

Standards of Service for Victims and Witnesses 2019-20



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

Scottish Courts
and Tribunals Service



PREFACE

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.

Section 2 of the Victims and Witnesses (Scotland) Act 2014 requires 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 to set and publish standards of service for victims and witnesses. These standards are set out in this document. All of our standards will be monitored, reviewed and reported on annually.

The standards of service for the previous year and each organisation's report against those standards are published, and can be viewed on any of the organisations' websites (for website addresses please see the section on *How to Complain* below).

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INTRODUCTION

The contribution of victims and witnesses who stand up to crime, report crime to the police and who give evidence in court, when necessary, is central to effective justice. Providing more help and support for victims and witnesses is therefore a key aspect of building a better criminal justice system. The agencies of the criminal justice system responsible for setting these standards for the forthcoming year are committed to doing that, and a number have either reviewed and/or added to their standards. The Standards of Service were first published in 2015, and four years later the aim remains that they are dynamic and responsive to victims' needs.

Working together, and with the Scottish Government, we are committed to helping victims and witnesses feel supported, safe and informed at every stage of the process from offence to sentence end. We all recognise that the victim's journey can be complicated, at times frustrating, and often deeply upsetting. We do not always get it right. It is recognised that, collectively, we need to do more, and can do more, and this document sets out what that entails in the coming year.

There is a desire to do more and a willingness to do things differently to improve the support and help for victims and witnesses. However, change requires to be considered and informed by the collective experience of victims and witnesses. Going forward, the criminal justice agencies, with the grateful assistance of Victim Support Scotland, look forward to continue working collaboratively with the Victims Organisations Collaborative Forum to better understand the needs of victims and how we might help. Our agencies are also represented on the newly formed Victims Taskforce which is focused on improving the experiences of victims and witnesses in the criminal justice system.

We want to make sure that you are able to exercise your rights, that you are treated fairly, and that you are supported in making your voice heard. You are at the heart of our justice system.

If you have been the victim of, or witnessed a crime, you are likely to have contact with a number of different organisations and people who work in the Scottish criminal justice system. Some of these organisations and people will provide a service directly to you, such as the provision of information or support, and others will have contact with you because of your involvement in a court case.

This document seeks to explain what you can expect to happen at each stage of the criminal justice process, the standards of service you can expect, and who you can contact for help or advice. The Standards of Service aim to deliver the main principles set out in Section 1 of the 2014 Act. 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.

Your personal information will be protected at all times. Where it is necessary to share that information with other agencies, this will be done lawfully and in a safe and secure manner.

