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# Standards of Service for Victims and Witnesses

## Annual Report on Performance 2020 – 2021

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CROWN OFFICE  
& PROCURATOR  
FISCAL SERVICE  
SCOTLAND'S PROSECUTION SERVICE

Scottish Courts  
and Tribunals Service



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## Introduction

The Victims and Witnesses (Scotland) Act 2014 sought to improve the support available to victims and witnesses in the criminal justice system. One of the duties the Act imposed on organisations within the criminal justice system was to set clear standards of service for victims and witnesses.

Those organisations are Police Scotland, Crown Office and Procurator Fiscal Service, Scottish Courts and Tribunals Service, Scottish Prison Service and Parole Board for Scotland (justice partners).

Each justice partner is responsible for setting their own standards of service and reporting on them. However, we have worked collaboratively from the outset to publish a joint annual report on our performance against the standards.

It is particularly important to note that the coronavirus pandemic has had a significant impact across all justice partners during this reporting period (April 2020 to March 2021). We have had to adapt to support the public health response, sometimes at rapid speed whilst continuing to provide services and support to victims and witnesses. We have had to work closely and meet more frequently during this challenging time, recognising the need for good communications and shared understanding of the challenges and changes brought about by the pandemic.

The following report focuses on the steps taken by each organisation to help victims and witnesses feel supported, safe and informed at every stage of the process. The report demonstrates the commitment of partners to ensure that the standards set continue to be met, challenged and reviewed; and where we haven't met those standards, we have explained why.

Working collaboratively, and with the Scottish Government, we remain committed to putting the rights of victims and witnesses at the heart of Scotland's justice system, to improving their experiences and ensuring they have access to the right support, advice and information at the right times.

We know there are challenges that still need to be addressed and there are new challenges brought about by the coronavirus pandemic. Whilst major milestones have been reached, efforts are ongoing to make further improvements. The desire to do more and willingness to do things differently is evident in our continued work in partnership with the Victims Organisations Collaboration Forum Scotland (VOCFS) to better understand the needs of victims and witnesses and our role in helping to meet those needs. In last

year's report, we stated that we were committed to hold a workshop to discuss and review the standards of service. In March 2021 the review commenced with a virtual workshop hosted by Scottish Government's Victims and Witnesses Unit. Over forty representatives from a wide range of victim support organisations and justice partner organisations participated in the event. We will continue the review in the coming year and anticipate completing this in time for the 2022 report.

Justice partners have continued to be represented on the Victims Taskforce which was established in 2018 to improve support, advice and information for victims of crime. The Taskforce consists of a wide representation of senior decision-makers from justice agencies, academia, the legal profession and the voluntary sector, including direct representation of victims.

Being a witness or victim of crime means that you are likely to have contact with a number of different organisations and individuals who work within 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. We want to make sure that you have knowledge of your rights, are able to exercise them and that you are treated fairly.

To achieve our shared vision of placing those affected by crime firmly at the heart of the Scottish justice system, we know it is crucial that victims and witnesses are supported in their journey. This in turn enables victims and witnesses to participate effectively, allowing their voices to be heard.

## **What has happened during the year from April 2019 to April 2020?**

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 2021-22.

We are grateful to the members of VOCFS and victim support organisations 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. You will find the original standards document on each of our websites. These can be made 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 justice 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 and are 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 developed 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 7-10
- Crown Office and Procurator Fiscal Service - pages 12-18
- Scottish Courts and Tribunals Service - pages 19-32
- Scottish Prison Service - pages 33-40
- Parole Board for Scotland - pages 41-44

## Police Scotland

### Standards

- ✓ We will discuss with you how you will be kept informed of the progress of 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 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 try to ensure those needs are met.
- ✓ We will ensure you receive a Victims' Care Card, if you are a victim of crime. This provides you with the details of the enquiry officer, the crime you have reported and information about how you can access Victim Support and the Scottish Government's Victims' Code.

### Report

Police Scotland's main purpose is improving the safety and wellbeing of people, places and communities through providing high quality operational policing and working alongside our partners. There are 13 local policing divisions and each of them are committed to keeping the communities in which they serve safe.

Victims and witnesses can experience a wide range of emotions as a result of crime. When a person who has little experience of the criminal justice process is trying to navigate it, this can cause additional and unnecessary stress and confusion. Police Scotland recognises victims and witnesses rely on officers and police staff to provide them with information on their rights, which includes accessing support services, and it is essential that we get this right.

We continue to work closely with our criminal justice partners to identify areas which need to be prioritised. This includes improving the rights, support, protection and participation of victims and witnesses within a streamlined and cohesive criminal justice process.

The following information summarises what has been done in the past year by Police Scotland in relation to the Standards of Service which have not been changed.

**“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.”**

Developments made to crime investigation and management systems ensure officers are reminded of their responsibilities in relation to keeping victim's updated on the progress of their case as well as referring victims to victim support service and issuing Victim Care Cards.

This is to be re-enforced and included in the new national crime system which is due to commence later in 2021.

The Victims and Witness Care National Guidance and Domestic Abuse (DA) Standard Operating Procedures outline responsibilities for all officers/staff roles in respect of victims and witnesses including keeping victims informed of the progress of their case as well as referring victims to victim support services and issuing Victim Care Cards and is reinforced in relevant DA training.

It is the responsibility of individual officers, supported by their supervisors, to provide the highest possible standard of service to our communities. This includes providing regular updates regarding criminal investigations.

Police Scotland continue to conduct “User Experience Survey” to monitor experiences of individuals who have contacted the police, part of this survey monitors whether people feel adequately informed on the progress of their reported incident.

**“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.”

This standard is embedded into practices and procedures. Victims / witnesses will be provided with this information as long as it is not held in confidence and it is not considered inappropriate to disclose.

“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.”

This standard is embedded into our day to day policing, in responding to incidents of Domestic Abuse. These legislative standards are reinforced in training packages/courses, investigation SOPs and Toolkits in accordance with the roles and responsibilities for all officers and staff who provide a response to Domestic Abuse.

Our specialist domestic abuse investigation teams are made up of a sufficient number of male and female officers to enable the standards set in Section 8 of the Victims and Witnesses (Scotland) Act 2014, to be met. 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.

The option for victims of sexual crime, rape, prostitution, trafficking and exploitation to choose where possible the gender of the interviewing officer has been embedded within Police Scotland for a number of years. Service advisors within Police Call centres are aware to ask victims of these crime their preferred gender of the interviewing officer. The initial briefing report (IBR) police complete when first responding to these victims clearly outlines this process and is designed to record the preferred gender chosen by victims. All staff within Divisional Rape Investigation Units and Human Trafficking Units are well aware of this embedded process which supports a victim centred approach to these types of crimes.

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

Police Scotland has delivered two pilot programmes to improve the quality of service provided to vulnerable witnesses. One pilot programme has developed new training to improve joint investigation interviews of children and the second relates to the recording of ‘prior statements’ as outlined by the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019.

Divisional Concern Hubs triage, research, assess and share relevant, necessary, justifiable and proportionate information with partners to secure appropriate intervention or support that is in compliance with statutory requirements, national guidance and GDPR.

