

# Standards of Service for Victims and Witnesses

## Annual Report on Performance 2017 – 2018



CROWN OFFICE  
& PROCURATOR  
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

Scottish Courts  
and Tribunals Service



**SPS**  
SCOTTISH  
PRISON SERVICE



Parole Board for Scotland

## Contents

	Page
<b>Introduction</b>	<b>3</b>
<b>The Standards of Service</b>	<b>4</b>
<b>Standards and report - Police Scotland</b>	<b>6</b>
<b>Standards and report – Crown Office and Procurator Fiscal Service</b>	<b>12</b>
<b>Standards and report – Scottish Courts and Tribunals Service</b>	<b>17</b>
<b>Standards and report – Scottish Prison Service</b>	<b>25</b>
<b>Standards and report– Parole Board for Scotland</b>	<b>29</b>
<b>What to do if you are not happy with our service – How to complain</b>	<b>32</b>
<b>Taking the matter further – The Scottish Public Services Ombudsman</b>	<b>33</b>

## Introduction

We all share a vision that those affected by crime should be at the heart of the Scottish justice system. The people who are affected by crime and involved in criminal proceedings should know that the criminal justice system is there for them and we want to make sure that their voice is heard.

The principles that victims and witnesses can look to are clear - they have the right to information about their case, their safety should be ensured, they should be supported and that they should be able to participate effectively.

This is the third report produced jointly 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. We each established Standards of Service for victims and witnesses in April 2015 and the first report set out our progress and experience during our first year.

The second report provided an update on how we performed against these standards during the second year and our experience and learning, both good and where we could have done better. As a result, and in light of the Victims' Rights (Scotland) Regulations 2015, some standards were revised in consultation with victims' organisations. Representatives of the justice agencies met with The Victims Organisations Collaboration Forum Scotland (VOCFS) during February 2017 to receive feedback on the Standards of Service. This was a valuable opportunity to discuss and receive feedback on respective standards and wider victims' issues with Forum members.

During our third year we have continued to seek to embed the standards to improve the experience of victims in the justice system.

## What has happened during the year from April 2017 to April 2018?

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 2018-19.

We are once again grateful to the members of the Victims Organisations Collaboration Forum Scotland (VOCFS) 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. As such, you can find the original standards document on each of our websites and they are 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 judicial process if you are a victim of crime.

## The Standards of Service

The Standards of Service are based on the main principles of the Victims and Witnesses (Scotland) Act 2014, set out in Section 1. These are:

- That a victim or witness should be able to obtain information about what is happening in the investigation or proceedings;
- That the safety of a victim or witness should be ensured during and after the investigation and proceedings;
- That a victim or witness should have access to appropriate support during and after the investigation and proceedings; and
- That, in so far as it would be appropriate to do so, a victim or witness should be able to participate effectively in the investigation and proceedings.

In relation to obtaining information you can also expect that:

- 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 of 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; and
- You should be told who to contact if you want to discuss the information that has been provided and anything you do not understand will be explained to you.

We have all written standards based on these principles.

## Our Standards of Service and Annual Report

Being a victim of crime, or witnessing a crime, can be a very upsetting and difficult experience. We each appreciate this, and we will all:

- **Ensure you have fair and equal access to services throughout and are treated with dignity and respect at all times regardless of age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. Where required, additional support will be provided and any reasonable adjustments made to ensure that you have access to information and support services;**
- **Work together and in partnership with victim and witness support organisations to ensure you are provided with the best service possible; and**
- **We will each ensure that we comply with our respective Complaints Policies details of which are found on the following pages.**

**Our Standards, and our reports on how we continue to implement them, can be found on the following pages:**

Police Scotland	pages 6-11
Crown Office and Procurator Fiscal Service	pages 12-16
Scottish Courts and Tribunals Service	pages 17-24
Scottish Prison Service	pages 25-28
Parole Board for Scotland	pages 29-31

## Police Scotland

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### Standards

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- 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;
- 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;
- If you are a victim of one of [these crimes](#) 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;
- We will consider your particular needs to decide whether you are a vulnerable witness. We will then, with our partners, try to ensure your needs are met; and
- 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.

### Report

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#### General

Police Scotland is responsible for the investigation and detection of crime which includes providing a high standard of care to victims and witnesses during their contact with the police.

Part of this care is ensuring that the needs of all victims of crime are considered and that access to victim support services is made available throughout the process, from the initial report to any subsequent court proceedings. This involves us working closely with our criminal justice partners to ensure you are, and feel you are, being supported within a streamlined and joined up process.

The following information summarises what we have done in the past year in relation to the Standards of Service:

*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.*

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We continue to be committed to keeping victims informed of progress of their case and have re-enforced this requirement of our officers within our Standard Operating Procedures. Our monthly User Satisfaction Surveys provide us with your valuable feedback on our performance which includes whether you have been kept informed of the progress of your case. These responses are closely monitored and afford us the opportunity to make informed decisions on actions required to rectify any identified issues.

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## Police Scotland - Standards

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*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.*

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Victims and witnesses have the right to enquire with us as to why we are not investigating a crime or why we have stopped an investigation. We will provide this information as long as it is not held in confidence and it is not considered inappropriate to disclose.

The joint protocol '[Working Together for Victims and Witnesses](#)', assists victims and witnesses to know where, and from whom, to get the right information at the right time.

Between 1<sup>st</sup> April 2017 and 31<sup>st</sup> March 2018 we received 12 requests for information, 11 of which were responded to within the specified timescale.

*If you are a victim of one of [these crimes](#) 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.*

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Between 1<sup>st</sup> April 2017 and 31<sup>st</sup> March 2018 we identified 40,564 victims of these crimes and 35,631 of them were given the opportunity to specify the gender of the interviewing officer. The reasons for those victims, who were entitled to specify the gender of the interviewing officer, but were not able to, are as follows:

- 26 of the cases it was deemed prejudicial to the criminal investigation; and
- 4907 cases it was deemed not reasonably practicable to do so.

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. In relation to Sexual Crime, Human Trafficking and Domestic Abuse we commit to the following:

### Sexual Crime

- Review national training to ensure responses to reports of sexual crime are victim-focused
- Monitor compliance with the Victim Strategy
- Work in partnership with Rape Crisis Scotland to promote the use of Advocacy Support workers
- Increase third party reporting mechanisms across Scotland
- Challenge negative attitudes to sexual crime through joint partner campaigns and encourage confidence to report

### What we have done

We strive to deliver a victim focused response in every circumstance towards victims of rape and sexual crime and commit to reviewing service delivery in order to inform organisational learning and development across Police Scotland.

