

Police Scotland continually strives to enhance survivor engagement and associated partnership collaboration with a view to gaining further in-depth understanding and feedback across the survivor network, allowing us to reach out to communities across Scotland, removing barriers to reporting to police and increasing public confidence to report.

Police Scotland has created an information leaflet for adult survivors of childhood abuse. Following feedback, this leaflet was updated in 2022 and continues to be well received by survivors and survivor support organisations. The leaflet provides information about reporting childhood abuse to police and the subsequent criminal justice process as well as signposting support services.

In addition, Police Scotland's website includes advice and information for adult survivors of child abuse, incorporating an information for adult survivors of child abuse video, which was developed in consultation with survivors, survivor support services and key stakeholders.

Operation Forseti continues to represent Police Scotland at survivor support events across Scotland and regularly engages in presentations to partners and survivor support services.

## Domestic Abuse

We will ensure that victims of gender-based violence and DA are safer and confident that Police Scotland are responsive to their needs.

The three-tiered approach to the policing of DA implemented by Police Scotland has victims and witnesses at the core. The approach, which helps define the expected policing response to domestic abuse, is clearly laid out in national guidance contained in the DA Investigation SOP and Toolkit and is also illustrated on intranet pages for the information of all police officers and staff. Defined responsibilities for all police officers/staff roles in respect of victims and witnesses including keeping complainers informed of the progress of their case, as well as referring victims to victim support and advocacy services and issuing victim care cards, is included in that guidance and reinforced in relevant DA training.

### What we have done

- Equipped police officers and staff with the training to effectively target perpetrators
- Supported rehabilitation and behaviour change programmes to reduce re-offending
- Improved support to victims (including expansion of the victim notification process)
- Evaluated the Disclosure Scheme for Domestic Abuse Scotland (DSDAS) to improve protection

Effective delivery of the 3-Tiered approach is supported by a cadre of bespoke and embedded domestic abuse training, to ensure domestic abuse victims across Scotland receive a police response tailored to the particular circumstances of their case. We ensure all our training is underpinned by lived experience accounts through the use of a number of case studies and input from partner agencies, which shapes the learning.

We have invested in delivery of training to over 14,000 of our officers and staff to support implementation of the Domestic Abuse (Scotland) Act 2018. A pioneering training programme 'Domestic Abuse Matters (Scotland)' has been designed and gives guidance on the practical

issues like evidence gathering and reporting of coercive and controlling behaviours. Specifically, it has advanced knowledge of the dynamics of power and control in abusive relationships and tackled the many myths and misconceptions which are common in our communities.

Additionally, Police Scotland's network of over 700 domestic abuse champions embed the learning from the 'Domestic Abuse Matters Core Training (DAMCT) programme to sustain organisational change, as well as supporting and offering guidance to ensure that their colleagues uphold the key principles of the DAMCT programme.

The national Domestic Abuse Investigators Course (DAIC) is delivered to specialist DA investigators working within divisional DAIU's and the DATF. The course spends focussed time on the pro-active approach to DA, forced marriage, honour-based violence and stalking investigations and the high priority given to ensuring victims and witnesses are productively engaged in the criminal justice process, by appropriate and regular sharing of information about related cases and investigations.

The management structure of the DATF actively cascades relevant information during weekly management meetings and all information requests in respect of DATF cases are nationally coordinated via the Domestic Abuse Coordination Unit (DACU).

We have engaged with the Scottish Institute for Policing Research (SIPR) and secured funding to evaluate the 'Disclosure Scheme for Domestic Abuse Scotland'. This is currently ongoing.

Police Scotland continues to drive primary, secondary and tertiary prevention activity through the use of the Disclosure Scheme for Domestic Abuse Scotland, protection of victims through participation in Multi-Agency Risk Assessment Conferences (MARACs) and the targeting of high risk offenders through the Multi-Agency Tasking and Coordination (MATAC) process.

**We will ensure you receive a Victims' Care Card if you are a victim of crime which provides 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 Victims' Code.**

Police Scotland and Victim Support Scotland (VSS) continue to work collaboratively to identify opportunities to raise awareness of the support available to victims.

A 3-month pilot project will launch in Tayside during summer 2023 which will see Police Scotland and VSS working together to ensure those who are affected by crime receive all of the information and support they require.

Recent feedback regarding the Victim Care Card (VCC) supported modernisation, rebranding and improved accessibility. Work has already been carried out to refresh the information, design and layout of the VCC. Future plans include automation and digitisation which will expand the contact methods and better meet the needs of the victim.

When the national crime system becomes available to all Divisions later this year, it will allow recording of the issuing of VCCs by inclusion of a specific VCC field, ensuring accurate recording and management of performance.

Other findings and areas for consideration are progressing through the service to improve the experiences of people and to maintain public confidence in policing in Scotland.

We are guided by the Code of Ethics for Policing in Scotland and our Standards of Professional Behaviour.

We will act with fairness, integrity and respect at all times.

# Crown Office and Procurator Fiscal Service



CROWN OFFICE  
& PROCURATOR  
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

## General

**The Crown Office and Procurator Fiscal Service (COPFS) is Scotland's prosecution service. We receive reports about crimes from the police and other reporting agencies and then decide what action to take. We also investigate deaths that require further explanation and investigate allegations of criminal conduct against police officers. We work closely with our partners in the criminal justice system to help make Scotland safer.**

COPFS recognises the significant impact that crime has on individuals and communities and we strive to respond fairly, effectively and robustly to all reports of crime whilst ensuring that victims and witnesses receive the support and information that they require as they navigate the criminal justice system.

The following outlines some of the work which has been undertaken in the past year by COPFS in relation to the Standards of Service for victims and witnesses.

## Standards

### Standard 1

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

#### What we have done

We launched our corporate Service Improvement Strategy "Improving our Service Strategy" on 18 May 2023. It was fully informed by an internal service improvement survey of all our staff ("ServCheck"), supported by the Institute of Customer Service.

A Service Improvement Working Group was established in April 2022 and met on a number of occasions during the course of the year. Various workstreams were taken forward in anticipation of the publication of the corporate strategy.

Work is on-going in relation to the introduction of key performance indicators to monitor the processing and outcome of complaints and the publication of information on complaints outcomes and actions taken to improve services on a quarterly basis.

## What we will do

The “Improving our Service Strategy” will be underpinned by an annual delivery plan which is in development and a dedicated programme board will turn strategy into delivery.

The Service Improvement Working Group and its separate workstreams will take forward the work in relation to our Service Strategy and will work with COPFS Response and Information Unit to review the outcome of complaints and identify thematic issues and learning.

## Standard 2

**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

A new external COPFS website was launched in June 2022. The website’s content was designed in consultation with our service users to meet their needs. The content is laid out in easy to follow guides which explain information and processes in plain English.

Development of the Witness Gateway was completed at the end of 2022/23 to allow an evaluation phase to begin from summer 2023. This timeline enables the Witness Gateway to use the Scottish Government’s national digital identity service to provide secure user authentication functionality for the new online service. The Witness Gateway will provide online access for witnesses to confirm availability for trials, access witness statements, receive updates and notifications on cases, and submit claims for expenses.

### What we will do

We will continue to improve the content on the COPFS external website and are currently working with the ‘deaths investigation’ and ‘abuse in institutions’ projects to revise content in consultation with service users. We will also procure videos for the site, which will improve the quality and accessibility of the information.

Following the evaluation phase over summer 2023, we will move to a wider roll-out of the Witness Gateway from October 2023, which will involve extending the witness users and case types that can be accessed through the Gateway, ahead of full implementation over early 2024. Communications will detail the implementation plan and how we will engage with stakeholders to evaluate and introduce the new service over the coming months.

