



REVIEW *of the*

SCOTTISH

STRATEGY

for VICTIMS



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Scottish Executive
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EH1 3DG

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MINISTERIAL FOREWORD



In January 2001 the Scottish Executive launched the first ever *Scottish Strategy for Victims*. The *Strategy* was drawn up with the help of statutory and non-statutory agencies that work with victims, and committed the criminal justice service to ensure the:

- provision of emotional and practical support to victims;
- provision of information to victims; and
- greater participation of victims in the criminal justice system.

Since the *Strategy's* publication a great deal has been done to improve the services available to victims. These significant improvements are the result of the hard work, commitment and collaboration of groups and organisations across Scotland's justice system and are summarised in this report.

But I know that more still needs to be done and I want to build on the good work that has already taken place. That is why the Scottish Executive, in conjunction with key stakeholders, has undertaken a systematic review of the *Strategy*.

The review stresses the need to move from the broad principles of the *Strategy* to the specifics of delivery. It recommends more detailed information for victims, more partnership working, more and better training. It also underlines that victims' needs extend beyond the justice sector – to areas such as health, housing and education. The review highlights the importance of getting right the language we use and the accessibility of services.

Victims of crime value practical information and support. Nothing can ever undo the damage caused by a crime, but we can, and will, strive to ensure that the agencies that victims rely on provide the right support, accurate information, appropriate advice and work together to provide as seamless a service as possible.

The review is not an end in itself. It builds on existing multi-agency commitments to victims' welfare. The challenge now is to implement its recommendations. We will publish a detailed action plan by next spring to show how the recommendations of the review will be implemented, and we will continue to provide regular reports on the work being done to advance victims' interests, change what can be done better and build on good practice.

Hugh Henry

Hugh Henry, MSP
Deputy Minister for Justice

Introduction

Background

1. The *Scottish Strategy for Victims* was originally published in January 2001. It set out a common vision for victims shared by the main agencies across the criminal justice and children's hearing systems in Scotland. Since the publication of the *Strategy*, progress has been made in applying its principles and implementing its aims and objectives. Details of that progress – and of future work – have been outlined in two separate reports¹ and include:

- the rolling out across Scotland of the Victim Information and Advice service (part of the Crown Office and Procurator Fiscal Service) and of the Witness Service;
- increased funding for Victim Support Scotland (£3.8m in 2005-06);
- the piloting of a Victim Statement Scheme, and a support and information scheme for victims of youth crime;
- increased support for victims of domestic abuse;
- legislation to improve support for vulnerable witnesses and the efficiency of court procedures; and
- the implementation of the statutory Victim Notification Scheme.

Since the last progress report in November 2004, there have been further developments. These include:

- the introduction of a new Crown Office policy on disclosing the reasons for not proceeding with prosecutions;
- the publication of national standards for victims of crime, that set out in clear terms the level of service that victims should expect from the agencies with which they come into contact; and
- the launch of the review of the Children's Hearings system.

2. Given these advances and other reforms of the criminal justice service, the Victim Steering Group (VSG)² undertook a review of the *Strategy* and its principles and objectives to see if they remained relevant. This report outlines their findings.

1 For 2002-03 Progress Report, see <http://www.scotland.gov.uk/library5/justice/ssvp-00.asp>.
For 2003-04 Progress Report, see <http://www.scotland.gov.uk/library5/justice/ssvpr04-00.asp>.

2 VSG is a grouping of stakeholders that is chaired by the Scottish Executive and which draws its membership from the Association of Chief Police Officers Scotland, the Association of Directors of Social Work, the Convention of Scottish Local Authorities (COSLA), the Crown Office and Procurator Fiscal Service (COPFS), the District Courts Association, the Judicial Studies Committee, the Law Society of Scotland, the National Forum of Victims' Organisations, the Scottish Children's Reporter Administration, the Scottish Court Service, the Scottish Prison Service, the Sheriffs' Association, the Victim Information and Advice service (which is part of COPFS) and Victim Support Scotland.

Established Principles

3. The principles that underpin the *Strategy* are:

- a recognition of the importance of the victim and the need to provide practical and emotional support to assist the victim to recover and towards prevention of further crime or secondary victimisation;
- a commitment to provide explanations for victims about the criminal justice, children's hearing or other processes with which they may be involved;
- a recognition that victims have a legitimate interest in the cases with which they are involved and so have a contribution to make;
- a commitment to offer victims information on the progress of their cases; and
- a recognition that victims should be enabled to have a voice, where appropriate, throughout all stages of the criminal justice and children's hearing systems.