Police Scotland have sought to improve this information sharing, and from 22<sup>nd</sup> June 2020 implemented a public task approach to sharing information with some Third Sector Organisations (TSO). Where there is a TSO or Advocacy service in their area who can provide support for them officers still seek individuals views on having their information shared however where declined there is opportunity for the details to be shared for welfare reasons where deemed to be in the interests of the individual.

Decisions on this information sharing pathway are based on a holistic assessment of information held on police systems by Concern Hubs.

“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 your report and information on how you can access victim support and the Scottish Government’s Victims’ Code.”

Safer Communities, VSS and Police Scotland’s Strategy and Innovation Team have carried out extensive research in regard to improving performance in providing victims with their rights to access victim support services. In relation to Victim Care Card (VCC), this work has made a number of recommendations which are to be reviewed. A working group will be set up looking at how VCCs are used by victims, ensuring the content is appropriate and the contact methods provided meet the needs of victims.

When the national crime system becomes available to all divisions it will allow recording of the issuing of VCC by inclusion of a specific VCC field ensuring accurate recording and management of performance.

## **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](mailto:D-Crime@btp.pnn.police).

## Crown Office and Procurator Fiscal Service (COPFS)

### Standards

- ✓ We will treat you fairly and with respect, we will listen to you through our Comments and Complaints and Feedback 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, explain the special measures available to you under the law and when available apply for you to be supported with the appropriate special measures.
- ✓ 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

COPFS is responsible for the investigation, prosecution and disruption of crime, 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 safer.

The following outlines some of the work which has been undertaken 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 and Feedback Policy and the review of our decisions, and we will communicate with you clearly and effectively.”**

### What we have done

COPFS continues to operate a robust ‘Complaints Handling Procedure’. Where COPFS is unable to resolve complaints effectively and efficiently within operational units, our Response and Information Unit (RIU), which is staffed by individuals who are trained in handling complaints and who ensure that complaints are dealt with impartially, will thoroughly investigate a complaint and provide a detailed response within 20 working days.

To ensure that our ‘Complaints Handling Procedure’ continues to have the confidence of victims, witnesses and the wider public, we have completed a review of the process and made improvements. The focus of the new ‘Complaints Handling Procedure’ is making the complaints process accessible to our customers; ensuring that staff are equipped to identify when a customer wants to make a complaint; and ensuring that an open dialogue takes place with our customers throughout the complaints process. The new ‘Complaints Handling Procedure’ will be published on our website early in the 2021/22 reporting year.

We have implemented a new case management system to record more accurately and monitor complaints. This will allow us to continue to monitor key themes and update policy, guidance and training, where necessary, to ensure that a quality service is provided.

In response to Recommendation 4 in Her Majesty’s Inspectorate of Prosecutions in Scotland’s report on the Victim’s Right to Review we have published guidance to staff to make clear who is responsible for notifying victims of any decision to discontinue proceedings in summary cases, in particular those which do not fall within the Victim Information & Advice (VIA) remit, and have continued to reinforce and embed existing policies regarding notification of decisions not to prosecute and to discontinue proceedings. We have reviewed and updated our letters to victims to ensure that those people who have a right to apply for a review of decisions are aware of their right.

### What we will do

We will publish our revised ‘Complaints Handling Procedure’ early in the 2021/22 reporting year.

We will undertake a review of our approach to “lessons learned” from complaints to ensure that we respond to the needs of our customers and implement change efficiently and effectively, where change is required.

We will introduce key performance indicators to monitor the processing and outcome of complaints.

**“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**

We have completed a review of the correspondence that our Victim Information & Advice (VIA) service sends to victims and witnesses in Sheriff & Jury and Summary cases to ensure that victims and witnesses receive relevant information that they require to fully engage in the criminal justice process, in clear and straightforward language. All correspondence issued to victims and witnesses in Sheriff and Jury cases have now been updated. All summary letters are in the process of being updated.

We have established a Business Transform Team who have begun work to consider and review all administrative processes associated with our Victim Information and Advice (VIA) service. The purpose of this review is to ensure that our processes are consistent across the country and that they continue to reflect our internal policies and commitments to victims and witnesses.

A project to redevelop the COPFS external website began in August 2020. The discovery phase of the project focused on gathering feedback from a range of sources, including organisations representing the needs of victims and witnesses, and utilising that feedback to make changes to the layout and content of the proposed site. We are also building in feedback mechanisms to ensure that we continue to learn and improve in response to the feedback of all users, but in particular, that from victims and witnesses. The redeveloped external website is on track to launch early in the 2021/22 reporting year.

We have continued to develop the COPFS Witness Portal prototype (now named the *Witness Gateway*) which is a key deliverable in COPFS’ Digital Transformation

Programme. While the envisaged delivery timeframes were impacted by COVID-19, workshops for COPFS stakeholders were held in August 2020 and January 2021 ahead of engagement with the relevant Criminal Justice partners, Scottish Government and third-sector stakeholders. The development of the first product version of the Witness Gateway, which includes features such as secure witness authentication and the availability of witnesses attending court, was completed in March 2021. This will now enable an evaluation to commence and development and agreement of the full product features to take place early in the new 2021/22 reporting year. The Witness Gateway service will be implemented in 2021 in line with the agreed evaluation and delivery plan.

### **What we will do**

We will continue to develop the content on the COPFS external website to ensure it meets the needs of different user groups and will monitor feedback from users.

We will maximise the use of digital technology to provide enhanced access to information and services to improve the experience of victims and witnesses within the criminal justice system.

We will complete our review our Victims Information and Advice (VIA) administrative processes to ensure efficient processes are in place to provide information to victims.

**“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.”**

### **What we have done**

COPFS has appointed an operational lead and formed an internal implementation group which has begun planning for the second phase of implementation of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 in Sheriff and Jury cases in July 2021. Operational and VIA staff from the Sheriff and Jury and High Court operational units are key members of the group, as are staff from Policy Division and Learning and Development, who will be responsible for delivering required guidance and training.

An initial implementation plan has been drawn up and regular meetings diarised. The group has begun to engage with external partners, including Scottish Government and Scottish Courts and Tribunal Service, with a view to establishing firm, practical arrangements, necessary to facilitate smooth implementation.

The Scottish Government led Implementation Group for the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 is currently re-evaluating the next stages of the implementation plan in light of the impact of COVID on the justice system, recognising that it is essential that future commencement and rollout of the provisions of the Act continue to be undertaken in a managed and effective way - to ensure that the benefits are delivered to those involved in these cases. COPFS continues to plan for implementation and engage with partners to address any issues.

We continue to work with the Police Service of Scotland, Social Work and our partners in Lanarkshire and North Strathclyde to monitor the effectiveness of the new Scottish Child Interview Model. The objective of this work is to improve the quality of Joint Investigative Interview's (JII's) to ensure they are suitable to be presented in court as evidence in chief and thereby limit the need for children (under the age of 18) to give evidence at any trial.

To support this work, we have established and implemented an evaluation framework. We have committed to evaluating all JII's submitted as part of criminal proceedings in solemn cases where the JII has been conducted under the new Scottish Interview Model in each of the two pilot areas. Key themes regarding feedback have been identified and work is underway to ensure that training for the Police Service of Scotland and social workers continues to be cognisant of evidential requirements.