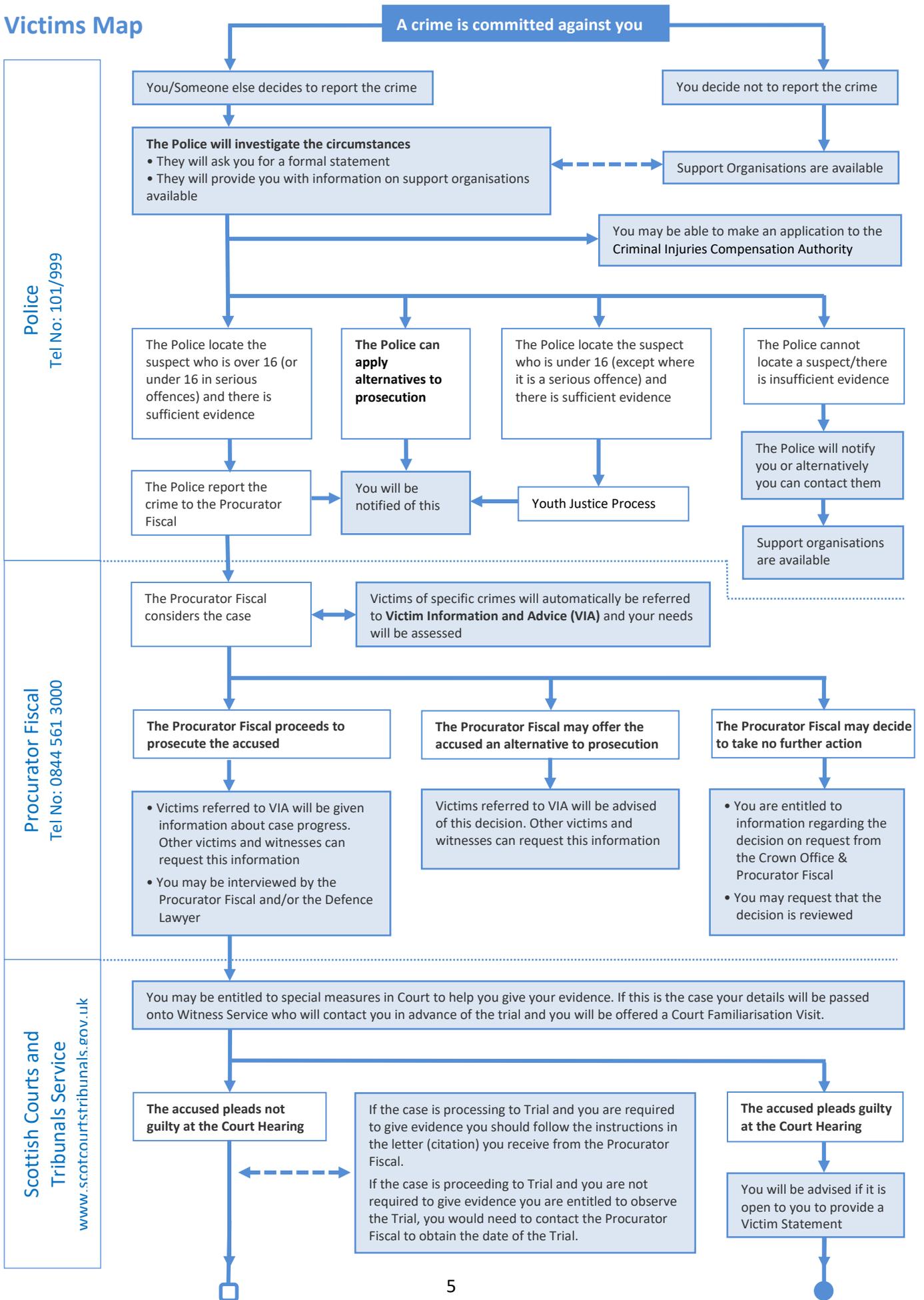
What happens at each stage of the criminal justice process?

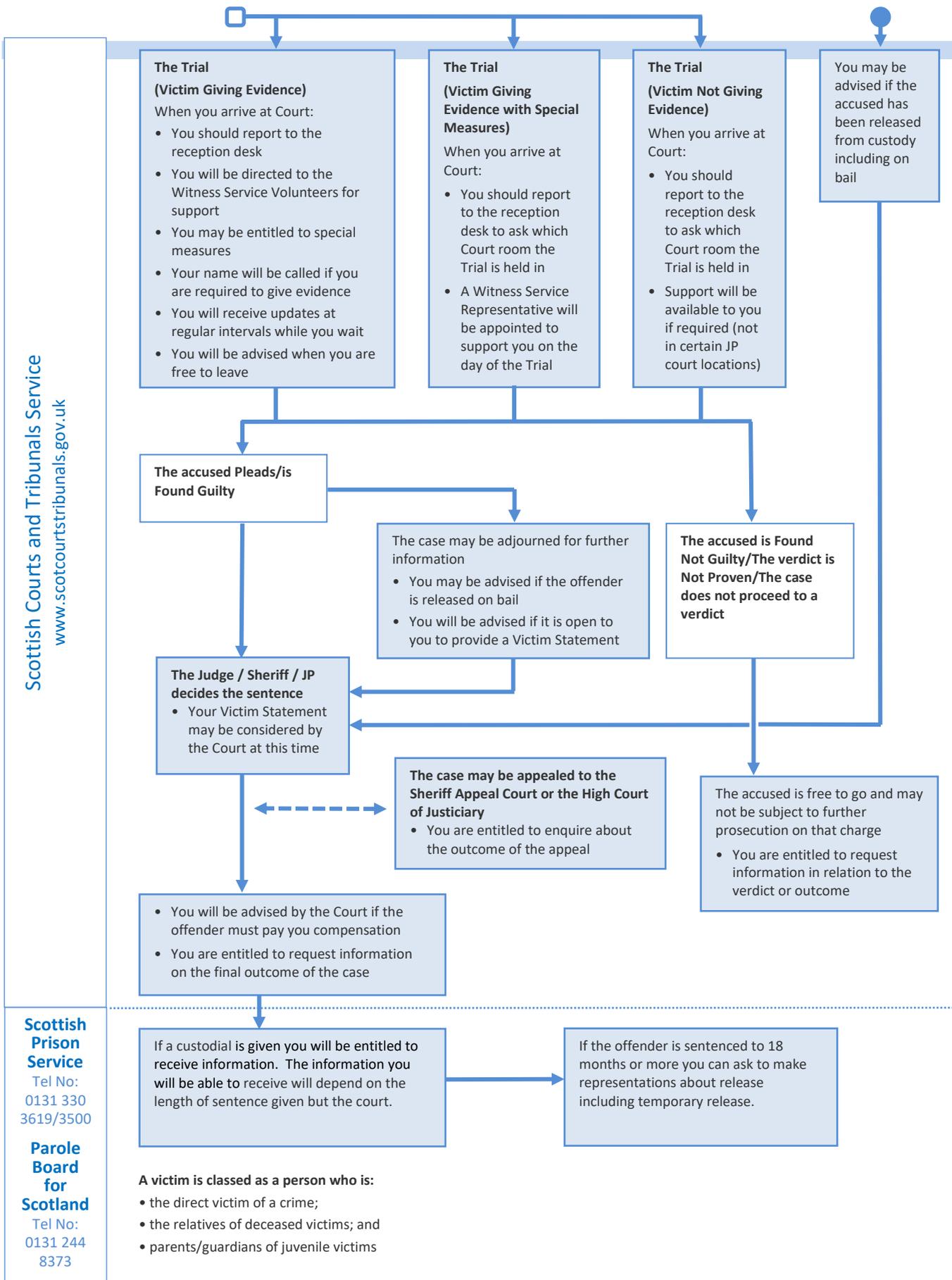
Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Courts and Tribunals Service, the Scottish Prison Service and the Parole Board for Scotland each play a part in the overall justice process.