We regularly refresh our training products to ensure that they remain contemporary and fit for purpose.

In partnership with the Crown Office and Procurator Fiscal Service, we continue to monitor compliance in relation to the submission of Victim Strategies and have implemented a bespoke third party reporting

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## Police Scotland - Standards

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mechanism (External Partner Portal for Intelligence Collection – EPPIC) to support intelligence submissions from Rape Crisis Scotland.

We have recently launched the National 'Get Consent' Campaign, supported by several key partners, which will be augmented by a programme of planned external activity through social media in an effort to raise awareness, improve confidence and encourage reporting.

### Human Trafficking

- Develop measures to raise awareness and prevent labour exploitation within 'at risk' industries
- Collaborate with European counterparts through Joint Investigation Teams
- Ensure all National Recording Mechanism referrals result in a police Crime Report and associated investigation being raised
- Implement a Human Trafficking and Exploitation Organisational Learning and Development process to identify good practice and improvement opportunities
- Continue to develop sexual exploitation investigation guidance
- Monitor 'off-street' prostitution activity and undertake local risk assessments focusing on threats and risks, proportionately prioritising enforcement activity
- Engage with community representatives to create problem solving opportunities, while avoiding 'displacement only' options
- Work with local and national statutory and non-governmental organisations to improve the safety and wellbeing of individuals and enable easier access to available support, including exit services
- Endeavour to build trust and confidence by improving relationships with victims by encouraging the reporting of criminality directly to Police Scotland or via third party reporting mechanisms

### What we have done

We continue to work with partners to identify opportunities to prevent all aspects of human trafficking. Support is being provided to other countries involved in investigating human trafficking with joint investigations taking place between Police Scotland and its police partners in Europe. As such, we are maintaining successes in the detection and disruption of such crimes both in this country and abroad.

Our national process in relation to recording of crimes of human trafficking has now been fully embedded across the country. We continue to monitor compliance and raise awareness to ensure consistency of practice which is in line with Scottish Government strategies.

Tailored training has been developed in conjunction with Scottish Government and is being delivered to key stakeholders, nationally and locally along with advice which is provided from the National Human Trafficking Unit. This aims to increase awareness amongst local police officers, Social Work and Criminal Justice workers in relation to human trafficking issues.

Human trafficking literature in the form of leaflets (translated into a number of languages) have also been created and issued to our human trafficking partners and police officers. The leaflets outline the support available to potential victims of human trafficking.



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## Police Scotland - Standards

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The Government's duty to notify scheme is in the process of being rolled out nationally across Scotland with a trial currently ongoing in Edinburgh.

In line with our policy, we continue to support persons who may be at risk from harm through prostitution and human trafficking. Support Health and Wellbeing (SHaW) visits have been purposely created to deliver a multi-agency response to individuals involved in prostitution as an alternative to immediate enforcement. Such visits are ongoing in Aberdeen and Edinburgh with a view to rolling them out further.

Applications have been made for prevention and risk orders to target those involved in human trafficking.

As part of the Scottish Government strategy, working groups were established to create a learning environment to ensure local policing is supported, best practice shared and long term strategy is implemented to the benefit of vulnerable individuals and communities. This has proved to be valuable in supporting policing divisions and partners in raising awareness on processes and procedures in investigating incidents of human trafficking.

We continue to work in partnership with National Ugly Mugs (NUM) which is a recognised third party reporting mechanism for persons involved in prostitution to highlight those that pose a risk.

Our policy for protection of individuals and communities from threat, risk and harm, in relation to prostitution, is in place which provides national guidance on investigating those who abuse, exploit or coerce along with the disruption of organised criminal activity. It also includes guidance on how to create and support effective partnerships to help minimise or eliminate the harm caused by human trafficking.

We have developed a Memorandum of Understanding between Police Scotland and Unseen who provide 24 hour support service for victims of human trafficking. This sets out an agreed approach and understanding of roles and responsibilities along with appropriate sharing of information (other than personal information) to enable support being provided to victims of Human trafficking at a time when they need it most.

### Domestic Abuse

We will ensure that victims of Gender Based Violence and Domestic Abuse are safer and confident that Police Scotland are responsive to their needs. To do this we will:

- Continue to meaningfully engage with stakeholders and victims from across protected groups, ensuring their views contribute to service improvements
- Prepare for the introduction of new legislation on controlling behaviours that will impact on the policing of Domestic Abuse by ensuring officers and staff receive appropriate training
- Improve service provision for all high risk victims by enhancing the current provision of personal alarms and introducing a single national alarm solution
- Continue to improve our information sharing processes with partner agencies to protect victims through effective collaboration

## Police Scotland - Standards

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### What we have done

We continually seek to encourage the public and partner agencies to use the Disclosure Scheme for Domestic Abuse Scotland (DSDAS) to identify serial perpetrators in new relationships with a view to protecting victims. This enables new partners to be aware of the risk posed by their partner, allowing them to make an informed decision on their safety and whether or not to remain in the relationship.

Through the use of pro-active intelligence led enforcement, we continue to actively target perpetrators who present the greatest risk of harm, through local Multi Agency Tasking and Coordinating groups (MATAC).

Along with the Crown Office and Procurator Fiscal Service, we continue to evaluate our use of the Domestic Abuse Standard Prosecution Template (SPR2) which is mandatory when submitting a report of Domestic Abuse. We have now introduced a section which incorporates the views of the victim in relation to the progress of the case throughout the criminal justice system.

We have reviewed and improved our training and guidance documents in relation to the Police Scotland Domestic Abuse Questions (DAQ) Risk Indicator Checklist.

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

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### What we have done

We continue to, through our developed processes, ensure children and vulnerable witnesses have access to standard and non-standard special measures in all relevant Sheriff and High Court hearings.

We have worked to embed a consistent practice model for the way our Divisional Concern Hubs triage, research, assess and share (where relevant) wellbeing concerns with our partners. This work, which has included the introduction of standardised roles and responsibilities supported by training, was completed in April 2017 with further continuous improvement activity ongoing. A standardised risk assessment is now used for both adults and children to consider the needs of the individual and justify sharing relevant and proportionate information with partner agencies in accordance with Data Protection and Human Rights Legislation.

*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.*

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### What we have done

Guidance has been developed and briefings have been delivered to all officers across the country to re-enforce our statutory responsibilities in this regard. Progress in the issuing of the cards is evident however we will continue to monitor performance to ensure continual improvements.

