

## Justice Committee

### Victims and Witnesses (Scotland) Bill

#### Note of informal discussion held on 26 March 2013

#### **Purpose**

1. This paper summarises the key issues raised during an informal discussion relating to the Victims and Witnesses (Scotland) Bill, which the Committee held on 26 March 2013.

#### **Background**

2. At its meeting on 12 March, the Committee agreed to hold an informal round-table discussion with victims and witnesses to allow them to speak more freely in an informal setting about their experiences of the criminal justice system. The discussion also aimed to inform Members in advance of taking formal evidence on the Victims and Witnesses (Scotland) Bill during April and May.

3. Individuals agreed to participate, either through their MSP or through Victim Support Scotland, on the basis that the discussion would be held in private and that they would not be identified in any published material

#### **Summary of key issues raised**

4. Key issues raised by participants during the discussion are summarised below:

##### *Communication*

- Victims and their families often found themselves having to explain very traumatic events to several different organisations on separate occasions. More collaboration between agencies was needed and a single point of contact for victims and their families should be introduced.
- Organisations tended to react to requests for information from victims, including on the progress of their cases, rather than being proactive in providing that information as a matter of course.
- When organisations are providing information to a victim or their family over the phone, this communication should be followed up through written correspondence. However, it was noted that formal correspondence often took some time to be received and so the use of texts and emails should be explored.
- Correspondence with victims and their families was often complex and difficult to understand, particularly when they are already in a confused and traumatised state. Written correspondence should be in plain English.
- As it can sometimes be difficult to hear in court, court transcripts should be made available without cost to the victim or victim's family.

- Victims and their families can, in certain cases, opt into the Victim Notification Scheme to receive information about the release of a prisoner. The Committee heard that, rather than having to opt-in to the scheme, victims should automatically be enrolled, with the choice to opt-out if they wish.
- One individual spoke of how disappointed and upset she had been that the police did not appear to follow up a breach of bail by the accused and that there was no explanation as to why this had not been investigated.

### *Support*

- While support organisations such as Victim Support Scotland and Rape Crisis Scotland provided excellent support to victims before, during and after a trial, more support was needed from the ‘official organisations’ such as the Scottish Court Service, Crown Office and Procurator Fiscal Service, the police, etc. A family liaison officer should be assigned to a victim or family at the beginning of a case.
- Case companions should be assigned to victims of serious crime and their relatives to help them navigate the justice system.
- Some participants agreed that the Bill was ‘tokenistic’ and did not provide any real improvements in support for victims. A Victims Commissioner should be established to report on victims’ experiences and support annually.
- Those who have experienced murder, loss, suspicious deaths, fatal accident inquiries, should receive similar levels of support to other victims. Families of these crimes tend to have to set up their own support bodies.
- There was concern that support for victims and their families was not available once the trial had concluded and this was often a particularly difficult stage if the accused was found not guilty or the case against them was not proven.
- The Victim Information and Advice service only operates 9 am to 5pm. Out-of-hours support was sometimes needed.
- Victims and witnesses were not being fully prepared for what would happen in court, particularly in relation to the defence’s approach.

### *Victim impact statements and the right to make oral representations before release*

- Victim impact statements should always be read out in court. The Committee heard that this did not always happen.
- Victims and their families should have the right to submit another victim impact statement at appeal stage.
- The Bill allows victims to make oral representations to the Parole Board before an offender is released on licence. Some victims believed that this should be extended to all murder cases.

### *Training*

- Training was needed for staff involved in the criminal justice system to ensure more compassion when dealing with victims and their families. Some advocate deutes may benefit from interpersonal training. Victims were met with a great reluctance when they tried to meet with staff to discuss their cases.

### *Delays and waiting facilities*

- One individual waited 14 months for the trial in which she was a victim to take place, which added to her suffering.
- Due to adjournments, another individual waited all day on six separate occasions before the trial in which she was a witness took place. There was consensus that the constant changing of trial dates was unacceptable especially as witnesses were already extremely traumatised.
- On the day of the trial in which they were to give evidence, some victims had to wait in the same area of the court as the accused, which they found intimidating.