The following flowchart sets out what you can expect from each organisation at each stage of the process if you are a victim of crime.

We welcome any comments you may have in relation to the map and, in particular, if you found it helpful. You may do this by using any of the agency contact details on the final page of this document.

Victims Map





THE COMMON STANDARDS OF SERVICE YOU CAN EXPECT FROM US

Being a victim of crime, or witnessing a crime, can be a very upsetting and difficult experience.

We 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 below.

You can also expect the following specific standards:

Organisation	Standards
<p>Police Scotland</p> 	<ul style="list-style-type: none"> ▪ 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 they receive your application, Police Scotland will respond within 40 days. For more detail on what information can be requested, and how to apply please go to: www.scotland.police.uk/access-to-information/the-victims-and-witnesses-scotland-act-2014 ▪ If you are a victim of either a sexual offence, trafficking for prostitution, trafficking for exploitation, domestic abuse or stalking 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; ▪ 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; and ▪ We will ensure you receive a Victim 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.

Organisation	Standards
<p data-bbox="151 347 592 423">Crown Office and Procurator Fiscal Service</p>  <p data-bbox="220 533 529 676">CROWN OFFICE & PROCURATOR FISCAL SERVICE SCOTLAND'S PROSECUTION SERVICE</p>	<ul style="list-style-type: none"> <li data-bbox="659 336 1437 495">▪ We will treat you fairly and with respect, we will listen to you through our Complaints and Feedback Policy and the review of our decisions and we will communicate with you clearly and effectively; <li data-bbox="659 504 1437 707">▪ 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; <li data-bbox="659 716 1437 958">▪ We will ensure that you are given the help you need to give evidence in court. We will assess your vulnerability, explain the special measures available to you under the law and when available apply for you to be supported with the appropriate special measures; and <li data-bbox="659 967 1437 1126">▪ 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.

Organisation	Standards
<p data-bbox="183 1348 560 1424">The Scottish Courts and Tribunals Service</p>  <p data-bbox="113 1563 443 1639">Scottish Courts and Tribunals Service</p>	<ul style="list-style-type: none"> <li data-bbox="659 1337 1401 1451">▪ 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; <li data-bbox="659 1460 1430 1574">▪ We will provide separate waiting rooms for prosecution and defence witnesses, and access to refreshments; <li data-bbox="659 1583 1449 1697">▪ 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; <li data-bbox="659 1706 1410 1821">▪ We will respond to requests received on behalf of witnesses, for court familiarisation visits, within 3 working days of receipt; and <li data-bbox="659 1830 1445 1989">▪ 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.