We continue to monitor the Visually Recorded Interview (VRI) pilot to test the effectiveness of visually recording the statements of complainants in rape cases. As at 15 March 2021, 164 VRIs involving 143 complainants have been conducted by the Police Service of Scotland under the terms of the pilot. 41 cases have been reported to COPFS. The impact of COVID on court business continues to have an impact on the progress of the cases. At present, 4 cases have been indicted.

In one case, we would have applied to use the VRIs (of two complainants) but the accused pleaded guilty. In another, our application to use the VRI as a prior statement and take evidence from the complainant at an Evidence by Commissioner hearing was

granted by the court. The two other indicted cases have Preliminary Hearings scheduled for July 2021.

Initial feedback on the quality of the VRIs continues to be positive. We will continue to monitor progress of the pilot cases through court and obtain feedback from relevant staff and Crown Counsel.

COPFS is in the process of carrying out a review of the Lord Advocate's Guidelines to the police on providing information on vulnerable adult witnesses.

#### **What we will do**

The VRI pilot project will run until November 2021. Pilot cases will continue to progress through courts beyond that date. We will continue to monitor all pilot cases and seek feedback from relevant staff and Crown Counsel as cases progress.

We will continue to work with the Police Service of Scotland, social work departments and our partners on the Joint Investigative Interview pilot projects and to evaluate the quality of JIIs submitted to COPFS to ensure they are suitable to be presented in court as evidence in chief and thereby limit the need for children to give evidence at trial. We will expand our evaluation process to include Glasgow cases when the pilot in that area commences which is expected to be in June 2021. We will continue to monitor the impact of COVID.

We will continue to prepare for the introduction of the second phase of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 - which is scheduled to begin in July 2021.

We will continue to improve our external website to ensure that it has the information victims and witnesses require.

We will publish an updated policy regarding witnesses accessing their statement prior to trial. This policy will harness the use of digital technology to provide enhanced access to information and services to improve the experience of victims and witnesses within the criminal justice system.

“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.”

### What we have done

Our new traineeship programme which takes account of the *Admission as Solicitor (Scotland) Regulations 2019* is now fully implemented. The first group of trainees who successfully took up their roles in March 2020 moved into Local Court on 7 September 2020 and were gradually introduced to court work from December 2020. All training continues to be delivered both online and in person, taking account of the Scottish Government’s guidance on social distancing. On 31 August 2020, a further 16 trainees joined the Service and in March 2021 a further 15 trainees joined the service. Feedback from trainees and managers has been positive.

Our training team has developed a number of training materials in response to the Coronavirus pandemic. This includes updating relevant materials to reflect the new pre-intermediate diet process which involves meetings between the Crown and the defence to facilitate engagement and ensure that where evidence can be agreed, thereby avoiding inconvenience to witnesses, it will be.

The Coronavirus pandemic has had an impact on training, given the public health guidance and restrictions and the move to home working for the majority of staff. This has constrained our ability to accommodate face to face training but we continue to offer blended learning and training, including using online resources and workshop delivery via MS teams. Examples include the development of a new online introductory course for VIA staff and adapting the Victims and Witnesses one day face to face training course, available to all staff, to an online learning course.

We held a 2-day online training event for High Court VIA Staff on 17 and 18 November 2020 with input from Learning and Development, COPFS Sexual Offences specialists, Policy Division and Dr Caroline Bruce, Principal Educator at NHS Education for Scotland, Clinical Psychologist and Honorary Senior Lecturer.

The aims and objectives of the training event were to equip delegates with knowledge and understanding of various approaches and legal obligations towards victims and witnesses; to communicate our values, related guidance and policies; and to equip

delegates with necessary skills and understanding to make decisions and carry out their duties with regard to victims, vulnerable witnesses, bereaved relatives and all other witnesses. Learning outcomes included understanding trauma and the impact of trauma on victims and witnesses.

A similar event is being developed for Local Court VIA Staff and will be rolled out early in the 2021/22 reporting year.

Our training team continues to develop materials to support the roll out of mandatory pre-recording of child complainers' evidence, in specified offences, in Sheriff and Jury cases.

We have reviewed our approach to the way in which we respond to requests for information when a Significant Case Review is being carried out and we have worked with the Police Service of Scotland and representatives from the Significant Case Review Oversight Group to update the National Protocol. Guidance has also been developed for staff to improve knowledge of Significant Case Reviews and ensure consistency in decision making.

The summary justice pilots (EPR) have been suspended due to the pandemic and the related Government and health guidance on social distancing as the effectiveness of the pilots depends to some extent on the ability to have face to face engagement with the accused and their legal representative at court. This is not possible at present. This will be kept under review and it is hoped that the pilots can resume in Quarter 2 of the new reporting year.

### **What we will do**

We will prepare for the implementation of the *United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill*. COPFS has formed a working group which will identify key policies which are affected by the implementation of the Bill and review those policies to ensure that they are UNCRC compliant and rights of children are upheld. Appropriate guidance and training will be provided to COPFS staff.

We will work with Home Office and the Police Service of Scotland to agree appropriate timescales for the communication of Conclusive Grounds Decisions to ensure that decisions taken by prosecutors in the context the Lord Advocate's Instructions on Prosecution of Potential Victims of Trafficking and Exploitation are fully informed. We will work with third sector agencies to agree appropriate communication processes that

ensure that potential victims of trafficking receive support as soon as they are liberated from custody on the instructions of the National Lead Prosecutor for Human Trafficking.

COPFS remains dedicated to providing the best possible training to all staff, including our Trainee Solicitors and new Procurators Fiscal Depute under our Trainee and Depute Accreditation programmes. We will ensure that our training programmes are continually improved and updated to ensure that they best equip our new legal staff with the core skills they require as prosecutors.

We will continue to review the training of VIA staff and ensure that they have the skills required to correspond with our most vulnerable victims in a trauma informed manner. In particular, we will develop our training for local court staff pending the further roll out of the *Victims and Witnesses (Criminal Evidence)(Scotland) Act 2019* relating to child complainants in Sheriff & Jury cases that involve a charge(s) specified in the list of offences.

### **The standards of service in the coming year**

COPFS keeps all policies and procedures under review, and will continue to monitor their effectiveness, working to make improvements, as required, to ensure that the Standards of Service continue to meet the needs of victims and witnesses. COPFS will continue to improve the implementation of the existing standards of service as set out above.

## The Scottish Courts and Tribunals Service (SCTS)

### 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.
- ✓ 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.
- ✓ If you want to know what support is available to you when you arrive at court, we will direct you to Victim Support Scotland or other support services which are present in the court building.

### Report

The purpose of the Scottish Courts and Tribunals Service (SCTS) is to support justice by providing administrative support to the judiciary, the courts, the tribunals and the Office of the Public Guardian. The above standards reflect the key engagement that victims and witnesses may have with the courts, and SCTS, during their journey through the justice system.

This report provides an annual review of performance against the specified standards, as well as exploring the ongoing efforts being made to improve the experience for victims and witnesses who attend court.

This year, it is particularly important to acknowledge the significant impact that the coronavirus pandemic has had across the justice sector. In recent years we have built strong foundations for a more resilient, modern and efficient justice system. However, the impact of the coronavirus pandemic has resulted in unprecedented levels of rapid change to support the public health response and to maintain essential services.

Throughout this time, we have quickly adapted our business model and accelerated key reforms to continue supporting justice and victims and witnesses in their journey.

