

JUSTICE COMMITTEE

VULNERABLE WITNESSES (CRIMINAL EVIDENCE) (SCOTLAND) BILL

SUBMISSION FROM BARNARDO'S SCOTLAND

Key points

- Barnardo's Scotland fully endorses the aim of improving the process of giving evidence for children and young people
- Our focus is on ensuring that children and young people have the appropriate support before, during and after giving evidence
- We therefore draw the Committee's attention to aspects of this support which necessarily sit outwith the Bill process, but which will be key to ensuring the success or otherwise of the measures introduced in the Bill.

Policy objectives of the Bill

The key policy objective of the Bill is to improve how children participate in the criminal justice system. From our experience supporting child victims and witnesses, in particular in our work around child sexual exploitation, we know that the process of giving evidence is extremely difficult for children, and that at worst it can exacerbate the trauma that children experience. We are therefore very supportive of this policy objective.

We believe that the new rule set out in the Bill is *one of* the steps that need to be taken to meet this policy objective. We are frustrated by the relatively slow pace of change introduced by the Bill, which will be phased both by age and by court setting, but we understand that there are pragmatic reasons for this. Despite this caveat, we are therefore supportive of the Bill.

As our expertise lies in supporting children and young people, rather than the technical aspects of the legal system, we have not commented on the detail of the Bill. Rather, we wish to draw the Committee's attention to measures which we believe need to be considered alongside the provisions in the Bill, to ensure that it meets its stated aim.

Supporting children and young people

In 2017, Barnardo's published '*Journeys to Justice: Prioritising the wellbeing of children involved in criminal justice processes relating to sexual exploitation and abuse*'. This report concluded that **"it is highly likely that the better supported and informed a witness is, and the more their wellbeing is promoted and protected, the better their evidence will be"**. We therefore offer the report's

findings on how to best support child victims and witnesses, both in the best interest of the child, and the best interests of the criminal justice system.

We believe that children and young people deserve consistent, child-focussed and specialist support before, during and after a prosecution.

The report found that:

- The benefits of consistent one-to-one support from an independent specialist worker were crucial to the promotion of children and young people's wellbeing. In particular independent workers:
 - were central in advocating for children and young people's rights and wellbeing to remain paramount, and for potential re-traumatisation to be limited
 - helped to counter children's feelings of disempowerment, which can arise due to poor communication/exclusion from decision making processes and lack of understanding of criminal justice process
 - advocated for a level of choice to remain with children and young people, and for their voices to be listened to
 - balanced immediate safety needs with future risks and ensured that practical supports such as safe accommodation, fares to/from court were available
 - were particularly useful in relation to child sexual abuse cases, in raising awareness of exploitation, abuse, trauma and its manifestations in behaviour as well as influencing how others treated children and young people involved in criminal justice process.
- The risk that the criminal justice process negatively affected the wellbeing of children and young people was heightened by the other vulnerabilities experienced by many witnesses and victims of exploitation and abuse – it is vital that support takes account of these other vulnerabilities.
- Support for children and young people's wellbeing needs to be more thoroughly planned from the outset of investigations and prepared for at each stage of the process.
- There is a gap in terms of support and explanation for parents and carers, and in particular alerting them to supports that their child/young person may need before and after police interviewing, attendance at court etc.

Children and young people impacted by gender-based violence who took part in the Scottish Government commissioned *Everyday Heroes* project also reflected on the importance of specialist support and advocacy workers.

We are aware that the Scottish Government has extended funding for the Rape Crisis Scotland National Advocacy Project, which has been positively evaluated. We would like to see this sort of support available to all child victims and witnesses, including those under 13, who are not covered by the National Advocacy Project.