COPFS will continue engaging with justice partners and stakeholders to further develop the Witness Gateway for other victim and witness’s services as part of our commitment to delivering a trauma-informed service.



## Standard 3

**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 measures.**

### What we have done

Submission of cases for evaluation as part of the Video Recorded Interview pilot project was completed in May 2022. COPFS is now evaluating these cases as they progress through the Criminal Justice process.

Work is ongoing with the Scottish Government and other justice partners to review implementation of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 within the High Court, in order to inform further roll-out of the Act.

The submission of cases for evaluation in the three pilot areas for the Scottish Child Interview Model concluded in October 2022. COPFS continue to evaluate the relevant cases that were submitted as part of the pilots. COPFS continue to work with key partners, including Police Scotland and Social Work, to monitor the effectiveness of the new Scottish Child Interview Model and assist with the national roll-out of the model.

The VIA Modernisation Programme has now mobilised twelve workstreams, covering a range of key areas including the VIA remit, roles and responsibilities, business process modelling, learning and development, digital solutions, service improvement, external stakeholder relationships and a review of standard communications with victims. Over 50 products/deliverables are currently under development. We will continue to test relevant products with victim representatives to ensure they meet user's needs.

The VIA Modernisation Programme is working in consultation with related projects and initiatives including the Witness Gateway, Sexual Offences Review, Service Improvement Strategy (including implementation of the Trauma Informed Framework) and Scottish Government's Victims Taskforce. The Programme has also engaged with the Scottish Child Abuse Inquiry and their witness engagement support team, with a view to capturing relevant learning and best practice.

COPFS has worked with the Scottish Government on considering the proposals that have arisen out of the consultation on "widening the scope of the current victim statement scheme". A COPFS working group continues to evaluate the proposals and has provided initial recommendations to Scottish Government for consideration.

The review led by the Assistant Principal Crown Counsel of how prosecutors deal with reports of sexual offences that are prosecuted published Terms of Reference in Autumn 2022. The Review team has been in an evidence-gathering phase since early 2023 and has engaged with prosecutors, COPFS administrative staff, case preparers, advocates, defence counsel and solicitors, police, third sector agencies, Government officials, judges, sheriffs and victims. The evidence-gathering phase will close in summer 2023. Further information about the Review, the Terms of Reference and progress updates are available on the COPFS external website at [Sexual Offences Review](#).



## What we will do

COPFS is designing an evaluation process for all pre-recorded evidence submitted in High Court cases which will be used to monitor the quality and appropriateness of the evidence in relation to the best presentation of a witness's evidence.

We are continuing to prepare for further implementation of the 2019 Act with partners and have been instrumental in running test pilots for an automated data transfer process for the simplified notification procedure in terms of section 6 of the Act. We continue to liaise with partners to ensure that necessary infrastructure is in place to support implementation.

The VIA Modernisation Programme is expected to be completed by March 2024, but it is anticipated that collectively, the workstreams will deliver the majority of products including improved, streamlined processes, strengthened relationships with external partners, revised letter templates/correspondence and a digital VIA Workload solution by the end of 2023.

We will continue to work with the Scottish Government in relation to proposals for the Victim Statement Scheme and the COPFS working group will seek to complete its evaluations during 2022-2023.

The final report and recommendations from the review of how prosecutors deal with reports of sexual offences that are prosecuted will be submitted to the Lord Advocate by late Autumn 2023. The Lord Advocate has committed to publish the recommendations.

## Standard 4

**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.**

### What we have done

The Scottish Prosecution College now utilises in-person, online and blended training, depending on the objectives of the course. Core skills such as advocacy and court procedure are carried out in person, courses relating to case preparation are carried out remotely, and we have a variety of corporate e-learning products. To support our ability to maintain the service levels we set, the College has established a new Operating Model and has appointed a number of new specialist posts across Learning and Development.

The Scottish Prosecution College Steering Committee was established in April 2022 and meets quarterly. We have published a bi-annual prospectus detailing internal and external learning available to all COPFS staff. This supports learning needs analysis across the organization and offers a choice of dates on key courses to ensure accessibility.

We engage with a number of internal and external partners to review and develop training material which will enhance and improve the training and skillset of COPFS staff and have continued to identify new learning topics for design and delivery within COPFS.

As part of the enhanced curriculum planning and publication of the biannual prospectus, the Scottish Prosecution College has ensured that the New Depute Foundation Programme and New Start Hub products are always available to ensure that new legal staff are able to create space for learning in key topics whilst new to their role. Rolling learning needs analysis ensures that

programmes are kept up to date and/or new topics added, both of which have taken place over the period. We have been consulting on the future of education and learning for new deposes, which incorporates our existing Accreditation Policy, and final policy recommendations are due to be made in autumn/winter 2023.

Work on the VIA Modernisation Project has continued, and in April 2022 we assessed and categorised some of our training formerly delivered exclusively to prosecutors for VIA and introduced a 'VIA key' into our biannual prospectus in April 2023.

Training on 'Becoming Trauma Informed Part 1' launched in November 2022 and is important for laying the foundations before COPFS takes further steps to implement the competency framework for use in justice settings, which was launched in May 2023. We anticipate next steps on implementation to be established in the second half of 2023.

The College sits on the new Abuse in Institutions Programme Board and is responsible for the development of a new training intervention within COPFS, for inclusion in the College prospectus.

### **What we will do**

We will maintain our standards and service levels referenced above. As part of the ongoing transformation of the Scottish Prosecution College, in summer 2023 we will launch a holistic People Strategy in association with our HR department. It will include an educational philosophy which will set out in detail the range of learning methodologies in use in COPFS to meet different needs. It will include an evaluation framework which will set out how we measure the impact of the role of the College in supporting COPFS people to deliver excellence.

We will continue to undertake learning needs analysis and to develop current and new training material in response. We will continue to pursue measures to support the creation of space for learning and the development of a strong learning culture, which will be supported by the roll-out of 'Scottish Prosecution College Online' in late 2023. We will implement the outcomes of the policy recommendations on the future of education and learning for new deposes in 2024.

We will reach key milestones in relation to all of the above workstreams.

## **The Standards of Service in the coming year**

COPFS keeps all policies and procedures under review, and will continue to monitor their effectiveness, working to make improvements, as required, to ensure that the Standards of Service continue to meet the needs of victims and witnesses. COPFS will continue to improve the implementation of the existing standards of service as set out above.

# The Scottish Courts and Tribunals Service (SCTS)



## 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.
- If you want to know what support is available to you when you arrive at court, we will direct you to Victim Support Scotland or other support services which are present in the court building.

## Report

The purpose of the Scottish Courts and Tribunals Service (SCTS) is supporting justice. We fulfil that purpose by providing the people, buildings and services needed to support the judiciary, the courts, devolved tribunals and Office of the Public Guardian (OPG). Our work focuses on improving access to justice, reducing delay and cost within the justice system, modernising our services in line with reform, and using leading technology to improve our services for everyone.

The above standards reflect the key engagement that victims and witnesses may have with the courts, and SCTS, during their journey through the justice system.

This report provides an annual review of performance against the specified standards, as well as exploring the ongoing efforts being made to improve the experience for victims and witnesses who attend court.

It is important to acknowledge at the outset that recovery from the coronavirus pandemic continues to have a significant impact across the justice sector. In recent years we have built strong foundations for a more resilient, modern and efficient justice system. Throughout the pandemic, we quickly adapted our business model and accelerated key reforms. Through creative and innovative use of technology we have been able to continue supporting justice and victims and witnesses in their journey to improving their experiences, whether they attend court in person or via virtual means.