## Criminal Justice Reform

SCTS remains committed to continuously driving forward initiatives emerging from the [Evidence and Procedure Review](#).

The review previously identified the potential for witnesses to be re-traumatised whilst giving evidence as well as the importance of witnesses being supported to give their ‘best evidence’. As such, it is paramount that children and vulnerable witnesses can give evidence at the earliest opportunity.

In terms of the phased rollout of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 the legal presumption in favour of pre-recording evidence was brought into effect from January 2020 for child witnesses under the age of 18 in the High Court.

The SCTS’s public health response to the coronavirus pandemic limited the ability to physically hold any commission hearings during the initial lockdown phase, but from June 2020 onwards a significant number of commission hearings did take place. Any children who attended such hearings will have benefited considerably from having their evidence pre-recorded in advance of trial and from their questioning being more limited than might otherwise occur at trial.

The 2019 Act also supports the introduction of a simplified notifications process, so that applications can be lodged administratively for those witnesses who are automatically entitled to Standard Special Measures. The software to automate the transfer of those applications from the Crown Office and Procurator Fiscal Service to the SCTS has been developed and is currently undergoing user acceptance testing.

A request for new rules is also being drafted for submission to the Criminal Courts Rules Council. Following relevant consultation with the defence community we anticipate the Scottish Government will be in a position to commence the relevant provisions under the 2019 Act later this year.

The [Evidence and Procedure Review](#) also outlined core principles for a new approach that would deliver stronger case management procedures in summary matters. It has been recognised that witnesses often require to attend court on numerous occasions due to adjournments or cases pleading at trial diets.

[Practice Note 2 of 2019](#) was developed by the Judiciary in collaboration with justice partners and court officials. It detailed measures designed to promote greater efficiency

in summary cases progressing through the courts as well as ensuring better use of available resources. In January 2020, SCTS commenced piloting this new approach in the Sheriff Court districts of Dundee, Hamilton and Paisley, for an initial period of 18 months with both Police Scotland and the COPFS having also made significant changes to their own internal processes in advance of the pilots.

The pilots were paused at the onset of the coronavirus pandemic. The timing of recommencement is currently under consideration by the Cross-Justice Project Board. Due to the pilots being in the very early stages it has not been possible to evaluate the outcomes from them in this reporting period.

The desire to progress some more immediate improvements in the approach to case management did however lead to the introduction of [Practice Note No. 4 of 2020](#) which came into effect on 1<sup>st</sup> December 2020. This set out the level of engagement that now needs to take place between the prosecution and defence prior to their attendance at an Intermediate Diet. The new requirement is for those Pre-Intermediate Diet Meetings to take place 14 days prior to the court hearing, and where that engagement is able to deliver earlier resolution of cases it has positively impacted on a number of victims and witnesses by reducing the delays that would otherwise be experienced in those cases.

In relation to both Practice Note No. 2 of 2019 and Practice Note No. 4 of 2020, the mandated, structured engagement between Crown and Defence should provide greater scope for early resolution: allowing the focus to remain on those cases which cannot be resolved and which are ready to proceed to trial. This should provide more certainty for witnesses and trial listing and scheduling will be more effective through being better informed and prioritised appropriately.

### Digital Strategy

The SCTS developed the concept of Evidence and Hearing Suites to provide children and vulnerable witnesses with far more appropriate environments in which to provide their evidence to a courtroom via a live TV link, or to have their evidence pre-recorded in advance of trial through the procedure for taking Evidence by Commissioner. The first of those suites went live in Glasgow in October 2019, followed by the second suite in Inverness where construction was completed in March 2020 just as lockdown commenced.

Those suites were designed to provide smaller, more intimate and informal spaces to make witnesses more comfortable. Unfortunately the onset of physical distancing has

meant those rooms could not be used safely under the current public health guidelines. As that physical distancing requirement is expected to be in place for some time to come an internal project was undertaken to temporarily reconfigure some of the room layouts in Glasgow to make it COVID secure, and those changes did enable commission hearings to recommence from that venue from February 2021.

The SCTS remains committed to its plans to replicate that delivery model in four geographic locations across Scotland. Our plans for installation of fixed recording equipment into existing hearing rooms in Aberdeen and Edinburgh did have to be deferred as part of the COVID response but we do expect to complete those suites during 2021, with a view to having all four suites operational once the current physical distancing requirements can be relaxed.

### **Virtual Summary Trials**

In response to the coronavirus pandemic SCTS set up a Virtual Summary Trials project which commenced work in June 2020. The project was formed to enable the remote participation of court users in summary trials. The pilot, which concluded in December 2020, included trials with witnesses appearing from various locations out-with the courtroom, including a case in which the witness gave evidence from the offices of Victim Support Scotland.

The first trials took place at Inverness and Aberdeen Sheriff Courts as pilots – to establish the future of remote hearings and to help address social distancing requirements arising from the coronavirus pandemic.

The first of three trials was held in the Inverness Justice Centre (IJC) on 9th June 2020. All participants took part remotely, some in the IJC building and others in different locations. Apart from some initial difficulties in contacting witnesses by phone, all trials ran smoothly.

Reaction from participants and from observers was very positive with some describing the trials as “historic” and “unprecedented”.

As the project now looks to rollout to Aberdeen, one of the primary focuses will be on the provision of witness evidence from sites external to the court estate, to further reduce the potential trauma for victims and witnesses when coming to court.

The SCTS will continue to expand on the facilities currently available for victims and witnesses to give pre-recorded evidence by commissioner, with work progressing in Inverness, Aberdeen and Edinburgh based on the Glasgow model.

The SCTS will also look to develop the opportunity for victims and witnesses to give evidence in physical and virtual trials from dedicated external witness sites, using the blueprint developed in Aberdeen. A separate initiative is taking forward the remote provision of evidence by police and professional witnesses in solemn trials, with significant cross-sector value being targeted for delivery in 2021-22.

### **Restarting Solemn Trials**

A judicially led Restarting Solemn Trials working group was set up in May 2020 to consider the practicalities of recommencing trials by jury as and when permitted by public health guidelines.

The group included representatives of the Judiciary, Crown Office and Procurator Fiscal Service, Faculty of Advocates, Law Society of Scotland, Scottish Courts and Tribunals Service, Rape Crisis Scotland and the Scottish Government. It also liaised closely with and sought input of others with relevant expertise, such as Police Scotland, the Scottish Prison Service, Victim Support Scotland, and Scottish Women's Aid.

The group recognised the need to progress serious criminal business and the importance of this to the accused, to victims, to witnesses and to their families. It worked as quickly as was possible to ensure that all the impacts and practicalities were fully considered in order to provide the best outcome for Scotland, both in terms of justice for all concerned, but also in terms of public safety.

Getting jury trials up and running again was a huge undertaking and only made possible because of the determination and willingness of SCTS staff, the judiciary, the legal profession and third sector organisations that thought innovatively and pulled together in working out how public health measures could ensure a safe environment for the jury and all court users.

With developments in the use of technology and the introduction of remote jury centres, the first High Court jury trials, since 23 March 2020, restarted in Edinburgh and Glasgow in July 2020. By November 2020 the High Court was operating at pre-COVID trial capacity (16 trial courts). The High Court now has 12 trial courts operating out of three

dedicated high court centres in Edinburgh, Glasgow and Aberdeen, and is supplemented with additional trial courts in Edinburgh, Glasgow, Livingston and Paisley Sheriff Courts.

