

National Standards for Victims of Crime



SCOTTISH EXECUTIVE

Introduction

This leaflet tells you what standards you should expect in your dealings with the criminal justice or children's hearings systems.

If you have been the victim of a crime, you may have contact with a number of different organisations and people who work in the Scottish criminal justice or children's hearings systems. 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 the court case.

A list of agencies that you may have to deal with is included in this leaflet. They each have different responsibilities, at different stages of the criminal justice or children's hearings processes. If they cannot help you directly with a query, they will try to put you in touch with someone who can.

The standards are based on the principle that you should be treated with dignity and respect at all times regardless of your gender, age, marital status, race, ethnic origin, sexual orientation, disability or religion. The standards aim to ensure that, as a victim of crime, you receive information, practical and emotional support, and are able to participate more fully in the criminal justice system.

Access to information

Any organisation that provides you with information about the criminal justice or children's hearings systems should meet the standards below. This could be information about general procedures, your role in them and about when you are expected to attend meetings or appear at court. It could also be information on the progress or outcome of a court case, or about the release of the offender from prison if you have joined the Victim Notification Scheme.

- **You should have access to relevant information at an early stage and at appropriate points in the process.**

This should include information on procedures, your role in them (if any), reports on progress (giving an explanation for any delays) and outcomes of criminal proceedings, and where, if possible, you can get further information and assistance.

- **You should be able to understand the information that is given to you.**

The language should be easy to understand and the information should be available in alternative languages or formats if required.

- **You should be told who to contact if you want to discuss the information that has been provided.**

Information providers should be able to explain anything you do not understand. If the information is about a decision that has been taken, they will tell you as much as they can about why that decision has been made.

Provision of support

After a crime, you may need support. This could be provided by a voluntary organisation (such as Victim Support Scotland) or a criminal justice agency. When you receive support:

- **You should be able to discuss your needs and you should be fully consulted on decisions affecting you at all times.** The organisation should clearly describe the types of service they provide and agree what they will do on your behalf. If you are uncomfortable with a suggested course of action, with the service being provided or you wish to stop contact with the service, your wishes should be respected.
- **You should be satisfied with the quality of service you are receiving.** You should be given an opportunity to give feedback to the organisation on the service that you receive.
- **Services should be confidential at all times.** Information about you is subject to data protection legislation¹ and should not be disclosed to any third party unless you have consented; there is a legal requirement to do so; there is an overriding moral consideration; or disclosure would assist in the prevention or detection of crime.

¹ The Data Protection Act 1998 sets out an individual's rights in relation to the information that is stored and processed about them.

Participation

Your participation in criminal proceedings will usually be as a witness. A number of people will want to speak to you about what happened to you before, during or after the crime, and any effect the crime has had on you.

- **When people contact you, they should explain clearly who they are, why they are contacting you and what is expected of you.** Before the court case, you may be contacted by the Children’s Reporter, the Procurator Fiscal or the defence lawyer (or someone acting on their behalf). They may want to ask you questions about the crime. Their first contact should be by telephone or letter.
- **Where possible, meetings should be arranged at a time that is suitable for you.** If the time suggested is unsuitable, you can suggest an alternative. However, if you are cited as a witness in a court case, you will have to attend court at the time and date specified in the letter from the Procurator Fiscal or Children’s Reporter.
- **If you are a child witness or other very vulnerable witness, it may be possible for you to get assistance at court to help you give your best evidence.** The Procurator Fiscal or Children’s Reporter can ask the court to consider allowing you to give evidence using “special measures” such as using a screen or a live television link, or being accompanied by a support person. The lawyer for the accused can also ask for similar measures for defence witnesses.

General

If you are not happy with the service you have received from any of the agencies you have contact with, it is important that you tell them. If the matter cannot be resolved, you should be offered information about the relevant complaints procedure, so that you can raise your concerns formally. Your complaint should be taken seriously, and dealt with effectively, and you should be able to complain without fear of victimisation.

This table lists alphabetically people or organisations that you might have contact with if you are a victim of crime and explains why you might have contact with them.

Who?	Why?
Children's Reporter	<p>The Reporter is responsible for referring a child or young person who may be in need of compulsory measures of supervision to a children's hearing. The Reporter may contact you to ask questions about your evidence before notifying you formally as a witness with the date and place of the court case. If the young person accepts the offence, you may, if appropriate and with your consent, be invited to take part in mediation or restorative justice programmes. These can help the offender understand the impact of their behaviour on victims. The child's welfare is the primary consideration for the Reporter.</p>
Defence Lawyer	<p>The defence lawyer (sometimes known as the defence agent) acts for the accused. S/he might contact you before the case comes to court or ask someone called a precognition agent to do this on their behalf. This will be to ask you questions about the crime to find out what your evidence is (this process is called precognition). Or s/he may ask someone called a precognition agent to do this on their behalf. Precognition is a normal, and important, part of the criminal justice process and helps the defence assess the evidence (the Procurator Fiscal may also want to ask you questions about the crime – see entry below). Defence lawyers or agents should always contact you in advance and offer you a suitable time and place to meet. The defence lawyer may also question you in court if there is a trial. S/he is bound by the Law Society of Scotland's Code of Conduct for Criminal Work.</p>