The aforementioned guidance will be supported by a podcast e-brief which is being developed in partnership with Victim Support Scotland. This podcast will be used at shift briefings to again reinforce

## **Police Scotland - Standards**

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the requirement of issuing the Victims' Care Cards along with highlighting the importance of offering victims and witnesses a referral to support services.

The Victims and Witnesses Care Standard Operating Procedure has recently been fully consulted on both internally and externally. The purpose of this Standard Operating Procedure is to ensure that victims and witnesses of crime receive a high standard of care during their contact with the police and makes clear to officers what is required of them within legislation. It has also reinforced our statutory requirements around the issuing of the cards.

### **Our Standards of Service 2018 - 2019**

We have reported on progress we have made to improve our processes and procedures in relation to our commitment to providing a high standard of care to victims and witnesses during their contact with the police. We will continue to monitor the effectiveness of these changes which will be reflected upon within the Victims and Witnesses Standards of Service Annual Report 2018 - 19.

## Crown Office and Procurator Fiscal Service (COPFS)

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### Standards

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- We will treat you fairly and with respect, we will listen to you through our Comments and Complaints Policy and the review of our decisions, and we will communicate with you clearly and effectively;
- 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;
- We will ensure that you are given the help you need to give evidence in court. We will assess your vulnerability and explain the special measures available to you under the law. When special measures are available to you, we will apply for you to be supported with the most appropriate measures; and
- 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.

### Report

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#### General

COPFS is responsible for the investigation, prosecution, and disruption of crime, the seizing of proceeds of crime in Scotland, the investigation of deaths that require explanation, and the investigation of allegations of criminal conduct by police officers. We work closely with our partners in the criminal justice system to help make Scotland a safer place.

The following outlines some of the work which has been done in the past year by COPFS in relation to the Standards of Service, which have not changed, or been modified, in the past year.

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

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#### What we have done

- In December 2017, the Lord Advocate and the Chief Executive of Rape Crisis Scotland signed a Memorandum of Understanding on the provision of anonymous feedback about victims' experiences of the criminal justice system and their views on the service provided by COPFS. The feedback, provided only with the victim's consent, will be used to identify ways COPFS can improve the service provided to victims of sexual crime, for example in relation to how we explain the court process, how we share information and, where applicable, the person's experience in court. Through this feedback we will seek to improve the service we provide to victims of sexual crime.

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## Crown Office and Procurator Fiscal Service - Standards

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- The COPFS complaints procedure was revised in September 2017 and renamed the 'Complaints Handling Procedure'. The procedure is available in both standard and easy read formats. We aim to resolve more straightforward complaints quickly and on the frontline wherever possible. Where complaints are submitted, we monitor recurring themes, using information gathered to improve services.
- We continue to review decisions not to prosecute or to discontinue cases when victims ask for such reviews. The Lord Advocate has published rules on the Victim's Right to Review, which are available on the COPFS website.
- 16 of our staff have been trained in the Institute of Customer Service 'First Impressions' course, and more are due to commence this training.
- We conducted three surveys to help us monitor and improve our customer service:
  - the Institute of Customer Service 'ServCheck' survey which was completed by our staff
  - a survey of callers to our Enquiry Point
  - a survey of users of our website

The results of these surveys have assisted us in identifying priority areas for improvement in terms of the service we provide, and to ensure that we continually improve the quality of our communication.

### What we will do

- We will continue to monitor the interaction that we have with our customers to ensure that we continue to provide an excellent service to them, thereby improving victim engagement and public confidence in our service.

***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

- In September 2017 the Victim Information Advice service for High Court sexual offence cases was re-organised so that staff have specific geographic responsibility, with a dedicated VIA officer allocated to each new case. This aims to provide the victim with a single point of contact who will be responsible for providing them with information. All complainers should be contacted within 24 hours of the accused appearing in court; and the Service has introduced commitments to make further contact within 7 days of an accused appearing on petition where the accused is remanded in custody, and 21 days where the accused has been liberated on bail or if pre-petition investigation is deemed appropriate.
- We have created electronic case codes to assist in monitoring and recording our compliance with the commitments that we made in the COPFS Family Liaison Charter.

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## Crown Office and Procurator Fiscal Service - Standards

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- We have created guidance for our staff in response to the extension of the Victim Notification Scheme to ensure that victims are provided with the information to which they are entitled if an accused person is sentenced to detention in hospital.

### What we will do

- We are reviewing the content of all of the letters that our Victim Information and Advice service sends to victims and witnesses. The aim of the review is to ensure that victims and witnesses receive the information that they need to fully engage in the criminal justice process in clear and simple language.

*We will ensure that you are given the help you need to give evidence in court. We will assess your vulnerability and explain the special measures available to you under the law. When special measures are available to you, we will apply for you to be supported with the appropriate measures.*

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### What we have done

- In September 2017 COPFS, the Scottish Courts and Tribunals Service (SCTS), Victim Support Scotland (VSS) and the Police Service of Scotland updated the Joint Protocol entitled “Working together for Victims and Witnesses” to ensure that there are clear methods of communication for COPFS to advise SCTS that a witness attending at court has additional needs.
- During 2017, COPFS took steps to implement and give effect to the provisions of High Court of Justiciary Practice Note 1 of 2017, which sets out best practice when applying for the non-standard special measure of ‘taking evidence by Commissioner’ in High Court cases. COPFS continues to work to ensure that this special measure is sought where that is in the best interests of the witness.
- COPFS has proposed amendment to the Criminal Procedure (Scotland) Act 1995 with a view to simplifying procedure for applying for standard special measures for child and deemed vulnerable witnesses. These amendments, if included in future legislation and passed by the Scottish Parliament, would enable VIA to spend fewer resources on an unnecessary administrative process and more time interacting with, supporting and assessing the needs of victims and witnesses of crime.

### What we will do

- In collaboration with the SCTS, the Police Service of Scotland and VSS, COPFS will undertake a wider review of the Joint Protocol entitled “Working Together for Victims and Witnesses” to ensure that it continues to be fit for purpose and enables the provision of the best possible service for victims and witnesses.
- We are reviewing our policy on obtaining sensitive personal records and, in the coming year, we will publish an updated policy that takes account of developments in the law.
- We will ensure that vulnerable victims and witnesses are aware of all special measures available to them and will seek to ensure they are supported by the special measures which best meet their needs, where considered appropriate by the court.

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## Crown Office and Procurator Fiscal Service - Standards

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- We will continue to assess the vulnerability of victims and witnesses and ensure that they have relevant information and access to the most appropriate special measures available to them.