4. In order to achieve these principles, the *Strategy* included two main policy objectives, which were:

- to ensure provision of emotional and practical *support* to victims; and
- to ensure provision of *information* to victims.

To achieve these objectives the *Strategy* also aimed to ensure that victims have the opportunity to articulate their concerns and, as a result, a third objective was to achieve:

- greater *participation* of victims in the criminal justice system.

5. These broad principles and objectives have underpinned recent improvements to the way that criminal justice and children's hearing agencies relate to victims. They remain valid. The agencies that make up the criminal justice and children's hearing systems and the organisations that provide services to victims continue to support the principles enshrined in the *Strategy*.

Review of the Strategy

6. The VSG set up four sub-groups, made up of representatives from across the criminal justice and children's hearing services, as well as from organisations that support victims. It had also already established a Homicide Working Group that had been in place since November 2003. Reports have been produced by these sub-groups – covering awareness raising and training, information, service delivery, the needs of families bereaved by homicide and research into the flow of management information within the criminal justice and in the children's hearing systems.³

7. In all, the sub-groups came up with over 60 recommendations. This report is based on the findings of the sub-groups and sets out service improvements that will recognise the needs of victims of crime, take their concerns into account and listen to what they say.

³ A copy of the research can be found at

<http://www.scotland.gov.uk/Publications/2005/07/2892136/21367>

Support

Assessment of Need

8. Research has shown that, in general terms, victims' needs fall into six broad categories:

- physical protection and security;
- information throughout the criminal justice or children's hearing processes;
- emotional and counselling support;
- courtesy, respect and sensitivity to the experience they have lived through;
- assistance related to particular needs, such as physical disability, speech or hearing impairment, language, ethnicity, religion, gender or sexual orientation; and
- comfort when, for example, attending court.

These general categories probably could be broken down further, but the important point to bear in mind is that victims' needs may extend beyond one of these categories.

9. All victims are individuals and it is important to tailor services to their needs. For example, some victims and witnesses may be vulnerable because of their age (children and elderly people), physical capacity (people who are physically disabled or disadvantaged), mental capacity (people who are suffering from mental illness or have learning difficulties), membership of an ethnic minority or faith group, or because English is a second language. In addition, victims (and witnesses) may be vulnerable for a variety of less obvious reasons; they may be socially disadvantaged, have a low level of educational attainment, be unemployed or homeless, suffering from depression or extreme anxiety, suffering from ill-health, or have any of a number of other needs. The first step, then, towards creating criminal justice and children's hearing services that meet the requirements of individual victims is a comprehensive assessment of their varied needs.

What will be done?

- There will be a detailed assessment of victims' needs.

Local Services

10. In the majority of cases a victim will come into contact with organisations that are either based in his or her locality, or that are locally based parts of a national organisation. In the case of youth crime, victims may also deal with the Scottish Children's Reporter Administration. So, for example, it will usually be the local police force that records the crime, the local Procurator Fiscal and VIA office that deals with the prosecution of the accused and locally based support organisations, such as the area Victim Support Scotland (VSS), or the local Women's Aid group that provides emotional or practical support.

11. There have been significant developments in the provision of locally based services since the *Strategy's* publication. These include services for victims of domestic abuse and the development of the Witness Service and VIA. However, there has not been a systematic assessment of the level and quality of service at a local level.

12. To ensure that there is equivalence of provision (i.e. that, as far as possible victims receive roughly the same level of service regardless of where they live), we will commission a comprehensive review of local service provision that takes into account existing requirements, structures and organisations. This will include assessing local partnership referral arrangements and identifying examples of effective, integrated support for victims. Victims' needs can extend beyond the criminal justice and children's hearing services, and may include health, housing and education. The review will also look at these services. Ascertaining the scale and quality of current provision will be a substantial task, and one that cannot be undertaken without linking with existing partnerships and by consulting widely. When complete, it will inform decisions on whether and how to strengthen local provision.

What will be done?

- There will be an assessment of provision of services to victims at the local level.
- Steps will be taken to improve the quality and consistency of services to victims across Scotland and, where appropriate, services beyond the criminal justice and children's hearing systems.

Training Capacity

13. An essential element of providing high quality services to victims is the training of staff and volunteers. There is some evidence that the organisations that regularly deal with victims have training programmes in place. However it was not possible, in the time available to the review, to establish the quality of that training, or the extent to which it met the needs either of victims, or of the organisations that support them. Work will be done to establish existing training capacity, potential needs and possible means of rectifying any deficiencies.