In recent years we considered alternative ways of ‘attending’ court for victims and witnesses to give evidence. Such as working with justice partners and Victim Support Scotland (VSS) to enable the most vulnerable to give their evidence remotely from alternative premises such as VSS sites. This has provided a range of benefits and has been warmly welcomed by those who were no longer required to physically attend court.

We continue to create better systems for our users by learning and adapting the approaches taken, as well as working collaboratively with justice partners to continuously improve the lived experience of victims and witnesses.

## Access to Information – Joint Protocol

One of the key provisions of the Victims and Witnesses (Scotland) Act 2014 is that victims and witnesses have a legal right to request certain information about their case.

During the accounting year, we worked with the Crown Office and Procurator Fiscal Service and Police Scotland on a review of the joint protocol [Access to Information Protocol – A Guide for Victims and Witnesses](#).

The joint protocol clearly signposts which organisation to approach for relevant information and sets out the information that may be provided. This was updated in May 2022.

## Criminal Justice Reform

SCTS remains committed to continuously driving forward initiatives which have emerged from the judicially led [Evidence and Procedure Review](#) (the EPR Review), the Lord Justice Clerk’s cross-justice sector [Review in to the Management of Sexual Offence cases](#) (the Sexual Offences Review) and many more, including those which were introduced at pace in response to the coronavirus pandemic to ensure the continued operation of the SCTS.

The EPR and Sexual Offences Reviews identified the potential for witnesses to be re-traumatised whilst giving evidence as well as the importance of witnesses being supported to give their ‘best evidence’. As such, it is paramount that children and vulnerable witnesses can give their best evidence at the earliest opportunity, in a safe and high-quality/user friendly environment. Informed in part by the EPR Review, the Scottish Government introduced primary legislation (the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019) that creates a legal presumption in favour of the pre-recording of evidence from child witnesses, and adult vulnerable witnesses in particular. The legal presumption is being implemented via a phased roll-out. A legal presumption in favour of pre-recording evidence was brought into effect from January 2020 for child witnesses under the age of 18 in the High Court.

We will continue to work with and support justice partners in the implementation of the Sexual Offences Review and the phased commencement of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019) by discussion, collaboration and participation in Implementation and Governance Groups led by Scottish Government. The 2019 Act will see an increase in the range and number of cases and types of witnesses in which evidence is captured in advance of a trial. We will do this principally by providing, and expanding where possible, the facilities to support a key process by which evidence can be captured early – known as evidence by commissioner.

The 2019 Act also makes provision for the introduction of a simplified notifications process, so that applications can be lodged administratively for those witnesses who are automatically entitled to what are termed ‘Standard Special Measures’ (use of a live television link either from the court building or from a remote site; use of a screen; and a supporter) when giving their evidence.

We will continue to support the roll-out of the 2019 Act and the implementation of this provision, in particular. SCTS and COPFS have developed the requisite software for the automated transfer process. Testing is currently on-going and SCTS is working with the Lord President’s Private Office to progress a request for a rule change to the Criminal Courts Rules Council. Thereafter, next steps in relation to roll-out will be agreed.

The **Evidence and Procedure Review** also outlined core principles for a new approach that would deliver stronger case management procedures in summary matters. It has been recognised that witnesses often require to attend court on numerous occasions due to adjournments or cases pleading at trial diets.

The EPR Pilots, which commenced at Dundee, Hamilton and Paisley Sheriff Courts in January 2020 required to be paused in response to the pandemic. However, the learning from the limited timeframe when the pilot courts were in operation (January–March 2020), advances in technology and the introduction of the Pre-Intermediate Diet Meeting (PIDM) procedure in December 2020, were used to inform the design of a new approach to managing summary cases in Scotland. PIDMs continue operating nationally and play an important role in the new model. **Practice Note No.3 of 2022**, published in October, refined the process, taking account of experience since its implementation. A new initiative, The Summary Case Management (SCM) Pilot commenced in Dundee, Hamilton and Paisley Sheriff Courts on Monday 5 September 2022.

The SCM Pilot seeks to reduce the number of unnecessary hearings at summary level, by facilitating early disclosure of evidence and early judicial case management.

Key evidence will be available to be released to the defence prior to or at the first calling in all domestic abuse cases. Specified disclosure material can be requested where it is considered that such early disclosure may make a material difference to a plea or the early resolution of issues in all non-domestic abuse cases.

The aim of the initiative is to achieve:

- A decrease in the number of witness citations issued;
- An increase in the percentage of cases resolved at the first appearance;
- An increase in the percentage of cases resolved at the Continued Without Plea diet;
- A reduction in the number of trial diets at which no evidence is led.

While domestic abuse cases have been highlighted for this distinct approach, it is anticipated that the lessons learned may lead to the same approach being adopted in other types of summary sheriff court criminal business.

The automatic provision of key evidence in domestic abuse cases and ‘specified disclosure’ of material in any other case where that may assist in discussions, should put the defence in a significantly different position from the early stage of the case. It will allow the defence to engage more meaningfully with the Crown on both plea and resolution, failing which, on the agreement of evidence.

The SCM Pilot is anticipated to run for 18 months, with continuous evaluation taking place.

## Digital Strategy – Evidence Giving Facilities

SCTS developed the concept of designated evidence-giving suites to provide children and vulnerable witnesses with more appropriate environments in which to provide their evidence to a courtroom via a live TV link, or to have their evidence pre-recorded in advance of trial through the procedure of taking Evidence by Commissioner. Following on from, and expanding upon the experience and knowledge gained from our first purpose-built suite going live in Glasgow in October 2019, two further bespoke evidence giving facilities have been developed and are now operational at Inverness Justice Centre and Edinburgh. The new facility in Edinburgh provides bespoke facilities for the taking of evidence by commissioner and went live in October 2022. Its launch coincided with the expansion of dedicated judicial resource to support High Court commissions, meaning commissions in both Edinburgh and Glasgow High Court can run concurrently Monday to Friday. Work has commenced on a fourth bespoke facility in Aberdeen, with works scheduled to conclude and the facility becoming operational later this year.

Our bespoke facilities and suites have been designed to provide more intimate and informal spaces to make witnesses more comfortable and to facilitate the giving of their best evidence in a less traumatic way, using the best technology available. Our evidence by commissioner facilities benefit from specified and specially designed waiting rooms, with our Glasgow and Inverness evidence giving facilities providing bespoke support spaces and sensory equipment to improve the lived experience for all victims and witnesses, and particularly children, attending to give evidence.

SCTS remains committed to the further development and expansion of multipurpose trauma informed evidence-giving facilities within its estate to support evidence by commissioner and live link evidence across a wider geographical reach, where possible, to support those most vulnerable in our society to give their ‘best’ evidence in a trauma informed way. SCTS continues to work with justice partners, including VSS, in the provision of trauma informed remote venues for live link evidence outwith the traditional court estate.

## Virtual Summary Trials and Domestic Abuse Cases

A National Project Board, chaired by Sheriff Principal Pyle was set up, consisting of members from across the justice sector including SCTS, COPFS, defence agents, Scottish Government, Scottish Legal Aid Board (SLAB) and third sector agencies including Victim Support Scotland (VSS).

A [report on the piloting of virtual summary trials](#) was published by the National Project Board in January 2022. It recommended that every Sheriffdom across Scotland should have a dedicated virtual summary court for domestic abuse cases and concluded that this would offer key advantages including:

- increasing protection and reducing trauma for complainers;
- making it easier for witnesses to give their evidence;
- offering efficiencies in reducing the need for individuals to travel to court and leaving existing courtroom capacity free for in-person cases;
- mitigating the impact of delays caused by the coronavirus pandemic on complainers and accused; and
- maintaining consistency with the aims of capturing best evidence and introducing trauma-informed practices.