*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.*

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### What we have done

- On 16 November 2017, Her Majesty's Inspectorate of Prosecution in Scotland published a thematic review of the Investigation and Prosecution of Sexual Offences in Scotland. The Inspectorate made 12 recommendations, all of which were accepted by Crown Office and Procurator Fiscal Service. We have begun the process of implementing the recommendations.
- The parts of the Criminal Justice (Scotland) Act 2016 which reformed the Sheriff and Jury Court process came into force between May and August 2017. In implementing these reforms there was an increased focus for COPFS on the preparation of cases before First Diet. This has resulted in improvements in the number of cases resolving without requiring witnesses to be cited to a trial and improvements in the scheduling and the citation of witnesses where a trial is required. In order to support this reform a detailed guidance manual and e-learning course were developed and made available to all relevant staff in advance of implementation. In addition a series of roadshows were held across Scotland for key staff from Sheriff and Jury Units to highlight the changes being implemented and to allow issues arising to be discussed within teams.
- On 25 January 2018 the Police Powers parts of the Criminal Justice (Scotland) Act 2016 came in to force. This legislation changed the Police powers in relation to detention and arrest amongst other key process changes. An extensive internal guidance manual was published on the COPFS intranet providing staff with key practical examples and information about the legislative changes. COPFS also developed and implemented a face to face training package which was rolled out across Scotland for all relevant staff and created an e-learning package on the key changes, which was mandatory for all staff.
- In order to raise awareness of the contents of High Court of Justiciary Practice Note 1 of 2017 relating to the non-standard special measure of taking evidence by commissioner an e-learning course was developed and made available to all staff. In October 2017, High Court VIA staff received face to face training about the contents of the Practice Note.
- In 2015, a domestic abuse training strategy was implemented involving a rolling programme of specialist domestic abuse training for prosecutors and VIA staff. The training will continue to be provided to ensure staff who deal directly with victims and witnesses in domestic abuse cases have been trained in areas such as the typology and dynamics of abuse, our prosecution policies, and addressing issues that arise in the presentation of domestic abuse cases in court.

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## Crown Office and Procurator Fiscal Service - Standards

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- Since 2009, COPFS staff who prepare serious sexual offence cases must be trained and accredited to do so. In the last year, staff have continued to receive training in relevant areas, including the “Sexual Offences Core Course” and the “Evidential Interviewing of Children Course”.
- Following the launch of the revised 4<sup>th</sup> edition of the “Joint Protocol between Police Service of Scotland and the Crown Office and Procurator Fiscal Service – in partnership challenging domestic abuse” (“the Joint Protocol”), and the introduction of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (“the 2016 Act”), both during 2017, COPFS has trained legal staff, case preparers, and appropriate VIA and administrative staff in Procurator Fiscal offices across the country.
- Legal staff across the country received face to face training about the Prosecution Policy Review principles and guidance, which they will apply in making prosecutorial decisions.
- We have updated our training course on stalking by adding information in relation to typology.
- In November 2017 and March 2018 Advocates Depute received two days of training at the Scottish Prosecution College in Glasgow on a variety of topics including: prosecutorial ethics, jury speeches, recovery of evidence from foreign jurisdictions, European Arrest Warrants, Serious Crime Prevention Orders and the investigation of child deaths.

### What we will do

- We will implement the remaining recommendations of Her Majesty’s Inspectorate of Prosecutions in Scotland’s thematic review on the Investigation and Prosecution of Sexual Offences in Scotland.
- We will develop bespoke guidance and training for our staff on the new offence created by the Domestic Abuse (Scotland) Act, which was passed by the Scottish Parliament on 1 February 2018.
- COPFS remains dedicated to providing the best possible training to all staff, including our Trainee Solicitors and new Procurator Fiscal Deputes under our Trainee and Depute Accreditation programmes. Our Trainee Solicitor programme is continually improved and updated to ensure that it best equips our legal trainees with the core skills they require as prosecutors, and prepare them for work as qualified solicitors. We run an excellent and highly-regarded traineeship programme.

### The Standards of Service in the coming year

COPFS keeps its procedures and policies under review, and will continue to monitor their effectiveness, working to make improvements if and when they are required, to ensure that the Standards of Service continue to meet the needs of victims and witnesses. COPFS does not intend to amend or modify the current standards of service but to continue to improve our implementation of the existing standards of service as set out above.



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**Scottish Courts and Tribunals Service - Standards**


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## Scottish Courts and Tribunals Service

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### Standards

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- 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; and
- If you want to know what support is available to you when you arrive at court, we will direct you to the Witness Service or other support services which are present in the court building.

### Report

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#### General

The Victims and Witnesses (Scotland) Act 2014 (“the 2014 Act”) extended the classes of witnesses deemed vulnerable and the availability of special measures to support giving evidence in court. Over 2016 and 2017 the number of applications and notices for special measures increased significantly.

The following tables detail the total numbers of requests for special measures with comparison with equivalent totals witnessed in 2015 and 2016.

#### Solemn Special Measure Applications/Notices Received (High Court & Sheriff Court Solemn)

Special Measure	2015 Total	2016 Total	2017 Total	2018 Total [YTD]
Video In court	132	184	142	66
Screens	939	1,413	1,627	465
Video between courts	128	74	140	51
Video remote	82	93	73	14
Supporter	1,302	2,093	2,411	681
Other Applications	34	129	217	48
<b>Total</b>	<b>2,617</b>	<b>3,986</b>	<b>4,610</b>	<b>1,325</b>

#### Summary Special Measure Applications/Notices Received (Sheriff Court & JP Court Summary)

Special Measure	2015 Total	2016 Total	2017 Total	2018 Total [YTD]
Video In court	775	960	903	268
Screens	4,090	12,711	12,192	2,961
Video between courts	143	145	141	14
Video remote	450	446	349	91
Supporter	5,325	15,309	14,772	3,643
Other Applications	141	566	333	68
<b>Total</b>	<b>10,924</b>	<b>30,137</b>	<b>28,690</b>	<b>7,045</b>

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## Scottish Courts and Tribunals Service - Standards

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YTD (year to date): 01 January 2018 – 31 March 2018

Source: Scottish Courts and Tribunals Management Information Reports. The Scottish Courts and Tribunals Service uses a live operational case management system for the processing of court business. The information held on the system is structured for these operational needs, rather than for statistical reporting or research purposes. The information provided is based on the best information available from the case management system as at April 2018. Where an application has requested more than one measure e.g. screens and a supporter, both measures will be reflected in the above figures.