Sheriff Court jury trials restarted in Edinburgh and Glasgow in December 2020. By late February 2021, Sheriff and Jury trials were running throughout Scotland, at pre-COVID trial capacity. Sheriff and Jury trials are now running in the following Sheriff Court locations: Edinburgh, Livingston, Glasgow, Paisley, Kilmarnock, Dumbarton, Greenock, Ayr, Airdrie, Hamilton, Dundee, Perth, Kirkcaldy, Falkirk, Inverness and Aberdeen. Where appropriate, Sheriffs Principal have made arrangements to transfer business within their respective areas.

### **Domestic Abuse Cases**

In the sheriff courts the target for domestic abuse cases to be dealt with from pleading diet to trial diet is a period of 8-10 weeks. It has not been possible to continue to meet this target in a large number of courts while SCTS continues to manage an effective response and recovery from the coronavirus pandemic.

This target remains the optimum although it is important to recognise that cases have and will continue to be impacted in the medium to long term due to the backlog of cases accrued.

### **Sexual Offences Review**

A judicially led review group was established in 2019 to develop proposals for an improved system to deal with all sexual offence cases. The review group comprises of members of the judiciary alongside representatives of the Scottish Courts and Tribunals Service, Police Scotland, Crown Office and Procurator Fiscal Service, justice agencies and third sector organisations including Rape Crisis Scotland, Scottish Women's Aid and Victim Support Scotland. The interests of victims and witnesses were at the forefront of the group's considerations.

The group met on several occasions during 2019 and 2020, with the final report [Improving the Management of Sexual Offence Cases](#) and recommendations from their work was published on 18 March 2021.

## Special Measures

A range of special measures is available to vulnerable witnesses to give evidence to court including the use of screens, a supporter, the hearing of evidence by commissioner and the use of live television links in court, between courts or from a remote location.

However, due to temporary court closures during 2020 and a temporary halt to trial business for periods during 2020/21 there was a significant reduction in the number of special measures requested. As levels of court business have increased, the number of applications for special measures has increased and we expect this upward trend to continue.

Remote sites are in place across Scotland for vulnerable witnesses to give evidence to the court via a live TV link. During 2020, a large number of these sites closed. Following the introduction of safety measures, social distancing and risk assessments, sites began to re-open. At the time of writing sixteen vulnerable witness remote sites were open and available for vulnerable witnesses to give their evidence to court. In addition, there are forty-four vulnerable witness rooms currently available within thirty-five of our court buildings for vulnerable witnesses to give their evidence by live TV link.

## Victims Taskforce

A Victims Taskforce was established to improve support, advice and information for victims of crime. The Taskforce is co-chaired by the Justice Secretary and the Lord Advocate, head of Scotland's system of criminal prosecution.

The primary role of the Taskforce is to co-ordinate and drive action to improve the experiences of victims and witnesses within the criminal justice system, whilst ensuring a fair justice system for those accused of crime.

The Taskforce has brought together senior decision-makers from justice agencies, the legal profession, academia and the voluntary sector, including direct representation of victims.

SCTS is represented on the Taskforce, in particular the Victim Centred Approach and Trauma Informed work streams and is committed to supporting the actions set in the work plans for each work stream. It is anticipated that the output from these work streams will improve the experience of victims and witnesses across all parts of the justice system.

## **Individual standards of service**

“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.”

### **What we have done**

In the majority of courts, court officers and macers continue to liaise with the prosecutor to update witnesses on an hourly basis, where circumstances permit. Since summary and solemn trials have re-commenced, updates are provided with SCTS staff following the necessary social distancing, health and hygiene measures implemented.

When court officers or macers are required to assist with evidence presentation in court, they will always strive to provide updates as soon as possible. For a small number of courts (four) this standard was partially met for reasons out with their control.

In some court buildings, information around location and progress of cases is also visible to witnesses on wall mounted display screens.

We have introduced staggered trial times in sheriff courts which has assisted with managing the number of court users physically present in our buildings throughout the day. Prosecution witnesses are now cited to attend court on days and at such times as they are needed, which has reduced the waiting time for witnesses who should only attend court for the time the case is set down. More witnesses are also on standby out with court buildings due to this model now being in operation.

SCTS's criminal case management system has also been adapted to allow specific trial times to be added to cases and improvements were made to the SCTS court rolls which are published 5 days in advance on the SCTS website. The court rolls now include the times cases are set down.

The ‘Witnesses’ section of the SCTS website has been continuously updated and now includes a document on [Guidance for SCTS Court and Tribunal Users During Coronavirus](#). This document details what measures have been put in place for court users and includes a specific section on what witnesses can expect when coming to court.

The FAQ (Frequently Asked Questions) section of the SCTS website remains under review. A glossary of terms is available on the [Judiciary Website](#) and a link to this has been added to the SCTS website.

#### **What we will do**

SCTS staff will continue to update witnesses on an hourly basis, where circumstances permit. The Frequently Asked Questions (FAQs) section now published on the SCTS website will be reviewed periodically and updated where necessary. We will consider developing a glossary of terms designed to assist witnesses with court terminology that is often used when case updates are relayed to them by court staff.

We will continue to engage with COPFS locally to obtain case information to allow us to update witnesses on progress of cases.

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

#### **What we have done**

Across the wider estate, separate waiting areas and witness rooms continue to be provided for prosecution and defence witnesses where they are required to attend court. Health protection measures put in place have affected the High Court in Lawnmarket in relation to available space for defence witnesses. However, this is being managed locally as the situation arises through discussion with defence counsel and an area is identified for those witnesses to wait. This has resulted in partial compliance in this area however this is the only court location where this is an issue.

Refreshments are normally available in all locations although availability has been impacted by the coronavirus pandemic and may differ depending on the public health restrictions in place at that point in time. However, since March 2020, in courts where refreshment facilities were available these have been closed with the exception of Edinburgh Sheriff Court where witnesses have access to the canteen for a takeaway service; and in two courts access to water coolers has been maintained with the addition of sanitisation supplies. During the pandemic whilst SCTS continues to meet public health requirements, access to fresh drinking water for witnesses is considered the bare minimum and this is being provided by all courts.

The rollout of Evidence and Hearings suites to Aberdeen and Edinburgh was suspended during lockdown although those works are now being rescheduled on the revised availability of suppliers within the construction industry.

#### **What we will do**

Moving forward, we will continue to make the best use of available space within court buildings. The previously planned works for Evidence and Hearings suites in Edinburgh and Aberdeen will be rescheduled. The suites will be developed with the design process incorporating similar principles to those implemented in the development of the Inverness Justice Centre, namely to incorporate separate waiting areas for witnesses and access routes for those considered more vulnerable.

The SCTS will also look to develop the opportunity for victims and witnesses to give evidence in physical and virtual trials from dedicated external witness sites, using the blueprint developed in Aberdeen. A separate initiative is taking forward the remote provision of evidence by police and professional witnesses in solemn trials, with significant cross-sector value being targeted for delivery in 2021-22.

It remains important to note that in some instances, due to the protected status of a building, there may be limitations as to the extent of potential alterations.