14. If training is to deliver what is needed, it must be evaluated. We will, in conjunction with stakeholders, including organisations that deliver training as part of their work, draw up guidelines to help evaluate the training of practitioners who work with victims, including vulnerable victims. Organisations that provide training will be invited to consider how any gaps or deficiencies might be addressed.

What will be done?

- Consideration will be given to evaluating the training available within the criminal justice and children's hearing services, taking into account existing strategies (e.g. the Domestic Abuse Training Strategy).
- Guidelines to help with the evaluation of training will be published.
- Individual organisations should be asked to evaluate their own training.
- Agencies should publicise the training courses that they can open to other participants.

Training: Helping Small Organisations

15. Many support organisations are very small and have limited resources. Access to training can therefore be difficult. This situation can be improved by encouraging a consortia approach to training. Consideration will be given to a training fund or grant scheme that might pay a contribution toward the training costs of small organisations, which would help improve skills, generate demand and encourage supply of appropriate courses. Any support would need to complement, not duplicate, what is already available.

16. Another proposed approach is to develop training packages that can be used by small organisations, perhaps using on-line learning, CD-ROMs or other technologies that can provide good but low cost training. Decisions on this, and the possibility of a grant scheme, would need to await an assessment of the training already in existence and the identification of any gaps that might exist.

What will be done?

- Consideration will be given to a grant scheme to build training capacity.
- Consideration will be given to designing training that is of value to small organisations.

Broader Education in Victims' Issues

17. A victim might come into contact with a range of organisations, not all of them with a direct and obvious focus on victims. To alert professionals outwith the criminal justice and children's hearing services to the needs of victims it would be helpful if victims' issues were included in both the initial education of appropriate professions (such as lawyers, the medical professions and social work) and in their continuing professional development such training could be evaluated using guidelines drawn up in conjunction with organisations that regularly deal with victims.

What will be done?

- Professional bodies will be asked to consider, in consultation with service providers, improving or expanding the education and training that they provide on victims' issues.

Information Needs

Availability of Information

18. In broad terms, the research into management information systems within the criminal justice system found a lack of clear, or consistently applied, definitions as to what constituted a victim. There were also gaps in the information collected (although most agencies obtained the information required for their own purposes) and unclear procedures for tracking victims through the criminal justice system. As a result, the report made a number of recommendations related to data sharing and reporting, addressing information gaps and monitoring and evaluation. The report also recommended that the Scottish Executive should, in conjunction with partners, establish common data standards and collect as much information centrally as possible. This would be a long term aim with other information related recommendations being given priority.

What will be done?

- Agencies will be asked to provide regular statistical reports to the VSG on as standardised a basis as possible.
- There should be published reports covering the data collected by the VSG with the aim of improving the provision of services.
- Consideration will be given to seeking more information on the experiences of victims.
- Consideration will be given to collecting data using agreed common definitions.

Access

19. Victims (and witnesses) often seek information about the progress of their case before, up to, and including, the sentencing stage. Therefore, each of the agencies that works with victims needs to make it clear, in general terms, which agency is likely to hold what information at each stage of a criminal case and when (and if) that information can be provided either to a victim or to other agencies.

20. Victims of youth crime will not normally receive information about offenders or disposals from criminal justice agencies. However, the broad principles of openness, transparency and appropriate exchange of information apply as much to agencies working with victims of youth crime as to criminal justice agencies. Following a pilot scheme aimed at providing victims with more information in central Scotland, work is in hand to improve the level, source and timing of the information given to victims of youth crime in future.

What will be done?

- Public bodies will, where appropriate, publish information protocols.
- Each public body should set out, in broad terms, the categories of information that they hold on victims.
- Voluntary agencies should publish information about their own functions and processes.
- There will be a review of the provision of information to witnesses at court.
- Consideration will be given to providing a central point for advice on data protection and freedom of information.

21. There are many organisations and agencies that help victims of crime. The provisions in section 18 of the Criminal Justice (Scotland) Act 2003 confer a general power on the police to enable them to pass on information about victims of crime to a prescribed support organisation (Victim Support Scotland (VSS) is the only organisation so far prescribed in this way). Therefore, there is a clear route for victims into the criminal justice service, but only if the crime is reported and the victim consents to have his or her details passed to VSS.