### INDIVIDUAL 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.*

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#### What we have done

Attending at court is likely to be a particularly stressful experience for most victims and witnesses. Anxiety may also be increased as a result of occasions where it may be necessary for those concerned to have to wait some time prior to their case being dealt with by the court. It is recognised that this anxiety may to a degree be alleviated by communication of information at regular intervals e.g. in relation to when the case might be expected to call or when the witnesses might be able to leave the building.

In conjunction with the prosecutor in court, court officers and macers seek to provide updates to witnesses at hourly intervals on the progress of cases and where possible on how much longer they may be required to wait.

Every effort is made to minimise the period witnesses are kept waiting, and once the court or prosecutor have indicated that witnesses may be released for the day, this information is relayed to witnesses at the earliest opportunity.

#### What we will do

On most occasions there are likely to be several cases calling for trial in succession and it can prove difficult to estimate how long each case may last. This can present a challenge in providing detailed information to those witnesses who are waiting. Where the prosecutor or the court is able to provide estimates this will be relayed to witnesses by the court officer or macer.

SCTS appreciates the pressure upon, and inconvenience to, witnesses kept waiting and remains committed to ensuring that there are visits to witness rooms on an hourly basis to share what information may be available, to ensure that witnesses are able to access any additional support they may require and to answer any general questions.

While the majority of people surveyed in the 2017 SCTS Court User Satisfaction Survey expressed satisfaction with the services and information provided while at court, SCTS will continue to improve those services, including through the relaying of information, regarding the location and progress of cases to waiting areas by way of wall mounted display screens.

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## Scottish Courts and Tribunals Service - Standards

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

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### What we have done

Attendance at court can be a particularly uncomfortable and stressful experience for those not familiar with that environment. These feelings are not aided by the thought of confrontation or intimidation in the court building by other persons involved in the court proceedings. Notwithstanding the court building is a public building, SCTS makes every effort to minimise the threat of confrontation by directing witnesses to the appropriate waiting areas and by providing separate waiting rooms for prosecution and defence witnesses. Court officers also visit the witness rooms on an hourly basis for the purposes of providing an information update. This is also an opportunity for witnesses to raise any concerns they may have regarding any threat of intimidation or adverse contact by other persons while they have been waiting.

In many locations there will remain the possibility that witnesses and accused persons may encounter each other, for example, when entering or leaving the building or when using other public services such as catering or restaurant facilities during the lunch break.

Some court buildings have dedicated catering or restaurant facilities available for members of the public, available at certain times of the day. Refreshments in other locations may be provided through access to vending machines and fresh water dispensers. In the interests of clarity additional signage has been provided in witness areas to ensure that those in attendance are aware of the particular facilities available, and their location, in that court building.

### What we will do

In the 2017 Court User Satisfaction Survey, conducted by an independent contractor, ninety per cent (90%) of victims, witnesses, their supporters and spectators surveyed stated that they were either very or fairly satisfied with the comfort of the area outside the courtroom where they were required to wait pending their court case.

Ninety-six per cent (96%) of victims, witnesses, their supporters and spectators also stated that they were either very or fairly satisfied with the quality of the food and drink available in the relevant court building.

Notwithstanding these positive results, SCTS remains committed to maintaining, and where possible, further developing the facilities in courts in order to improve the experience of court users, including victims and witnesses. In some of the more historic court buildings however there can be limitations as to any significant alterations that can be made to their fabric.

Following extensive and successful public and stakeholder engagement, work has begun on Scotland's first purpose-built Justice Centre in Inverness due to be completed late 2019. As well as providing modern court and tribunal facilities, a range of justice and support organisations will be based in the centre providing integrated facilities for users including victims and witnesses. Specialist facilities for children and young people will also be incorporated within the design.

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## Scottish Courts and Tribunals Service - Standards

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*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.*

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### What we have done

If giving evidence by live TV link this may be done from a separate room within the court building, from another court building or from another site remote from the court where the trial is being conducted. Each sheriffdom has at least one remote site dedicated to this purpose in order to ensure that SCTS is able to fulfil its obligations under legislation to provide fit for purpose facilities to help witnesses give their best evidence to court. Further sites are used on an *ad hoc* basis in order to minimise inconvenience and travel time for witnesses in remote areas.

Whilst on most occasions witnesses attending at a site remote from the court building may be accompanied by a supporter, trained members of SCTS staff will be on site to manage both the facilities at those remote sites and also the expectations of those witnesses in attendance there. They are available to answer any questions and to explain how the process will unfold when the witness is called upon to give evidence. Health and safety procedures will also be explained in relation to those particular premises.

### What we will do

SCTS is completing an audit of sites available for use where evidence is given to court by TV link. This will enable continued development of the facilities available for vulnerable witnesses and examine the potential for integrating TV link suites with other ongoing developments surrounding the use of new technology to support the giving of evidence to court.

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

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### What we have done

SCTS works closely with the Victim Support Scotland Witness Service, the primary facilitator of court familiarisation visits, in order to afford witnesses the opportunity to attend at the court to view the facilities in advance, and to obtain information regarding the court process. This is intended to allay certain fears the witness may have, and to better prepare them for their attendance at a later date. Where requested, visits are also arranged for sites remote from the court building should measures be requested for evidence to be given from that site by live TV link.

The timing of the visit is key and SCTS and VSS liaise in order to expedite the visit when facilities are available and at a time suitable to the witness.

### What we will do

In the coming year SCTS will pursue the potential for harnessing new technology in order to offer other means of facilitating court familiarisation visits. The main purpose of the visit is to afford the witness the opportunity to view the surroundings of the courtroom or other facilities from where they will be giving their evidence, if the trial proceeds.

The demand for court familiarisation visits has risen proportionately with the increase in requests for special measures since 2015. This is placing increasing demands upon Witness Service volunteers and on court staff who need to arrange visits at suitable times when the relevant courtrooms or facilities are vacant.

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## Scottish Courts and Tribunals Service - Standards

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SCTS will continue to scope the potential use of video footage of the court location etc. which might be viewed by the witness, and VSS staff, at other more suitable locations and at more convenient times. This may reduce the number of advance court attendances and be particularly helpful to some witnesses who may have difficulty making time to attend for a formal familiarisation visit.

Such a proposal has been welcomed by support agencies represented at the Victims Organisations Collaboration Forum Scotland (VOCFS).

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

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### What we have done

The main aspiration of the justice system is to ensure that those victims and witnesses who have need of advocacy and support have access to appropriate services at the earliest possible stage in the process. It is recognised however that, for many people, the physical attendance at the court with the prospect of giving evidence, and being questioned, will be the trigger for increased anxiety and stress. It is particularly important that at this stage those persons who have need of some support are able to access it in order to be comfortable and to give of their best.