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Who?	Why?
Parole Board for Scotland	<p>The Board is responsible for determining when an offender, who has been sentenced to prison for four years or more, will be released. The date of release on licence is determined by law and depends on the length of sentence. The Board must be satisfied that the offender is not a risk to the public. Offenders released on licence will have conditions attached to their release – the Board decides what these should be. You may be eligible (under the terms of the Victim Notification Scheme) to be told when the offender is considered for parole and to make written representations to the Board about your views on the offender’s release.</p>
Police	<p>The police are responsible for investigating the crime and reporting it to the Procurator Fiscal. They can give you information on the progress of the case in the early stages, before the Procurator Fiscal has decided whether to prosecute. They may need to ask you more questions while they are investigating the case.</p>
<p>Procurator Fiscal (PF)</p> <p>(see below for the Victim Information and Advice service)</p>	<p>The Procurator Fiscal is responsible for deciding whether to take criminal proceedings against the accused for the crime and what the charges should be. The PF also gathers further evidence. S/he may contact you (either directly or through a Precognition Officer) to ask you questions about the case. This helps the PF assess the evidence. The PF prosecutes the case in court (except in High Court cases which are conducted by Crown Counsel). If you are to give evidence in a court case, the PF will tell you when and where any trial will be held.</p>
Scottish Court Service (SCS)	<p>The SCS is responsible for providing suitable accommodation for your visit to court. Court staff will note your attendance at court, direct you to the appropriate waiting accommodation and guide you into the courtroom when you give evidence. They can also provide information on court procedure.</p>

Who?	Why?
Scottish Prison Service (SPS)	The SPS can provide victims (or their families) with certain information about an offender under the terms of the Victim Notification Scheme. Eligibility for the scheme depends on the type of crime involved and only applies to offenders who have been given a sentence of four years or more. The information includes the offender's date of release; death (if this happens in prison); transfer to a prison outside Scotland; escape; and eligibility for temporary release or parole (see Parole Board entry above).
Sheriff or Judge (and Justice of the Peace)	The Sheriff or Judge is responsible for deciding whether the accused is innocent or guilty, unless there is a jury, in which case it will decide this. The Sheriff or Judge also decides what sentence should be given. S/he is responsible for ensuring that you are not treated unfairly if you are questioned during the trial. In a District Court, the Judge is called a Justice of the Peace (JP) and there is no jury.
Social Work	Criminal Justice Social Work provides services in respect of offenders. However, they may also contribute towards the development or provision of services to victims of, and witnesses to, crime.
Victim Information and Advice (VIA)	VIA provides certain victims, witnesses and next-of-kin with information about the progress of the case. VIA staff work for the prosecution service and deal with cases from the time when the crime is reported by the police to the Procurator Fiscal.
Support Organisations	
Victim Support Scotland (VSS)	VSS provides information and support to victims and others who may be affected by crime. When you report the crime to the police, they will pass your details onto VSS unless you say you do not want them to. Someone from VSS will then contact you to see if you want advice and support.

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Who?	Why?
The Witness Service	The Witness Service provides practical support and information to witnesses attending court. This includes pre-trial visits to the courtroom, and information on facilities in the court building and court procedure.
Other support organisations	Other organisations also provide advice and support. This can include victim support organisations that specialise in supporting victims of certain types of crime. It also includes organisations that can help you with a range of issues following the crime – the Criminal Injuries Compensation Authority, your local authority, the NHS or Jobcentre Plus. You can get details of these organisations from one of the criminal justice agencies or from Victim Support Scotland.

Further copies of this document are available, on request, in audio and large print formats and in community languages. Please contact 0131 244 2213.

اس دستاویز کی مزید کاپیاں آڈیو کیسیٹ پر اور بڑے حروف کی چھپائی میں اور کیوٹی کی زبانوں میں طلب کیے جانے پر دستیاب ہیں، برائے مہربانی اس پتہ پر رابطہ کریں:

এই ডকুমেন্ট-এর (দলিল) অতিরিক্ত কপি, অডিও এবং বড়ো ছাপার অক্ষর আকারে এবং সম্প্রদায়গুলোর ভাষায় অনুরোধের মাধ্যমে পাওয়া যাবে, অনুগ্রহ করে যোগাযোগ করুন:

Gheibhear lethbhreacan a bharrachd ann an cruth ris an èistear, ann an clò mòr agus ann an cànan coimhearsnachd. Cuir fios gu:

इस दस्तावेज़/कागज़ात की और प्रतियाँ, माँगे जाने पर, ऑडियो टैप पर और बड़े अक्षरों में तथा कम्यूनिटी भाषाओं में मिल सकती हैं, कृपया संपर्क करें:

ਇਸ ਦਸਤਾਵੇਜ਼/ਕਾਗਜ਼ਾਤ ਦੀਆਂ ਹੋਰ ਕਾਪੀਆਂ, ਮੰਗੇ ਜਾਣ 'ਤੇ, ਆੱਡਿਓ ਟੇਪ ਉੱਪਰ ਅਤੇ ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ ਅਤੇ ਕੰਮਿਊਨਿਟੀ ਭਾਸ਼ਾਵਾਂ ਦੇ ਵਿਚ ਮਿਲ ਸਕਦੀਆਂ ਹਨ, ਕ੍ਰਿਪਾ ਕਰਕੇ ਸੰਪਰਕ ਕਰੋ:

此文件有更多備份，如果需要，語音版本和大字體版本及少數種族語言版本也可提供，請聯絡：

يمكن أن تطلب النسخ الأخرى من هذا المستند كالتسجيل الصوتي والخط المكبر ونسخ بلغات أخرى، يرجى الإتصال على:



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This document is also available on the Scottish Executive website:
www.scotland.gov.uk

Further information for victims of crime is available at:
www.scottishvictimsofcrime.co.uk

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