**“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.”**

#### **What we have done**

We continue to provide facilities for vulnerable witnesses to give their evidence to court via live TV link. This can be from within court buildings, from court to court or from remote sites.

However, the public health response to the coronavirus pandemic has limited our ability to use all of our facilities, in particular, remote sites, all of which closed in March 2020. During that time there was a significant reduction in trials proceeding resulting in a significant reduction in the need for the use of live TV links. For any priority cases that did proceed, video link facilities were available within court buildings.

We have been working closely with site proprietors, for remote sites not owned by SCTS, to ensure risk assessments and health and safety measures are in place to enable sites

to re-open. As of March 2021 sixteen remote sites had reopened and are available for vulnerable witnesses to give their evidence to court via live TV link. In addition, there are forty-four vulnerable witness rooms currently available within thirty-five of our court buildings for vulnerable witnesses to give their evidence to court by live TV link.

A small number of courts (three) have experienced issues with meeting this Standard due to staffing difficulties and the ability to comply with social distancing to enable this Standard to be facilitated. In one court, the internal video link facility is not in use while upgrade work is being carried out; however, links are available at other court locations.

#### **What we will do**

We will continue to work with remote site proprietors to increase the number of sites that can re-open with appropriate health and safety measures in place to enable vulnerable witnesses to give their evidence to court via live TV link.

We will also attempt to source additional sites for this purpose.

We will continue to work with Victim Support Scotland volunteers across court locations to ensure that witnesses giving evidence to court, by any means, are prepared and able to give their best evidence.

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

#### **What we have done**

SCTS continues to liaise with Victim Support Scotland regarding requests for court familiarisation visits. In many of the larger courts, the Victims Information and Advice (VIA) staff from the Crown Office and Procurator Fiscal Service work with VSS to facilitate visits.

Requests include allowing access to courtrooms and vulnerable witness facilities in advance of the case calling for trial. The opportunity to visit a court room can help to alleviate concerns for witnesses and assist them in gaining a better understanding of the court process as a whole.

This service is also available to children and vulnerable witnesses who intend to give evidence at a remote site or evidence suite. This can help to alleviate anxiety as it

provides an opportunity for those individuals to familiarise themselves with the facilities available.

During the coronavirus pandemic, some courts have had to accommodate requests at different times, taking account of court scheduling and restrictions on the number of people allowed to attend our buildings during the pandemic. Three courts partially met this Standard.

In the latter part of 2020, Victim Support Scotland were given approval by the Lord President, supported by Sheriffs Principal, to develop 360 degree virtual tours of courts (layered still photographs) to support court familiarisation visits. SCTS co-ordinated court visits to enable this project to progress and, with the exception of one remote court location, the work is almost complete with final tours of forty-five locations (including some remote sites) are expected to be available from March 2021. These will be used by Victim Support Scotland to give witnesses a virtual tour of the court room where physical court visits may not be possible but can also be used in addition to visits taking place.

#### **What we will do**

SCTS will continue to work closely with Victim Support Scotland to enable requests for court familiarisation visits to be dealt with and accommodated timeously.

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

#### **What we have done**

In normal circumstances, upon arrival at court, a member of SCTS staff is available to greet witnesses and direct them to the available support services within the building. In particular, court officers, macers and reception staff have local knowledge of the support services available within their respective court buildings and continue to act as a key point of contact.

However, there has been some interruption to services available during the coronavirus pandemic with support services only generally being available when a vulnerable witness has been identified in advance. In six court locations Victim Support Scotland maintains a permanent presence. There have been further difficulties with some locations having

no volunteer Victim Support Scotland colleagues available to support witnesses. Although courts are restricting the numbers of court users that can be physically present in our buildings, we have supported Victim Support Scotland by allowing new volunteers access to courts to allow them to complete their training which is vital to allow them to continue to provide this essential support service.

SCTS continues to provide training to assist staff in identifying signs of distress. Such training allows staff to direct witnesses to the appropriate support services available. Furthermore, staff based at the designated evidence suites in Glasgow and Inverness have received trauma informed training and are equipped to assist in identifying support services for children and vulnerable witnesses.

### **What we will do**

We will maintain contact with support services to ensure we understand which services can still be provided within court buildings during the coronavirus pandemic.

We will continue to direct witnesses, who are required to be physically present in our courts, to support services if and when available.

We will continue to support Victim Support Scotland by allowing them access to courts for training new volunteers to ensure essential support services can be maintained for victims and witnesses.

### **Liaison with support organisations**

SCTS works closely with support organisations, at both local and national level, with a view to continually improving services available to victims and witnesses.

In particular, since the onset of the coronavirus pandemic, SCTS has attended fortnightly meetings with Scottish Government, justice partners and a range of victim support organisations including Victim Support Scotland, Scottish Women's Aid, ASSIST, Rape Crisis Scotland, The Manda Centre, PETAL and more.

We are also represented on a range of working groups developed in line with the Scottish Government's drive towards a victim-centred approach. Representation on such groups allows SCTS to work collaboratively with an array of justice partners and third party support organisations.

SCTS continues to encourage the engagement and support of the Victims Organisations Collaboration Forum Scotland (VOCFS). VOCFS allows member groups to provide feedback on behalf of their clients.

## **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.

## **Victims Code**

The Victims' Code for Scotland clearly and simply sets out the rights of victims in one place. By ensuring victims' interests remain at the heart of our criminal justice system, victims should feel supported and informed at every stage of the process.

## **Standards of service for victims and witnesses 2021-22**

During the course of 2021-22 SCTS will work collaboratively with Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Prison Service and the Parole Board for Scotland to review the Standards of Service for victims and witnesses.

We will engage with victim support organisations to take on board their views and feedback on the Standards of Service and consider if they continue to meet the needs of victims and witnesses during their attendance at court. This work is part of the victim-centred approach to design justice services with victims' interests at the heart, which is being taken forward by the Victims Taskforce.

While this work is ongoing, we will continue to monitor the effectiveness of the current Standards of Service and will make improvements if required as part of the overall review.

## Scottish Prison Service

### Standards

- ✓ 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, their 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.
- ✓ 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.

## **Report**

The Scottish Prison Service (SPS) is an 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.

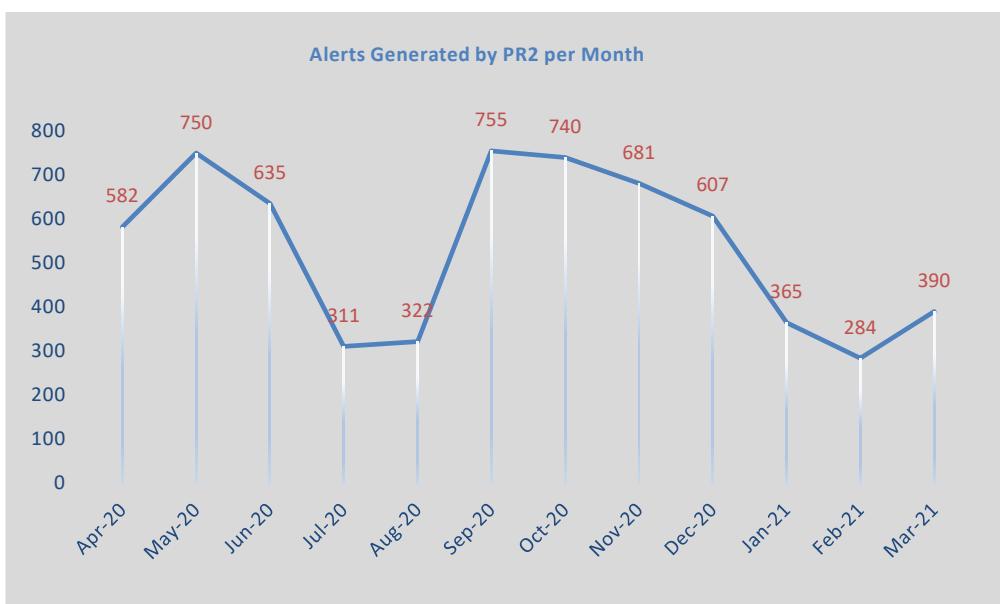
### **How the scheme works**

The operation of the Victim Notification Scheme largely relies on a system of alerts. Our Prisoner Records database (PR2) records relevant information about an offender and their sentencing arrangements. Compliance with General Data Protection Regulations (GDPR) is essential in how the authority handles offenders and victim's personal information.