The report highlights the key advantages that arise from being able to have those involved in a case giving evidence remotely from court, which is seen as another important step forward in improving services for vulnerable witnesses and complainers. It identifies the options for decision makers and the practical consequences in terms of resources and legislative change (to support a presumption for the use of virtual means) required to progress with its recommendations. SCTS welcomed the Board's findings.

In the intervening period while a pilot in Aberdeen sheriff court with a focus on summary domestic abuse cases continues, the SCTS, alongside other members of the National Project Board and associated justice partners have continued to review and make proposals to innovate upon the model.

The proposal is to test and evaluate a specialist virtual domestic abuse court model, operating initially in Aberdeen before being expanded across Grampian, Highland and Islands. Drawing upon the pilots undertaken to date, the model will place an increased focus on the needs of complainers and witnesses who are particularly susceptible to trauma caused by having to attend court and give live evidence in close proximity to the accused and their supporters. The model proposes the use of increased judicial case management by designated specially trained sheriffs, specialist prosecutors and support for solicitors to undertake trauma informed training. Innovations and lessons learned from other pilots would be adopted in so far as possible. It will also importantly enable evidence from police and medical professionals to be given remotely from different locations; ensuring that high quality evidence continues to be provided by such witnesses, whilst freeing up considerable amounts of time to allow them to continue with their essential duties as opposed to travelling to, and waiting in, court and the costs associated with that.

This is an incredibly ambitious and challenging model, but one that has the opportunity to transform the management and experience of domestic abuse cases in our courts. We remain committed to working with our justice partners to deliver it.

A separate High Court initiative which commenced in January 2022 has taken forward the remote provision of evidence by police and professional witnesses in High Court solemn trials, given the significant cross-sector value the model brings. Since January 2022 and as of May 2023, over 223 professional witnesses, who are not police officers, have given evidence remotely in the High Court.

## **Solemn Trials**

The pandemic created unprecedented challenges across all of society. For SCTS, the most significant impact was on criminal cases where our innovative use of technology created remote jury centres, enabled trials with 15 person juries to resume in a safe and secure environment while the pandemic was ongoing. While the High Court and Sheriff solemn courts recovered to full trial operating capacity by November 2020 and February 2021 respectively, a significant backlog of cases had accrued and the long term trend of increasing case levels continued throughout the pandemic.

Through the court recovery programme we are aiming to return to a point where the number of scheduled cases being prepared for trial is around 20,000. Supported by funding from the Scottish Government, four additional High Courts; two additional Sheriff solemn courts; and 10 additional Sheriff summary trial courts were operating since September 2021. Given the progress made on the summary backlog, we switched court recovery resources from summary to solemn in April 2023, with the introduction of a further 2 additional High Court and 6 additional Sheriff Solemn trial courts.



Our modelling projects, with the new resources in place, will see High Court cases returned to the revised baseline by March 2025 and Sheriff Solemn cases by March 2026.

## Management of Sexual Offence Cases Review

A judicially-led cross justice review group was established in 2019 to consider and develop proposals for an improved court system to deal with all sexual offence cases. The review group, led by the Lord Justice Clerk Lady Dorrian, comprised of members of the judiciary alongside representatives of SCTS, Police Scotland, COPFS, justice agencies and third sector organisations including Rape Crisis Scotland, Scottish Women's Aid and Victim Support Scotland. Its aim was to improve the experiences of complainers (and witnesses) without compromising the rights of the accused.

On 18 March 2021 the group published its final report, **Improving the Management of Sexual Offence Cases**, in which it made a number of transformative recommendations.

The recommendations are wide ranging and collaboration, resourcing, and in some instances the introduction of legislation will be key to their successful implementation.

A Scottish Government-led cross-justice Governance Group, with a commitment to work at pace, was established in late 2021 to support consideration and delivery of the Review recommendations, with a particular focus on what areas may require public consultation and legislative change. SCTS are represented on the group and continue to play a key role, including participation in a number of essential work streams within it. The work of three short-term working groups, two of which SCTS led or co-lead concluded their work and issued reports in late 2022, and have helped alongside other initiatives, to inform the discussion and progress Scottish Government legislative reform. **The Victims, Witnesses, and Justice Reform (Scotland) Bill** (the Bill) was subsequently introduced to Parliament on 25 April 2023. The Bill contains a number of transformational proposals to support victims and witnesses including provisions seeking to respond to the Sexual Offence Review's recommendations concerning the creation of a specialist sexual offences court, a presumption for the pre-recording of evidence, complainer anonymity and independent legal representation in specific circumstances.

We continue as an organisation to explore the recommendations made within the Sexual Offences Review, developing and advancing our own implementation plan, with a focus on the elements applicable to us which do not require legislation and can be progressed individually and, or in conjunction with justice partners. This is to ensure that the Review's aim of improving the experiences of complainers (and witnesses), without compromising the rights of the accused, are not lost sight of and achieved in so far as possible.

We continue to review and seek to improve capacity and facilities (which are resource reliant) using technological advances to support the anticipated increase the Sexual Offences Review will create in the pre-recording of witness evidence by commissioner, in addition to reviewing the entrance and exit facilities for our key High Court locations to support the comfort of the most vulnerable in society who may have to attend our estate.

## Special Measures

A range of special measures is available to vulnerable witnesses to give evidence to court including the use of screens, a supporter, the taking of evidence by commissioner and the use of live TV links in court, between courts or from a remote location.

External remote sites are in place across Scotland for vulnerable witnesses to give evidence to the court via a live TV link. In 2020–21 the impact of the coronavirus pandemic resulted in the closure of all our vulnerable witness remote sites. During 2022, remote sites continued to reopen following satisfactory health and safety inspections. There are currently 27 remote sites for vulnerable witnesses to give evidence via live TV link out with the court room. As our ambitious court recovery programme continues, the number of applications received for special measures has increased from pre-pandemic and this upward trend is expected to continue.

In addition, there are 44 vulnerable witness rooms currently available within thirty-five of our court buildings for vulnerable witnesses to give their evidence by live TV link.

## Victims Taskforce

A **Victims Taskforce** was established to improve support, advice and information for victims of crime. The Taskforce is co-chaired by the Justice Secretary and the Lord Advocate, head of Scotland's system of criminal prosecution.

The primary role of the Taskforce is to co-ordinate and drive action to improve the experiences of victims and witnesses within the criminal justice system, whilst ensuring a fair justice system for those accused of crime.

The Taskforce has brought together senior decision-makers from justice agencies, the legal profession, academia and the voluntary sector, including direct representation of victims.

The Taskforce, which will meet every 6 months, has agreed to focus on the development of a victim centred approach and a justice specific knowledge and skills trauma **framework** which has now been published on the Scottish Government website. The approach looks to equip justice agencies with the skills and knowledge needed to reduce the re-traumatisation of victims and witnesses of crime. It underpins a key aim of the Victims, Witnesses and Justice Reform (Scotland) Bill, to embed trauma-informed practice across the justice system.

The Taskforce also want to develop a mechanism for structured and regular engagement with people with lived experience. SCTS continue to be represented on the Taskforce, in particular the victim centred approach and trauma informed work streams and is committed to supporting the actions set in the work plans for each of these work streams.

We are committed to providing excellent service and becoming a trauma-informed organisation is a key priority for us. The adoption of trauma-informed practices is a key step in improving the experience of victims and witnesses. The Victims Taskforce approved the Trauma Informed Justice Knowledge and Skills Framework at the end of 2022. The framework identifies three levels of trauma training and maps them against workforce roles in the justice sector. Our Education and Learning Unit will create and curate learning content to address these three levels according to the different needs of our workforce. In addition, SCTS are also developing trauma enhanced leaders training to support SCTS leaders to take a trauma-enhanced lens to the organisation.