22. However, some victims do not report crimes or seek support straight away (although they may do so later), or they may wish support from an organisation other than VSS. Victims who fall into these categories must be able to access support when needed. It is therefore important to raise awareness of the range of services available amongst both those who might need access to victim services, and amongst organisations that might help victims. Ways of doing this include:

- ensuring that information available on the internet is co-ordinated, has appropriate cross references and links, and is up to date. The *Victims of Crime* website⁴ will be updated, and provide an outline of the criminal justice and children's hearing systems with links to other appropriate organisations;
- updating the *Victims of Crime* leaflet⁵ (first published in 2001 and revised in 2003) and distributing it to a variety of organisations (including health boards, police forces, local authorities, etc.) and in a number of languages and formats. We will also consider means of increasing the impact of the leaflet (such as posters and credit card size summaries);
- considering other ways of providing information. For example, offering more information through helplines, perhaps including those provided by local authorities.

⁴ The website address is <http://www.scottishvictimsofcrime.co.uk>.

⁵ See <http://www.scotland.gov.uk/library5/justice/vcil-00.asp> for the text of the leaflet and translations of it.

What will be done?

- The *Victims of Crime* website will be updated.
- Websites within the criminal justice and children's hearing services should have an area for victims' issues.
- There will be reciprocal web links within the criminal justice and children's hearing systems.
- The *Victims of Crime* leaflet will be updated and widely distributed.
- Other means of disseminating information (e.g. posters) will be considered.
- Local authorities will be asked to consider giving information through existing helplines.

Directory of Organisations

23. Some victims will prefer to conduct their own research and decide which organisations to contact; but they need to know what is available. Therefore consideration will be given to preparing a directory listing support organisations.

What will be done?

- There will be an assessment of the need and scope for a directory.

Language

24. It is important that information for victims tells them what they need to know and is available in different languages and formats. Information should also be in plain language. For example, few people outwith the criminal justice service will be familiar with words such as "precognition" and "proof", or expressions such as "solemn proceedings" or "evidence on commission". There are, no doubt, other terms which people familiar with the system take for granted but which can lead to frustration, misunderstandings or confusion for victims and their families.

What will be done?

- All organisations should consider language and terminology when communicating with victims.
- Where appropriate, representative external panels (perhaps made up of service users or independent members drawn from bodies with expertise in communicating with service users) will be used to assess communications with victims for their clarity and user friendliness.
- Information will be available in a variety of community languages and formats.

Sentencing and Release

25. More information on sentencing or other outcomes was identified as a particular need of victims. People would value more information about what issues are considered, the range of disposals available (including those by the children's hearing system and in relation to young offenders) and how these normally work (including parole, licence, deferred sentences, general policies regarding release before and after four years, length of sentence before automatic release and so on). It is important, however, to remember that this information can only be general since it is Judges, who hear all the evidence and circumstances of a case, who make sentencing decisions. The information should therefore be presented in such a way that it does not raise expectations of a particular sentence or outcome.

26. Information will also be provided, in general terms, on prisoner release dates and about how the prison system and early release works. Evaluation of the Victim Notification Scheme will consider, in the light of the resource implications involved, whether the scheme should be extended to offenders serving a sentence of less than four years.

What will be done?

- General information on sentencing will be made available, e.g. on the *Victims of Crime* website and in the information leaflet.
- The review of the Victim Notification Scheme will consider extending the scheme's provisions to prisoners serving less than four years in prison.

Next of Kin in Homicide Cases

27. The experiences of bereaved next of kin in homicide cases are unique amongst victims of crime. There have been deficiencies in the responses to these families. For instance, the Jandoo Report⁶ was critical of the systems operated by the police and the prosecution service for communicating with families and made a variety of recommendations. Research done for Lord Bonyon's Report⁷ focused on the experience of families in court and revealed their concerns about their treatment.

⁶ *Report on the Enquiry into Liaison Arrangements between the Police, the Procurator Fiscal Service and the Crown Office and the Family of the Deceased Surjit Singh Chhokar in Connection with the Murder of Surjit Singh Chhokar and the Related Prosecutions*, Dr Raj Jandoo, 2001, Scottish Parliament.

⁷ *Report of the Review of Practices and Procedures in the High Court of Justiciary*, 2003.