An Alert on PR2 is triggered by changes to key information recorded against an offender which has relevance to victims registered on the Victim Notification Scheme (VNS). All such alerts then must be manually interrogated to inform a decision on whether there is a requirement to provide the victim with information.

Whilst this is effective in monitoring offenders with registered Victims, it requires those operating the scheme to have sufficient knowledge of the scheme and the potential

changes that occur for an offender's sentence management over the course of serving a sentence of imprisonment. It is therefore somewhat complex and there is no correlation in the numbers of alerts the data base generates month to month, or year to year. The alerts generated over the past 12 months however have dropped significantly in comparison to those in previous years. I can only relate this to the impact of Coronavirus restrictions on prisoner movements including access to the community and a reduction of activity through courts etc.



### Collaborative Working

The SPS collaborates with the Scottish Government on policy development and with Victims Organisations Collaborative Forum (Victim's Forum). Going forward we, along with the other justice agencies, are committed to greater engagement with the Victims Forum. We look forward to the opportunities that this will bring, to better understand the needs of victims and how we might better deliver on those needs.

Victim Support Scotland and SPS worked collaboratively to plan and consider how we best support those victims who choose to make representations in person or orally in relation to a decision on temporary release.

### 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 no formal complaints this reporting year. Victims will often express dissatisfaction when making a telephone enquiry these are usually due to misunderstanding and are normally resolved over the phone at that time. The VNS will direct victims to the appropriate support bodies if and when required.

## Request for Information in alternative format/language

There were 0 requests for information in an alternative format/language in the period.  
There were 3 in the previous year.

## **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 helps 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. Over the past 12 months these activities have been greatly impacted by Coronavirus restrictions.

There are three main types of prisoners;

Short Term Prisoners (STP) - Serving a sentence of up to 4 years. Victims registering against a prisoner serving 18 months or less will be registered as "restricted" This entitles the victim to confirmation of Sentence End Date (SED) and Earliest date of Liberation (EDL). Long Term Prisoner (LTP) - Serving a sentence 4 years or over Life or Order of Life-long Restriction (life or OLR) - Serving a life Sentence with a minimum Punishment Part (PP) Prisoners given an extended sentence will remain on supervision for the term of that extension after their SED.

The table below shows the number of victims currently registered on the VNS at 31 March 2021 compared with the previous three years:

<b>Year</b>	<b>Total</b>	<b>Life Sentence (Inc Order of Lifelong Restriction)</b>	<b>Long Term Sentence (4 years or more)</b>	<b>Short Term Sentence (less than 4 years)</b>
March 21	2331	1032	980	319
March 20	2615	965	1278	372
March 19	2563	919	1256	388
March 18	2411	867	1169	375



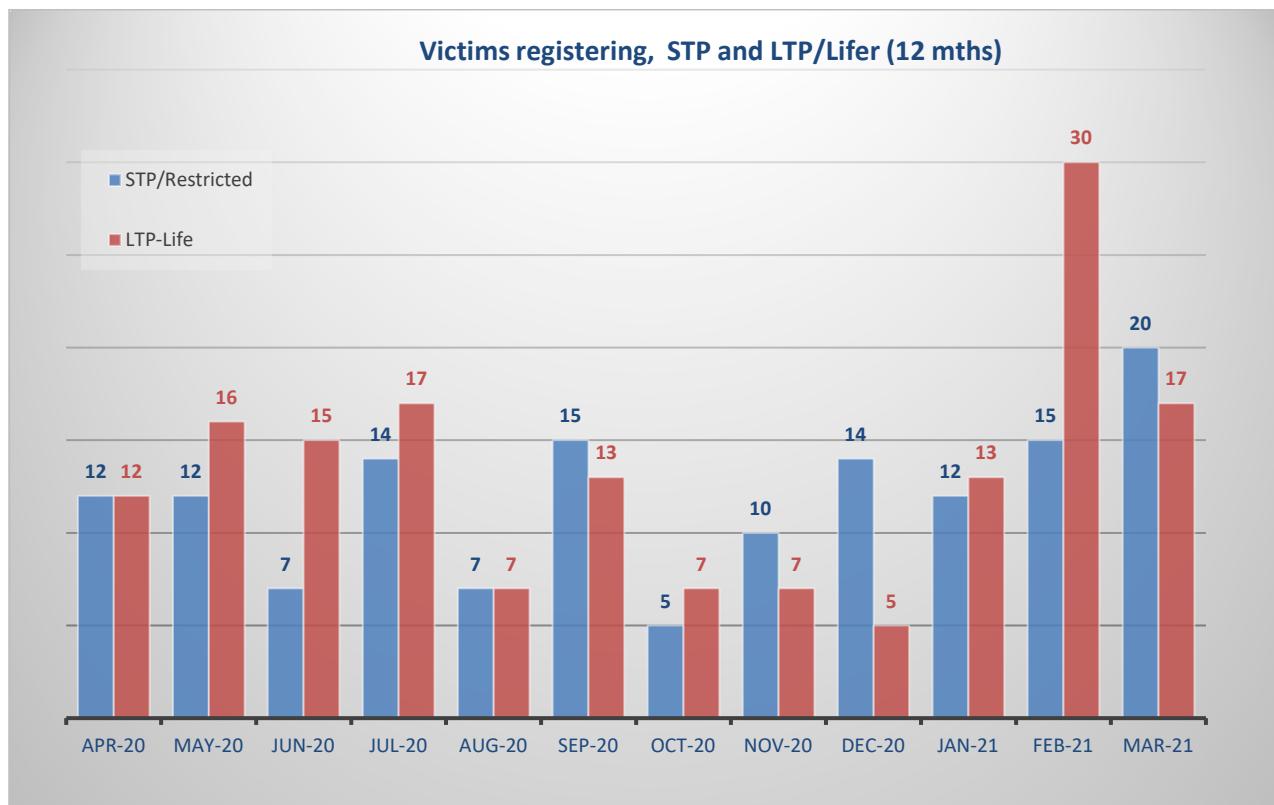
### Applications to join the scheme

There were 306 applications to join the scheme received in the year. The VNS is an opt in scheme, victims may choose to join the Victim Notification Scheme at any time and

some join sometime after the offender has been sentenced and even shortly before the offender's release.