Court officers and macers, the key point of contact for victims and witnesses in the court building, have received training which enables them to identify early signs of distress, and are able to direct those who may benefit from some support to the available services within the building.

### What we will do

When witnesses arrive at court and are being checked in they will be directed to appropriate waiting areas in the building. During this process trained front line court staff will continue to ensure that those who become distressed, or who appear to require some support, are afforded the opportunity of being directed to appropriate services available within the court building.

Court officers attending witness waiting areas during the course of the day, to provide hourly updates, will also ensure that those who are in need of some help are able to make contact with relevant persons.

### Liaison with support organisations

In support of the statutory obligation to consult, SCTS and the other key justice agencies were once again privileged to accept an invitation to attend a meeting of the Victims Organisations Collaboration Forum Scotland (VOCFS) where member groups present were invited to provide feedback on behalf of their clients, and in particular on behalf of those who might not have been afforded the opportunity of participating in the SCTS Court User Satisfaction Survey.

Throughout the year SCTS works closely with support organisations, at both local and national level, in order to continually improve services available to victims and witnesses in particular.

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## Scottish Courts and Tribunals Service - Standards

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### Standards of Service for Victims and Witnesses 2018-19

The standards reflected above are considered to reflect the key engagement victims and witnesses may have with the courts and SCTS during their journey through the justice process and accordingly it is not the intention to alter those standards as we proceed into the coming year.

The willingness of victims and witnesses to participate in the criminal justice system is critical to that process, and SCTS will continue to ensure that a high level of service is provided in order to enhance the experience of those who are required to attend at court.

### 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](#) has been 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.

## GOING FORWARD

### Digital Strategy

The vision of SCTS is to build a stronger Courts and Tribunals Service focused on providing access to justice, maximising the benefits of technology and improving the service we provide to court users including victims and witnesses. A key priority in the SCTS digital strategy relates to criminal court procedure. Every year over 100,000 criminal cases are registered in Scotland's courts. With these volumes it is necessary to make sure that our approach to case management is as efficient as possible. Improvements in processes have the potential to realise real efficiencies, for both the courts and those working in them.

Behind each of those cases are people who may have been the victim of an offence, witnesses caught up in events and often children or vulnerable people who have been affected. As well as doing our business efficiently we have a duty to administer justice – and a desire to do so in a way that supports those people as much as possible. SCTS continues to invest significantly in ensuring that court systems have state of the art equipment, and a sound infrastructure, which will support demand for live TV links where these are sought by vulnerable witnesses as a special measure for giving evidence to court.

### Evidence and Procedure Review

SCTS continues to lead the work with justice partners to explore the manner in which evidence is presented to court and how we might improve the experience of those involved in that process.

Work is underway to implement the recommendations of the Evidence and Procedure Review's Joint Investigative Interviews (JII) Workstream Report, published in June 2017. A JII is a visually recorded investigative interview carried out jointly by police officers and social workers, which is then available for use as the witness's evidence in chief in subsequent proceedings. A range of justice sector and child protection partners are collaborating to deliver the report's recommendations which include the establishment of a multi-agency project to research and create a bespoke training programme for forensic interviewers suitable for police officers and social workers.

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## Scottish Courts and Tribunals Service - Standards

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A key part of the work of the Evidence and Procedure Review has been to consider how the justice system can obtain and present evidence that has the maximum evidential value. This is more likely to be the case with a statement recorded near the time of the event – rather than having to rely on evidence given from memory perhaps months or even years later at trial. In 2017 a High Court Practice Note was issued by the Lord Justice Clerk providing clear guidelines for the process of “taking evidence by a Commissioner”, where a witness’ examination and cross-examination is recorded in advance of a trial, helping to reduce further the need for vulnerable witnesses to give evidence in person in court.

The work led by the Evidence and Procedure Review noted that the experience of giving evidence in court can be particularly distressing for child and vulnerable witnesses. The SCTS vision for the future is that every child and vulnerable witness should be supported to give their evidence:

- as early as possible in the proceedings;
- in the course of one forensic interview where appropriate; and
- in an environment away from the court.

That approach minimises the likelihood of subjecting the witness to further harm or trauma and allows them to give their best evidence as early as possible, whilst recognising the need not to compromise the fairness of the trial or the rights of the accused. This goal is recognised by the Scottish Government who has announced its intention to introduce appropriate changes to legislation to support the greater use of pre-recorded evidence in the criminal courts, eliminating the need for children in particular to have to attend court. Technology has a significant role to play in realising the success of this approach and SCTS’s investment in an ongoing programme of courtroom technology upgrades will ensure a capability to support digital evidence presentation, virtual hearings and recording of a greater proportion of court hearings.

A suite of evidence taking facilities will be opened in the state of the art Glasgow Tribunals centre, alongside a supporting control room and editing suite. These rooms will be multi-functional, supporting the work of both the courts and tribunals. Three vulnerable witness rooms with special furnishings will also be provided. Young people have been involved in the design of these facilities, with the aim of minimising the stress and trauma of giving evidence - using multiple discrete cameras and mirrored glass to create a more reassuring environment.

The existing facilities in Edinburgh will be refurbished and new permanent facilities in Aberdeen and Inverness created as an integral part of the new Justice Centre that is under construction.

These dedicated facilities, together with the impact of the Lord Justice Clerk’s Practice Note, will allow evidence to be taken on commission in a greater proportion of appropriate cases – making use of technology to improve both the quality of evidence captured and the experience for those required to give it.

A Post Implementation Review of the High Court Practice Note which supports the taking of evidence by a commissioner will provide an evaluation of the effectiveness of the Practice Note since its introduction in May 2017. Its outcomes will also ensure that appropriate steps are taken to increase the proportion of cases where evidence is taken on commission and will inform the decision to extend the provisions to sheriff and jury cases in the sheriff court.

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## Scottish Courts and Tribunals Service - Standards

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### Working Together for Victims and Witnesses

A general update review of the protocol [Working Together for Victims and Witnesses](#) is underway. The protocol compiled by the Crown Office and Procurator Fiscal Service (COPFS), Police Scotland, SCTS and Victim Support Scotland has been agreed in order to identify best practice and obtain consistency of approach to improve victim and witness engagement and support. The protocol was most recently amended in 2017, following the determination of a complaint by the Scottish Public Services Ombudsman, in order to clarify the process for providing supplementary information to SCTS and the court in relation to specific needs of individual vulnerable witnesses, such as vulnerability issues, disabilities, support needs or requirements for exceptional arrangements to be considered for the witness' attendance at court.