It is anticipated that the output from these work streams will improve the experience of victims and witnesses across all parts of the justice system, whilst ensuring a fair justice system for those accused of crime.

## Standards

### Standard 1

**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

Court officers and macers continue to liaise with the prosecutor to update witnesses and updates are provided in all locations. In two of the smaller courts this is only achievable on days when a court officer is available. However a member of court staff will always ensure that witnesses are updated as often as possible and they always advise witnesses when they can leave and provide them with as much information as they have been given. Arrangements are also in place to provide updates to witnesses who are giving evidence from remote sites or from other court locations.

In the majority of courts hourly updates are provided and in some more frequent updates are provided, for example, in Glasgow sheriff court real time updates are provided to witness muster areas and staff then update witnesses.

When court officers or macers are required to assist with evidence presentation in court, they will always strive to provide updates as soon as possible.

In some court buildings, information around location and progress of cases is also visible to witnesses on wall mounted display screens.

#### What we will do

We will continue to engage with COPFS locally to obtain case information to allow us to update witnesses on progress of cases.

We noted earlier that an initiative commenced in January 2022 in regard to the remote provision of evidence by police and professional witnesses in High Court trials who give their evidence remotely to court. We continue to work with COPFS to agree the method and frequency of updating police and professional witnesses. At present professional witnesses are updated via email however this is subject to review by the Remote Professional Witness Evidence Group and our Change and Digital Innovation team within SCTS are looking at ways to communicate more efficiently.

### Standard 2

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

#### What we have done

Across the wider estate, separate waiting areas and witness rooms continue to be provided for prosecution and defence witnesses where they are required to attend court.

Access to fresh drinking water for witnesses continues to be provided by all courts. Some courts permit witnesses access to the canteen if it is for public use and vending machines are available in some locations.

### **What we will do**

Moving forward, we will continue to make the best use of available space within court buildings. As mentioned earlier, the new evidence and hearing suite in Edinburgh is now open and work continues to progress in Aberdeen. SCTS remains committed to the further development and expansion across the estate, where possible, of similar facilities for victims and witnesses to give pre-recorded evidence by commissioner and by live 'link' to court proceedings. However, it remains important to note that in some instances, due to the protected status of a building, there may be limitations as to the extent of potential alterations.

## **Standard 3**

**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**

We continued to provide facilities for vulnerable witnesses to give their evidence to court via live TV link. This can be from within court buildings, from court to court or from remote sites.

The public health response to the coronavirus pandemic limited our ability to use all of our facilities, in particular, remote sites, all of which closed in March 2020. We have continued to work closely with the proprietors of these sites and, at the time of writing, 27 sites are open and available for use following satisfactory risk assessments and appropriate health and safety measures being put in place.

In addition to remote sites, video link facilities are available within court buildings and despite the previous challenges with the reduction in available remotes sites, all applications for the giving of evidence with the use of special measures have continued to be accommodated by courts, where requested. In addition, there are 48 vulnerable witness rooms currently available within 35 of our court buildings for vulnerable witnesses to give their evidence by live TV link.

Whilst court staff are available on the day to explain the process for giving evidence in court, most courts have advised that victim support services will usually facilitate this prior to the courts informing the witness (either prior to attending court or on the day of attending court).

### **What we will do**

We will continue to monitor the use of remote sites and where appropriate we will attempt to source additional sites to enable vulnerable witnesses to give their evidence to court via live TV link.

We will continue to work with Victim Support Scotland volunteers across court locations to ensure that witnesses giving evidence to court, by any means, are prepared and able to give their best evidence.

## Standard 4

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

### What we have done

Court familiarisation visits are available to all witnesses. Requests include allowing access to courtrooms and vulnerable witness facilities in advance of the case calling for trial. The opportunity to visit a court room can help to alleviate concerns for witnesses and assist them in gaining a better understanding of the court process as a whole. Visits provide an opportunity for witnesses to ask questions about what will happen when they attend court.

This service is also available to children and vulnerable witnesses who intend to give evidence at a remote site or evidence suite. This can help to alleviate anxiety as it provides an opportunity for those individuals to familiarise themselves with the facilities available.

In April 2023, Victim Support Scotland (VSS) launched a virtual court experience allowing victims and witnesses to use virtual reality headsets to familiarise themselves with giving evidence in court.

SCTS are working in collaboration with VSS to facilitate the filming of court rooms which will allow victims and witnesses to 'walk through' a 3-dimensional world, comprising actual videos of the court building where their case will be held. This will remove the need to travel to court prior to their hearing date, while allowing people to familiarise themselves with what can be an unfamiliar, daunting and often re-traumatising environment. VSS supporters will still support the victim or witness when they are wearing the headset to answer any questions they may have. The virtual experience will be an additional tool for court familiarisation visits and will not replace physical court familiarisation visits which will remain available to witnesses who want them, thus providing choices to victims and witnesses on how and when they wish to view courts.

A working prototype was delivered to the Sheriff and High Courts in Glasgow with wider development and roll-out planned for the coming year. Scotland will be the first country in the world to introduce this service which is in addition to the 360-degree virtual tours of courts that were launched by VSS in 2021 and completed in 2022 – available at the following link: [VSS virtual tours of Scottish courts](#).

### What we will do

SCTS will continue to work closely with Victim Support Scotland to enable requests for court familiarisation visits to be dealt with and accommodated timeously. We will also continue to work alongside VSS on the innovative roll-out of virtual reality headsets to allow victims and witnesses to familiarise themselves with giving evidence in court. In particular, SCTS will facilitate the filming of courts to support further expansion of the project.

## Standard 5

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

### What we have done

A member of SCTS staff is available to greet witnesses and direct them to the available support services within the building. In particular, court officers, macers and reception staff have local knowledge of the support services available within their respective court buildings and continue to act as a key point of contact. In some locations where there are no support services on site or support services are not on site each day, arrangements are in place for court staff to provide contact details should they be required.

SCTS continues to provide training to assist staff in identifying signs of distress. Such training allows staff to direct witnesses to the appropriate support services available. Furthermore, we acknowledge the importance of equipping our staff with the skills and knowledge to assist and support our service users in a trauma informed way, and we remain committed to providing an excellent service with work ongoing towards becoming a trauma informed organisation.

### What we will do

We will maintain contact with support services to ensure we understand which services can still be provided within court buildings.

We will continue to direct witnesses, who are required to be physically present in our courts, to support services if and when available.

We will continue to support Victim Support Scotland by allowing them access to courts for training new volunteers to ensure essential support services can be maintained for victims and witnesses.

## Liaison with support organisations

SCTS works closely with support organisations, at both local and national level, with a view to continually improving services available to victims and witnesses.

The Victim Notification Scheme (VNS) is a statutory scheme, which came into force on 1 November 2004 and currently entitles victims of all offences to receive information where the offender has been sentenced to more than 18 months. Over the last reporting year, SCTS have contributed to the independent review of the Victim Notification Scheme alongside justice partners and victim support organisations. **The report** following on from the review was published in May 2023. We are committed to the Victims and Witnesses Consultative Group (VWCG) which was formed in June 2022 in collaboration with COPFS, Police Scotland, and Victim Support Scotland. The aim of the group is to provide an improved, consistent and trauma-informed service across Scotland for those victims and witnesses attending court who require support through an effective collaborative working model.

SCTS meet regularly with justice partners and Scottish Government and are represented on a range of working groups developed in line with the Scottish Government's drive towards a victim-centred approach. Representation on such groups allows SCTS to work collaboratively with an array of justice partners and third party support organisations.