28. The Homicide Working Group recognised the wide ranging support needs of the family and friends of homicide victims and its report⁸ contained 25 recommendations. These can be summarised as follows:

- agencies should be sensitive to the needs of the families of victims, in communicating with family members, and in returning property;
- an information pack should be provided to families in homicide cases;
- attention should be paid to the needs of victims' families when they attend court, including consideration of introducing a fund to pay expenses incurred by bereaved families attending courts;
- training should be provided to appropriate criminal justice staff on the needs of the bereaved;
- local authorities should review their practices in relation to the cleaning of houses that are crime scenes, and the service they provide to children and to homeless people bereaved by homicide;
- health professionals should consider how they can offer a more consistent and well informed service to families; and
- the media should adopt a more sensitive approach to news handling.

The information pack⁹ has already been published and distributed (in December 2004). In addition, much of the work that is being taken forward to improve service delivery, information and awareness of victims' issues generally has relevance to families of victims of homicide.

What will be done?

- The remaining recommendations of the Homicide Working Group will be taken forward.

Practitioners

29. Many organisations are working with victims. Because they do not always exchange information as well as they might, it can seem to victims that organisations are not working together to best meet their needs. It is important that organisations act together to provide a service that does this. Practitioners and agencies should be able to employ technology more effectively to develop inter agency networks for exchanging information, advertise training and forthcoming events and to publicise any significant developments. Any information exchange should take into account the usual issues of appropriateness, client confidentiality, legal control and requirements for disclosure and the victim's confidentiality and wishes. Networking can also be improved by the use of IT, and by events for practitioners and other interested parties to discuss best meeting victims' needs, the latest developments in the law and in research, and good practice and ideas.

⁸ See the Homicide Working Group report at <http://www.scotland.gov.uk/library5/justice/fbhwgr-00.asp>.

⁹ A copy can be found at: <http://www.scotland.gov.uk/library5/justice/ibfffm-00.asp>.
The accompanying leaflet on coping with grief can be found at <http://www.scotland.gov.uk/library5/justice/cwgsbk-00.asp>.

What will be done?

- IT will be used to improve the information flow between professionals.
- We will explore with practitioners the opportunity for a series of networking events.
- Consideration will be given to providing the voluntary sector with a more cohesive national voice.

National Standards for Victims of Crime

30. In February 2005, the Executive published the *National Standards for Victims of Crime*.¹⁰ These make clear the level of service that victims and their families should expect when dealing with organisations in the criminal justice and children's hearings systems (including victim support organisations). The Executive will be assessing the way in which organisations respond to the challenge of meeting the *National Standards* as part of its monitoring of the implementation of the *Strategy*.

What will be done?

- Implementation of the *National Standards* will be monitored and evaluated.

Implementation

31. Since the original *Strategy* was published in January 2001 victims have both acquired new rights (for example for information on the release of serious offenders¹¹) and seen an improvement in the services available to them (for example, the Victim Information and Advice (VIA) service¹² and the Witness Service¹³). As this review has shown, however, there is still more we can do to improve the support available to victims.

32. As well as providing valuable advice to Ministers on all aspects of working with victims, the VSG brings together a range of victim related interests. It will have a central role in maintaining the momentum of improvement by scrutinising proposals, facilitating discussion and monitoring progress. This will include:

- establishing working groups to take forward the findings of the VSG sub-groups;
- monitoring how agencies ensure that they meet the standards for victims of crime;
- regular reports to VSG on all of these issues; and
- the publication of a regular progress report.

10 The *National Standards for Victims of Crime* are set out in a leaflet published on 23 February 2005. It can be found at <http://www.scotland.gov.uk/library5/justice/nsvcl-00.asp>

11 The Victim Notification Scheme came into effect on 1 November 2004. Guidance on it is available at <http://www.scotland.gov.uk/library5/justice/vnsi-00.asp>

12 VIA was established in June 2002 and the service has now been rolled out across Scotland.

13 The Witness Service has been available in all Sheriff Courts in Scotland since August 2002 and in all High Courts from July 2003.

Next Steps

33. Progress has been made in ensuring effective support for victims and witnesses, so that the criminal justice and children's hearing systems better serve the needs of victims and witnesses. However, improving both the rights and the services available to victims is a constant challenge. This review builds on the work that has gone before by concentrating on the practical changes that could do so much to improve services.

34. The review is, however, not the end of the process. The next stage is for the Executive, in conjunction with other agencies and organisations, to draw up a detailed action plan that will encompass the work required over the next three to four years to implement the recommendations of the review. That action plan will be published by the spring of 2006. The review of the *Strategy*, and its implementation helps ensure that the criminal justice and children's hearing systems continue to respond effectively to the changing needs of victims of crime.



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