## Scottish Prison Service

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### Standards

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- 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, his 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.

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## Scottish Prison Service - Standards

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### Report

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#### General

The Scottish Prison Service (SPS) is an Executive Agency of the Scottish Government and was established in April 1993. There are 13 publicly managed prisons and two privately managed prisons (HMP Kilmarnock and HMP Addiewell) and a provider of Court Custody and Prisoner Escorting Services.

#### Challenges

In the past year there have been a number of changes which have been managed in addition to the routine operation of the VNS, not least the unexpected loss of the two key staff to promotion in the latter half of the year. As a small team the loss of one key member can be managed however the loss of two presented a greater challenge and we are grateful to those staff who have sought to continue to deliver the Standards of Service we have set ourselves. This has impacted on our ability to improve our performance in relation to our Standards of Service and has impacted on our ability to capture key information about our engagement with victims. New members of the team were in place by the start of the new financial year.

This year was the first whole year of the operation of the functions that transferred from the former Parole Unit of the Scottish Government. The Scottish Prison Service now writes to victims to allow them to exercise their right to make representations to the Parole Board for Scotland when an offender is being considered for release. This responsibility has seen an increase not only in the volume of correspondence we have with victims but the number of telephone calls we receive. We recognise that the information we provide to victims will almost invariably be unwelcome and may be distressing in its nature. Many victims call us to express their upset and dissatisfaction at such matters. These difficult phone calls are readily understandable and our staff try as far as is possible to assist victims at these difficult times. A concern is that victims need support at these difficult times and that our staff do not have the experience or knowledge to fully support victims. On all occasions we would seek to signpost victims to the relevant support organisations however it is clear that more could be done and we will continue to explore with our partners and the Scottish Government how we can contribute to that aim.

The law changed in the year to provide a right to information for the victims of those offenders sentenced to detention in, or transferred from prison to, a mental health facility. Prisoners held in prison do occasionally become unwell and require to be transferred to a mental health facility for treatment. Most return within a relatively short period. Victims are not entitled to know that the prisoner has transferred for the purpose of receiving treatment.

#### 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

The Scottish Prison Service received one complaint. The complaint was not acknowledged within 3 working days. This is because it was not sent directly to SPS but it was allocated to SPS to respond. A response was provided with 15 working days. The complaint did not concern the service provided by the

## Scottish Prison Service - Standards

SPS in relation to the Victim Notification Scheme but rather the decisions to release a prisoner on Home Detention Curfew. The victim was unhappy that the individual served such a short period in custody.

### Request for Information in alternative format/language

There were seven requests for information in an alternative format/language and these were provided.

## SPS Standards of Service

### Context

The SPS is legally required to deliver custodial and rehabilitation services for those sent to it by the courts. It 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 help them reintegrate into the community on release. This includes unescorted access to the community which many victims find difficult for understandable reasons. The SPS is acutely aware of this difficulty and we will continue to ensure that victims' views are taken into account when making such decisions.

The table below shows the number of victim's currently registered at 1 March compared with the previous two 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 18	2411	867	1169	375
March 17	2259	818	1094	347
March 16	2283	786	1124	371

There were 395 (350 in 2016-17) applications to join the scheme received in the year. It is considered that this continues to represent less than the number of applications issued. Victims may choose to join the Victim Notification Scheme at any time and some join some time after the offender has been sentenced however it is clear that not all victims seek information.

### Written Enquiries

We recorded that 20 written enquiries were received and one was not issued with a response within 5 working days of receipt. This was an administrative error.

### Provision of Information

The table below shows the number of letters containing information sent to victims at 1 March 2018 compared with the previous two years:

Year	Total	No not issued within 48 hrs
March 18	2294	2
March 17	1843	6
March 16	1400	

We recorded that 2294 (1843 on 1 March 2017) letters were issued to victims providing information. Two letters were not issued within 48 hours of the circumstance in which the right to receive information arose. This arose as a result of an administrative error.

## Scottish Prison Service - Standards

We continue to see letters sent to victims returned uncollected. We make a further attempt to provide the victim with the information in writing and if returned again, we will contact the individual by other means if we have them. It is not clear why these letters are returned. This may be because the registered victim has moved address, no longer wishes to receive information, or the attempts to deliver the information have failed.

The table below shows the number of victims with whom we have been unable to provide information compared to the previous two years:

Year	Total
March 18	98
March 17	89
March 16	76

### Representations

A total of 285 (83 on 1 March 2016) letters were issued to victims who had expressed a desire to make representations about the release, including temporary release or release on home detention curfew (HDC), of an offender. On eight occasions these letters were issued less than 10 days before the date that that decision was to be taken. All representations received were considered and informed license conditions. On two occasions the decision to release on HDC was deferred to allow the representations to be considered in advance of the decision.

Four letters concerned representations to the Parole Board for Scotland. Following investigation it was concluded that our prisoner records database was not being completed correctly. In order to be assured that all victims were receiving the opportunity to make representations we introduced a secondary assurance process in August 2017. This has addressed the issue and there have been no other instances since August 2017.

The increase in the number of letters is attributable to the transfer of responsibilities from the former Scottish Government Parole Unit to the Scottish Prison Service. These responsibilities transferred on 5 December 2016 and are intended to reduce the number of justice agencies from whom a victim will receive correspondence.

### Telephone Enquiries

There were 520 (268 in 2016-17) enquiries received by telephone in the reporting year. All enquiries were responded to within one day with the majority able to be dealt with at the time of the call. A number of enquiries were received from victims of offenders sentenced to less than 18 months. The arrangements in place to provide victims of offenders sentenced to less than 18 months with information are continuing to work well.

### Modification of Standards of Service

There have been no changes to the Standards of Service in the year and no changes are proposed to the Standards for the forthcoming year. We will review our Standards in the forthcoming year to ensure that they are fit for purpose following the changes to the law and our first full year of managing the tasks which were previously the responsibility of the former Scottish Government Parole Unit.

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## Parole Board for Scotland - Standards

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# Parole Board for Scotland

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## Standards

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- 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, we will set that out clearly. 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.

## Report

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### General

1. In some criminal cases, victims have a 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 written representations about the release of the offender.
2. The process that allows victims to be told about an offender's release and to make representations is known as the Victim Notification Scheme, or VNS.
3. The VNS is in two parts, the first part allows victims to receive information about an offender's release. The second part allows victims to make representations to the Parole Board in advance of an

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## Parole Board for Scotland - Standards

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offender being considered for release. The Board will consider these representations along with 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.

4. The following provides information on what the Board has achieved in relation to the Standards of Service during April 2017 – April 2018.