SCTS continues to encourage the engagement and support of the Victims Organisations Collaboration Forum Scotland (VOCFS). VOCFS allows member groups to provide feedback on behalf of their clients.

## Access to information

Section 6 of the Victims and Witnesses (Scotland) Act 2014 sets out clearly how specific participants in the criminal justice process may obtain further information relating to the case in which they have been involved. In support of the legislative requirements a joint protocol: [Access to Information Protocol - A Guide for Victims and Witnesses](#) was agreed by Police Scotland, COPFS and SCTS to aid applicants who wish to make a request, and setting out forms and procedures where these may be required. The joint protocol was updated in May 2022.

## Victims Code

The [Victims' Code for Scotland](#) clearly and simply sets out the rights of victims in one place. By ensuring victims' interests remain at the heart of our criminal justice system, victims should feel supported and informed at every stage of the process.

## Standards of service for victims and witnesses 2023–24

SCTS has reviewed the standards of service to take account of some changes in the way witnesses can give evidence to court. Our standards for 2023–24 will reflect current practice and are noted below:

- If you are a witness attending one of our locations to give evidence in person or virtually, we will update you once per hour on the progress of the court case while you wait. We will advise when you are no longer required;
- We will provide separate waiting rooms for prosecution and defence witnesses, and access to refreshments;
- If you are due to give your evidence to the court by live TV link, we will ensure that an explanation of the process for giving your evidence is provided on the day, at the location, if not in advance of that;
- We will respond to requests received on behalf of witnesses, for accommodating court familiarisation visits, within 3 working days of receipt;
- If you want to know what support is available to you when you arrive at court, we will direct you to Victim Support Scotland or other support services which are present in the court building or otherwise provide information on how to contact such support if they are not present at court.

We will continue to review our Standards of Service for victims and witnesses. In doing so, we will take account/cognisance of the recommendations and commendations made in the Lord Justice Clerk's Review into the Management of Sexual Offence Cases and their interaction with the Standards, as applicable to all justice partners and SCTS.



# Scottish Prison Service



## 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 two working days; This consists of the following:
  - The date of the prisoner's release (other than being granted temporary release);
  - If the prisoner dies, their 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 5 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 two weeks before any decision will be taken for release:
  - On Home Detention Curfew;
  - On the first occasion that the prisoner is considered for temporary release; or
  - By the Parole Board for Scotland.
- For those victims of offenders sentenced to less than 18 months, they will notify you of the date of release or escape of the offender within 2 working days of confirmation that you are an eligible victim. They will do this either in writing or by telephone where you have provided a current contact number.

- For those victims of life sentenced offenders 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 provide you with an opportunity to make representations in person, orally or in writing before any decision is taken on the first occasion that the prisoner is considered for temporary release.

## General

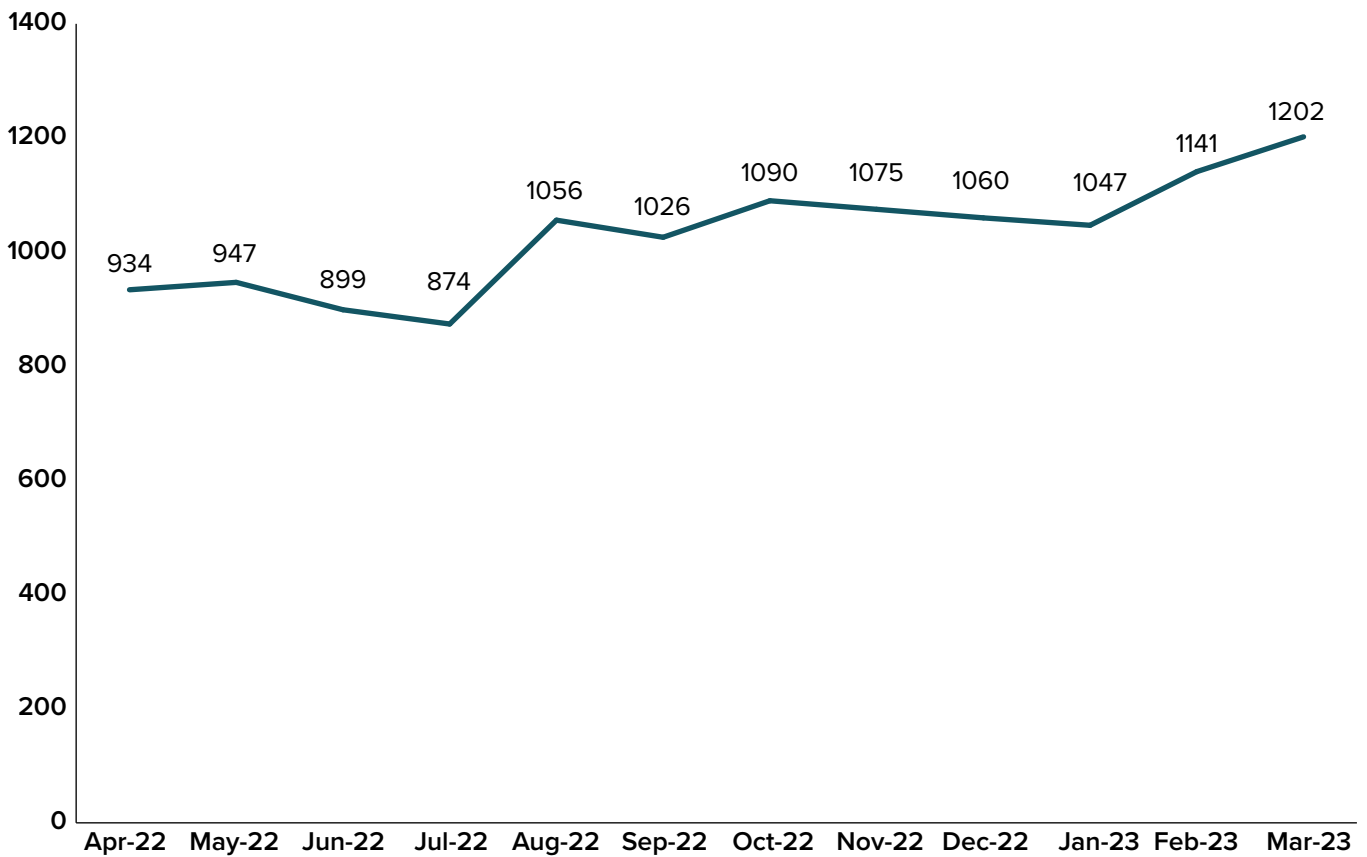
The Scottish Prison Service (SPS) is an Executive Agency of the Scottish Government and was first established in April 1993. There are 15 publicly managed prisons and 2 privately managed prisons (HMPs Kilmarnock and Addiewell). SPS currently has a contract for Scottish Court Custody and Prisoner Escort services with GEOAmey PECS.

## How the scheme works

Compliance with General Data Protection Regulations (GDPR) is essential in how the authority handles offenders and victim's personal information. The operation of the part of the Victim Notification Scheme that SPS has responsibility for largely relies on a system of alerts. SPS' Prisoner Records database (PR2) records relevant information about an offender and their sentencing arrangements. An alert on PR2 is triggered by changes to key information recorded against an offender which has relevance to victims registered on the Victim Notification Scheme (VNS). All such alerts then must be manually interrogated to inform a decision on whether there is a requirement to provide the victim with certain information set out in legislation. The manual interrogation of alerts requires those operating the VNS to have sufficient knowledge of the scheme and the potential changes that can occur in relation to an offender's sentence management over the course of serving a sentence of imprisonment.