Organisation	Standards
<p data-bbox="140 349 376 421">Scottish Prison Service</p> 	<ol style="list-style-type: none"> <li data-bbox="427 336 1455 913"> <p>1. 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.</p> <p>This consists of the following:</p> <ul style="list-style-type: none"> <li data-bbox="478 546 1375 618">▪ The date of the prisoner’s release (other than being granted temporary release); <li data-bbox="478 627 1053 663">▪ If the prisoner dies, his date of death; <li data-bbox="478 672 1302 707">▪ If the prisoner has been transferred out of our custody; <li data-bbox="478 716 1455 788">▪ That the prisoner is, for the first time, entitled to be considered for temporary release; <li data-bbox="478 797 1114 833">▪ That the prisoner is unlawfully at large; or <li data-bbox="478 842 1404 913">▪ That the prisoner who was released or was unlawfully at large has been returned to custody. <li data-bbox="427 922 1340 994">2. If you write to SPS about any matter concerning the Victim Notification Scheme, they will respond within 5 working days. <li data-bbox="427 1003 1449 1075">3. Where a telephone enquiry cannot be answered by SPS at the time, they will call you back within one working day. <li data-bbox="427 1084 1436 1290">4. 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. <li data-bbox="427 1299 1436 1711"> <p>5. 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 to seek your representations no less than two weeks before any decision will be taken on release:</p> <ul style="list-style-type: none"> <li data-bbox="526 1559 976 1594">▪ On Home Detention Curfew; <li data-bbox="526 1603 1430 1675">▪ On temporary release (but only on the first occasion that the prisoner is considered); or <li data-bbox="526 1684 1050 1720">▪ By the Parole Board for Scotland. <li data-bbox="427 1720 1449 2002"> <p>6. For those victims of life sentenced offenders 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 provide you with an opportunity to make representations in person, orally or in writing before any decision is taken on the first occasion that the prisoner is considered for temporary release.</p>

Organisation	Standards
<p data-bbox="129 344 384 421">Parole Board for Scotland</p> 	<ol style="list-style-type: none"> <li data-bbox="427 331 1444 533">1. 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); <li data-bbox="427 539 1444 831">2. 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 release is not granted, you will be told the review period. If you prefer to receive a letter, we will send this by 1st class post within 1 day of the Parole Board's decision; <li data-bbox="427 837 1444 1211">3. 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; <li data-bbox="427 1218 1444 1375">4. 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; <li data-bbox="427 1382 1444 1673">5. 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; and <li data-bbox="427 1680 1444 2085">6. We will carefully consider representations submitted by victims, including whether any information contained in them should be withheld from the prisoner under Rule 6 of the Parole Board (Scotland) Rules 2001, which states the grounds on which information may be withheld. Where the Board is of the view that any of these grounds are met, the information will be redacted from any documentation provided to the prisoner. The victim(s) will be advised of the information which has been redacted. Where appropriate, their views may be sought in advance of deciding whether information falls under Rule 6.

BRITISH TRANSPORT POLICE

British Transport Police (BTP) is not an agency subject to the statutory requirements regarding the setting of standards and reporting on performance. BTP is however aware of the need to provide support to those persons vulnerable within the system and has set operational standards in support of victims and witnesses and these can be viewed [here](#). Any enquiries regarding the standards may be directed to D-Crime@btp.pnn.police.

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

- 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.

CROWN OFFICE AND PROCURATOR FISCAL SERVICE

www.copfs.gov.uk/about-us/comments-complaints

- You can email RIU@copfs.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

THE SCOTTISH COURTS AND TRIBUNALS SERVICE

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

- In person to the VNS Department at the SPS;
- By phone: 0131 330 3500;
- By writing to:
Victim Notification Scheme
Room G14
Calton House
Edinburgh EH12 9HW; or
- By e-mail to 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.

THE PAROLE BOARD FOR SCOTLAND

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](#).

Taking the matter further

If you consider that Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Courts and Tribunals 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 by writing to the following address:

FREEPOST SPSO (that is all that is required on the envelope)

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>

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