### What we have done

5. We have continued to update our processes to ensure that VNS part 2 letters are issued in accordance with the Standards of Service. If requested, we will also phone with the Parole Board's decision and this service has been requested on a number of occasions by victims. This offering of a telephone call is now included in the Scottish Prison Service (SPS) letter that seeks representations from victims registered under VNS part 2. The Board will also communicate with a victim by email if they have stated that they are happy to do so. Parole Scotland will always confirm, with the victim, that the email address is correct before any information is issued.
6. Since 1 April 2017, we have met with 13 victims of life sentence prisoners to receive representations with the majority of these meetings having taken place in Victim Support Scotland (VSS) offices. One meeting was held in social work offices and one was held in the Board's office in Edinburgh. One victim wished to give their representations by telephone. All of these meetings were held within 8 – 12 weeks of the prisoner's Tribunal subject to the date of the victim making initial contact with the Board to request a meeting. There are another 3 meetings scheduled to take place before the end of April 2018.
7. Following implementation of the Victim and Witnesses Act 2014, the Board has met a total of 40 victims of life sentence prisoners and held 44 face to face meetings and 5 by telephone. Apart from making meeting arrangements based on the victims' needs, it is also responsible for preparing a draft victim statement following the meeting and agreeing it with the victim before it is put in the prisoner's dossier.
8. The Board continually develops its approach to receiving oral representations based on experience and feedback from victims. This includes victim preferences for meeting location and gender of the Board member. Feedback from victims continues to be positive. The format of the interview statement has been kept under constant review by Board members to ensure consistency.
9. All Board members and support staff have undertaken victim specific training. This learning has proved to be very useful and has supported service delivery. Victim specific training has now been built into our induction processes.
10. All Board members have been trained to take oral representations from victims of life sentence prisoners. This gives a total of 30 trained members who are able to provide this service. This allows the Board a greater degree of flexibility when scheduling interviews so that needs of victims can continue to be met.
11. Parole Scotland, which is a new single team focused exclusively on supporting the Board, has now been restructured. There are still ongoing process improvements to ensure that the structure is

## Parole Board for Scotland - Standards

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working as effectively and efficiently as it can be within available resources. As well as the Board, this new structure has provided an enhanced service delivery to stakeholders including victims. This restructure has meant that in-depth work on enhancing our Casework Management System has been delayed. However, some improvements have been made to the system to aid victim service delivery and these will be implemented soon. Improving our ability to extract management information on victim service delivery from the system remains a high priority.

### What we will do

12. The Board will take stock of all activities with victims in light of the Worboys' case in England and Wales. This will include taking soundings from interested parties to get their views on the Board's engagement with victims.
13. We will continue to review our methods of communication to ensure that they are fit for purpose. This will include a review of all letters that we use under VNS.
14. We will continue to develop our approach to receiving oral representations based on experience and feedback from victims and VSS. We will look at introducing a more formal feedback mechanism for victims.
15. We will enhance our Casework Management System to improve our management information and processes on victim service delivery. This information will be reported quarterly to the Board's Management Group. We will also explore whether other improvements can be made to the system to enhance our service delivery to victims such as earlier notification of the Board's decision.
16. We will continue to look at further victim specific training for Board members and support staff.
17. Victim service delivery will be an important part of the Board's Business Plan for 2018-2019 and its Corporate Plan for 2018-2021.

## What to do if you are not happy with our standard of service

### How to complain

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 are committed to delivering the highest standards of service to you. We know that sometimes things go wrong and we will try to put things right if that happens. If you are not happy with the service you have received from one of these organisations, it is important that you let them know.

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 will be taken seriously and will be dealt with quickly and effectively, you should be able to complain without fear of victimisation.

### Details of where to make a complaint for each organisation are found below:

#### POLICE SCOTLAND

[www.scotland.police.uk](http://www.scotland.police.uk)

- Complete our online complaint form;
- Write to  
Professional Standards Department  
Police Headquarters Scotland  
P.O. Box 21184  
Alloa, FK10 9DE;
- Dial 101 and make a report of your complaint over the telephone; or
- Attend at a police station in person.

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#### CROWN OFFICE AND PROCURATOR FISCAL SERVICE

[www.copfs.gov.uk/about-us/comments-complaints](http://www.copfs.gov.uk/about-us/comments-complaints)

You can email [RIU@copfs.gsi.gov.uk](mailto:RIU@copfs.gsi.gov.uk) or write to:

Response and Information Unit  
Crown Office and Procurator Fiscal Service  
25 Chambers Street  
Edinburgh EH1 1LA

From a landline, you can phone 0300 020 3000

From a mobile, you can phone 01389 739 557

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#### THE SCOTTISH COURTS AND TRIBUNALS SERVICE

[www.scotcourtribunals.gov.uk](http://www.scotcourtribunals.gov.uk)

Our complaints procedure sets out how we will investigate and deal with your complaint and the timescales involved. The complaints procedure can be accessed:

- by clicking the Complaints and Feedback link at the foot of the home page of the SCTS website (above),  
or
- by requesting a copy from your local court.



### SCOTTISH PRISON SERVICE

[www.sps.gov.uk](http://www.sps.gov.uk)

- In person to the VNS Department at the SPS;
- By phone: 01312448745;
- By writing to:  
Victim Notification Scheme  
Room G14  
Calton House  
Edinburgh EH12 9HW; or
- By email to [vns@sps.pnn.gov.uk](mailto:vns@sps.pnn.gov.uk)

Please make it clear that you want the matter to be treated as a complaint. It will help us if you give as much background information as you can, for example why you are dissatisfied and your VNS reference number.

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### THE PAROLE BOARD FOR SCOTLAND

[www.scottishparoleboard.gov.uk](http://www.scottishparoleboard.gov.uk)

You can either write to the Chief Executive at the address on our letter or telephone on the phone number on our letter. We will acknowledge your complaint within 3 working days and will normally discuss the matter with you before writing to you within 20 working days to let you know the outcome. You can find out how to make a formal complaint [here](#).

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### Taking the matter further

If you consider that Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Court Service, the Scottish Prison Service or the Parole Board for Scotland have not dealt with your complaint satisfactorily, you can ask the Scottish Public Services Ombudsman to adjudicate. You can contact them by telephoning 0800 377 7330 or at the following address:

SPSO  
Freepost EH641  
Edinburgh EH3 0BR

### Who you can contact for support or advice

- You can find further support, advice and guidance for victims and witnesses here:  
<http://www.mygov.scot/victim-witness-support>

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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Parole Board for Scotland