Factors such as the number of offenders in custody, the number of victims registered and the stages that offenders are at in their sentence impacts on the numbers of alerts the database generates. Consequently, the number of alerts varies month to month, and year to year. The alerts generated over the past 12 months have again increased compared to last year and the year before. This may be related to the removal of Coronavirus restrictions on prisoner movements including access to the community and an increase of activity through Courts etc.

## Alerts Generated by PR2 per Month



## Collaborative Working

SPS collaborates with the Scottish Government on policy development and is actively engaged with the work of the Victims Taskforce. SPS also attends a number of victim groups such as the Criminal Justice Agencies Victims Meeting held quarterly, and the VAWG/Victims conference calls.

SPS had representatives attend the Victims' Commissioner for Scotland - Consultation Engagement Event that took place in July 2022. SPS welcomes a Victims' Commissioner for Scotland to be established.

In December 2022, five members of SPS staff attended a Scottish Government sponsored virtual 'First Word' webinar session to learn more about 'how to put people's needs at the heart of our writing'. The training provided examples of how small changes in the layout and language used in correspondence, can have a significant positive impact when organisations communicate with victims. SPS feels that the learning gained from the workshop is transferrable to different types of correspondence and communications.

In 2023, SPS staff, who administer the parts of Victim Notification Scheme (VNS) for which SPS have responsibility, have since rewritten four of the VNS letters frequently sent to registered victims using the learning from the webinar session. SPS is continuing its work to rewrite more of the VNS letters, being influenced by the learning and style from 'First Word People at Heart' training.

## **Stakeholder to the Independent Review of the Victim Notification Scheme**

The Independent Review of the Victim Notification Scheme (VNS) published its report on 12 May. In 2022–23, the Independent Review gave SPS the opportunity to share our experiences of administering parts of the scheme, to help inform where positive improvements could be made, and we welcome its findings.

### **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**

SPS received less than five formal complaints relating to VNS this reporting year. Victims may express dissatisfaction when making a telephone enquiry, however, this is usually due to misunderstanding information received and the query can normally be resolved on the call. As advised above, SPS is currently working to improve the communications victims receive through implementing the use of the First Word People at Heart style guide.

### **Request for Information in alternative format/language**

There were no requests for information in an alternative format/language in the period from March 2022 to April 2023, and similarly no requests the previous year.

## SPS STANDARDS OF SERVICE

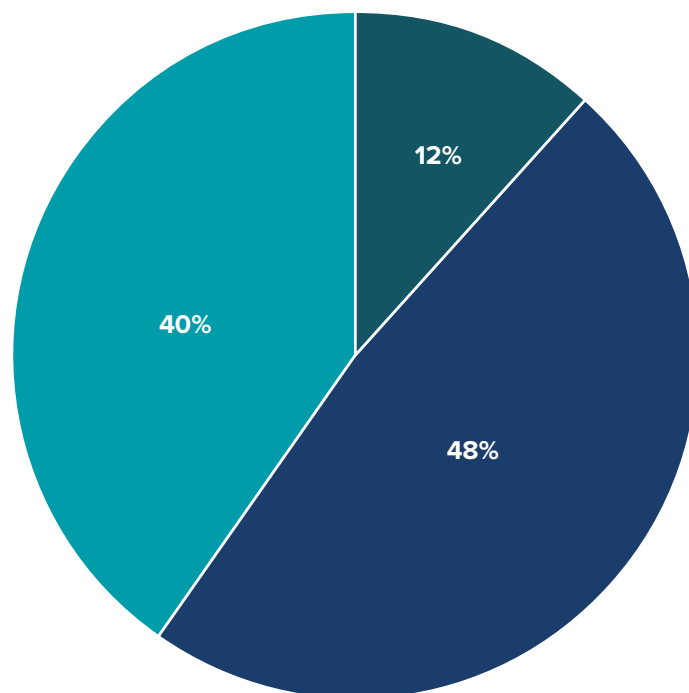
### Context

SPS delivers custodial and rehabilitation services for offenders in their custody. SPS 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 helps them reintegrate into the community on release. This includes, where applicable, unescorted access to the community which many victims find difficult for understandable reasons. SPS is acutely aware of this difficulty and will continue to ensure that victims' views are taken into account when making decisions regarding licence conditions.

The table below shows the number of victims currently registered at 31 March 2023 compared with the previous three years:

Year	Total	Life Sentence (inc. Order of Lifelong Restriction)	Long Term Sentence (4 years or more)	Short Term Sentence (less than 4 years)
March 23	2757	1105	1326	326
March 22	2675	1065	1258	311
March 21	2331	1032	980	319
March 20	2615	965	1278	372

### Victims Registered as at 31 March 2023



■ STP Inc. Restricted

■ LTP inc. Ext.Sent.

■ Life inc. OLR

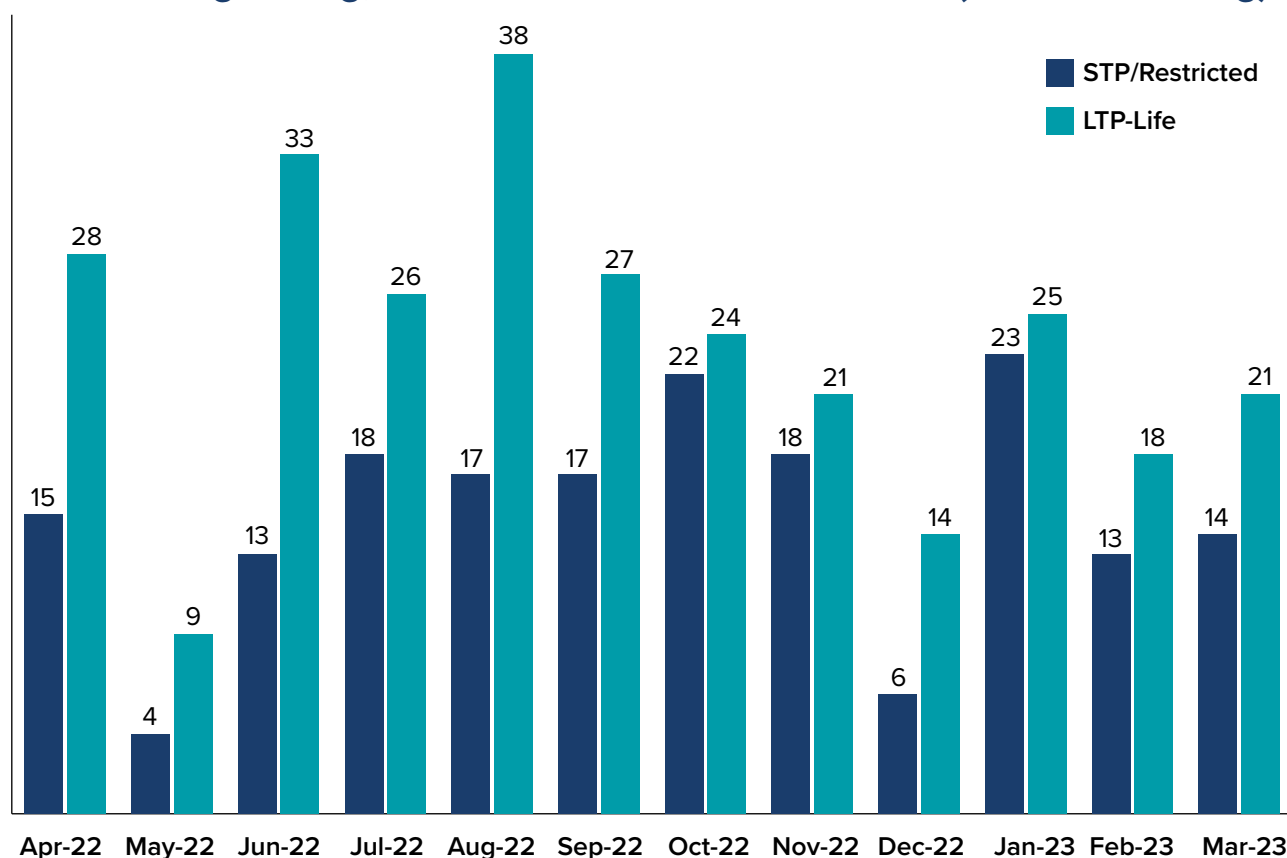
## Applications to join the scheme

There were 464 applications to join the scheme received in the year. The VNS is an opt-in scheme, victims may choose to join the VNS at any time and some join sometime after the offender has been sentenced and even shortly before the offender's release.

The table below shows the number of applications to join the scheme at 31 March 2023 compared with the previous three years.

Year to	Total
March 23	464
March 22	400
March 21	306
March 20	472

### Victims Registering, STP/Restricted and LTP/Lifer/OLR (12 months rolling)



## Written Enquiries

SPS received no written enquires in this reporting year, and there were also no written enquiries in the previous year.

## Provision of Information

The table below shows the number of letters containing information sent to victims as at 31 March 2023. The previous three years are reported for comparison:

Year to	Total	No. not issued within 48 hrs
March 23	1683	8
March 22	1715	115
March 21	1681	64
March 20	1961	11

The VNS standard for information to be provided in response to an alert is 48 hours. During the reporting period eight letters were issued outwith the 48 hour period. There were no delays over 5 working days and no record of a notification not being sent which should have been.

A small number of letters sent to registered victims continue to be returned undelivered to us by the Post Office. When SPS receive mail returned undelivered we make a further attempt to provide the victim with the information in writing. It's not always clear why the victim has not collected their letter. It may be because the registered victim has moved address, no longer wishes to receive information, or the attempts to deliver the information have failed and the victim does not go to the post office to collect it. In order to reduce this further, all VNS correspondence issued by SPS has been amended to ask victims to inform us of any change of address. This appears to have had a positive impact.

## Representations

A total of 473 letters were issued to victims who had selected the option to make representations about the release, including temporary release or release on home detention curfew (HDC), of an offender. The majority were issued within 10 days of the key date and allowed all victims to make representations before the date that decision was to be taken. When the offender attains access to temporary release victims of life sentence prisoners can make representations in person by appointment meeting with SPS managers, orally by phone or in writing.

The table below shows the number of letters issued to victims who had selected the option to make representations about release as at 31 March 2023 compared with the previous three years.

Year	Total
March 23	473
March 22	448
March 21	317
March 20	495

## Telephone Enquiries

SPS continues to receive a substantial number of telephone enquiries. All enquiries were responded to within one day with the majority able to be dealt with at the time of the call.



# Parole Board Scotland



## Standards of Service

- 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 1st 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 5 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. 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.
- We will carefully consider representations submitted by victims, including whether any information contained in them should be withheld from the prisoner under Rule 9 of the Parole Board (Scotland) Rules 2022, which states the grounds on which information may be withheld. Where the Board is of the view that any of these grounds are met the information will be redacted from any documentation provided to the prisoner. The victim(s) will be advised of the information which has been redacted. Where appropriate, their views may be sought in advance of deciding whether information falls under Rule 9.

In some criminal cases, victims may have the 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 representations about the release of the offender.

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

The VNS is in two parts:

Part one allows victims to receive information about an offender's release.

Part two allows victims to make representations to the Parole Board in advance of an offender being considered for release on parole or non-parole licence.

Victims in cases where a life sentence has been imposed have continued to be offered an interview with a Parole Board member to allow them to make their representations in person.

The introduction of Rule 26A of the Parole Board (Scotland) Rules 2001 allowed victims in relevant cases to request to observe the prisoner's tribunal. This opportunity is open to victims of prisoners who are serving a life sentence, extended sentence or an order for lifelong restriction. This provision has been replicated in Rule 30 of the Parole Board (Scotland) Rules 2022, which come into effect on 1 April 2023.

The Board will consider victim representations along with all other information on the offender's case before reaching a decision. Representations are fully considered by the Board as part of its overall decision making process. If the Board does decide to release, then representations may assist in deciding the licence conditions that will be imposed. The primary aim of licence conditions is to minimise risk to public safety. Licence conditions must be lawful, proportionate and necessary. Licence conditions will stay in force until the end of the sentence that was given.

The following provides information on what the Board has achieved in relation to the Standards of Service during April 2022–April 2023.

### **What have we done**

Some of these activities have been carried forward from 2021/2022.

1. We have continued to develop the Victims Team within Parole Scotland to support the key changes made to the Parole Board (Scotland) Rules 2001.
2. Victim Service Delivery has been a key element of the Board's Business Plan for 2022–2023, and Corporate Plan 2021/2024.
3. We have continued to listen to victims and learn from their experiences of the parole system to enable improvements to be made in our guidance, operating procedures and training.
4. Board member and staff guidance has been kept under constant review to ensure that sections relating to victims are current.
5. Victim training for Board members and Parole Scotland staff will be reflected in learning plans. Trauma informed and Skilled practice training has been delivered to Parole Scotland, this has further developed the skillset of staff when dealing with victims. Plans for future training in the pipeline.
6. We have constantly monitored our internal operating systems and procedures to ensure they provide the best service delivery for victims. We are working with Digital Transformation

Scotland on improve victim service delivery within our future casework management system (CMS). The Victims Team have met with Business Analysts to share their operational knowledge to assist the analysts in creating a more fitness for purpose system.

7. We have looked to design and launch various information tools for victims and continue to update the dedicated page on our website for victims and their families. We are also reviewing our communication methods to ensure they are effective.
8. We have engaged with the Scottish Government's plans to procure external expertise to work with others across the justice sector to review victim-focussed publications (including letters, leaflets, websites) and to develop a style guide.
9. We have further developed the Safe Space Initiative by obtaining the support of all 32 Local Authorities and the Scottish Fire & Rescue Service. Our most recent observation has been hosted in a Glasgow Fire Station and has proven to be a great addition to the initiative.
10. The Victims Team issues quarterly newsletters to ensure that members of the initiative are kept up to date with the project's activities.

### **What we will do**

Some of these activities have been carried forward from 2022/2023.

1. We will monitor the requirements of the Victims Team and ensure we have all the resource we need to provide an excellent service for victims.
2. We will ensure all emails are answered within 5 days of receipt to our Victims Team Mailbox.
3. We will continue to develop induction materials for new members of the Victims team to ensure they are brought up to speed as quickly and efficiently as possible.
4. We will continue to listen to victims and learn from their experiences of the parole system to enable improvements to be made in our guidance, operating procedures and training.
5. We will continue to ensure that Board member and staff guidance is kept under constant review to ensure that sections relating to victims are current.
6. We will continually monitor requirements for future Victim training for Board members and Parole Scotland staff and implement this when needed.
7. We will continue to consider our internal operating systems and procedures to ensure they provide the best service delivery for victims. We will continue to input where required for the design of our future casework management system (CMS). The go live date for the system is August 2023.
8. We will continue to look to design and launch various information tools for victims and continue to update the dedicated page on our website for victims and their families. We will continue to review our communication methods to ensure they are effective.
9. We will continue to engage with the Scottish Government's plans to procure external expertise to work with others across the justice sector to review victim-focussed publications (including letters, leaflets, websites) and develop a style guide.
10. We will continue to develop the Safe Space Initiative, ensuring we have across Scotland access to safe and secure meeting venues for Victim Interviews and Observations. We will ensure to send updates and lessons learned to the project's members quarterly.

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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