The table below shows the number of applications to join the scheme at 31 March 2021 compared with the previous three years.

<b>Year to</b>	<b>Total</b>
March 21	306
March 20	472
March 19	443
March 18	395



### Written Enquiries

The SPS received 0 written enquiries in the reporting year compared to 1 written enquiry in 2019-20 and 7 in 2018-19.

## Provision of Information

The table below shows the number of letters containing information sent to victims as at 31 March 2021. The previous three years are reported for comparison:

<b>Year to</b>	<b>Total</b>	<b>No. not issued within 48 hrs</b>
March 21	1681	64
March 20	1961	11
March 19	2499	25
March 18	2294	2

The VNS standard for information to be provided in response to an alert is 48 hours. 64 responses were not issued within 48 hours of when the alert was generated over the past 12 months. Home working has caused some delays to responses which were waiting over 48 hrs for their secondary assurance check. 34 of these delays were in March 2021 due to human error not cancelling the alerts once the notification had been sent. This only effected the reporting and the notification were provided on time. There were no delays over 96 hours and no record of a notification not being sent which should have been.

A considerable amount of letters sent to registered victims continue to be returned uncollected to us by the Post Office. When we receive mail 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 possible. It's not always clear why the victim has not collected their letter. It may be because the registered victim has moved address, no longer wishes to receive information, or the attempts to deliver the information have failed and the victim does not go to the post office to collect it.

In the reporting year we changed how we stored such information to allow for quick reference should victims re-establish contact with us. Going forward we will report on how many victims we have not been able to contact as a percentage of the victims eligible to receive information. At 31 March 2021 there were **117** victims with whom we were unable to contact.

The table below shows the number of letters returned at 31 March 2020 compared with the previous two years.

Year	Total
March 21	117
March 20	113
March 19	98

### Representations

A total of 495 letters were issued to victims who had selected the option to make representations about the release, including temporary release or release on home detention curfew (HDC), of an offender. The majority were issued within 10 days of the key date and allowed all victims to make representations before the date that decision was to be taken. The SPS continues to explore means by which those victims who have elected to make representations can do so. When the offender attains access to temporary release victims of life sentence prisoners can now make representations in person by appointment meeting with SPS managers, orally by phone or in writing.

The table below shows the number of letters issued to victims who had selected the option to make representations about release as at 31 March 2021 compared with the previous three years. The number of prisoners attaining temporary release has been impacted by the current coronavirus restrictions resulting in fewer invitations to make representations being sent over the past 12 months.

Year	Total
March 21	317
March 20	495
March 19	717
March 18	285

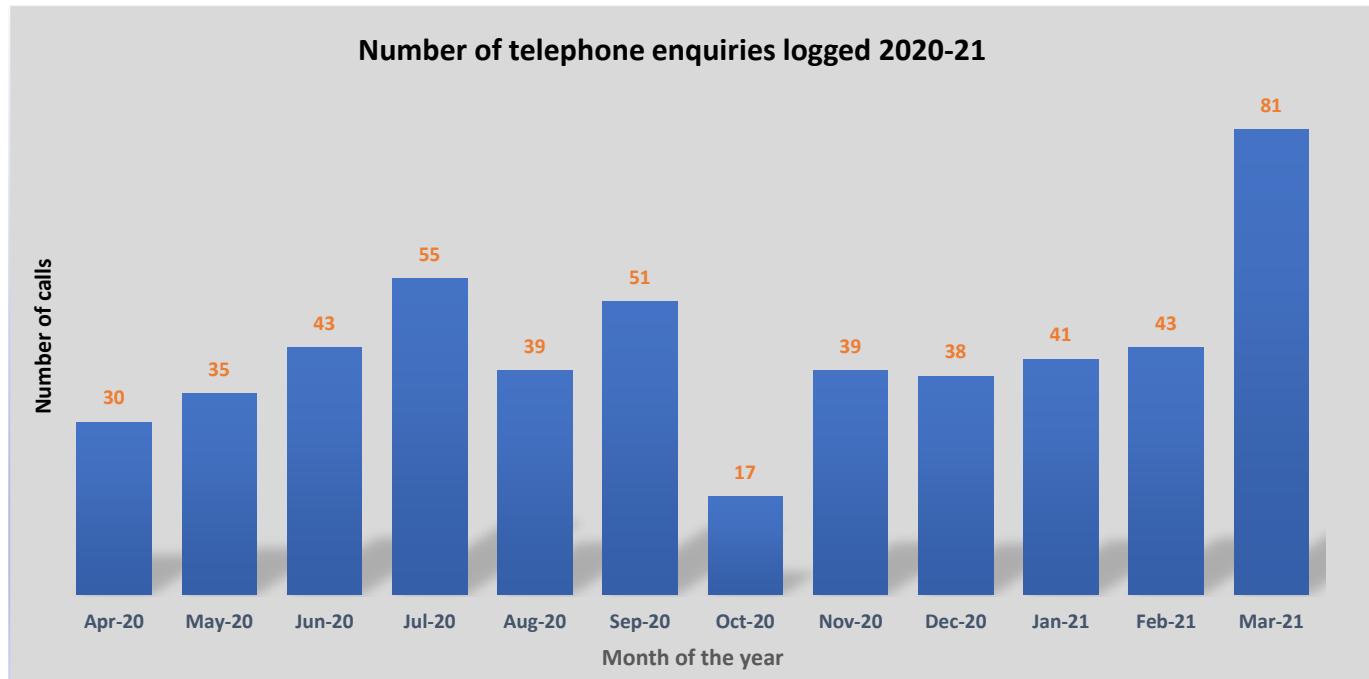
### Telephone Enquiries

There were 512 enquiries received by telephone in the year to 31 March 2021. 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 (38) 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 continues to work effectively.

The table below shows the number of telephone enquires received as at 31 March 2021 compared with the previous three years.

Year	Total
March 21	512
March 20	774
March 19	674
March 18	520



## Parole Board for Scotland

### Standards

- ✓ 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.
- ✓ 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.

In some criminal cases, victims may have the 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 representations about the release of the offender.

The scheme that allows victims to be told about an offender's release and to make representations is known as the Victim Notification Scheme (VNS).

The VNS is in two parts:

- Part one allows victims to receive information about an offender's release.
- Part two allows victims to make representations to the Parole Board in advance of an offender being considered for release on parole or non-parole licence.

The Board will consider victim representations along with all other relevant information about an offender's case before reaching a decision on release. Representations are fully considered by the Board as part of its overall decision making process. If the Board does decide to release an offender, then representations may assist in deciding the licence conditions that will be imposed.

The primary aim of licence conditions is to minimise risk to public safety. Licence conditions must be lawful, proportionate and necessary. Licence conditions will stay in force until the end of the sentence that was imposed by the court unless altered by the Board following consideration of a formal request. For prisoners serving a life sentence, licence conditions remain in force for the rest of the prisoner's life.

The following provides information on what the Board has achieved in relation to the Standards of Service during April 2020– April 2021.

### **What have we done**

This reporting year has been dominated by the need to plan for and react to developments during the Covid-19 pandemic. The Board's staff and members have been working remotely since March 2020 and we expect that these arrangements will continue for most of 2021/2022. Our Contingency Planning Group produced specific Guidance for

Victims about the operation of Board business during the pandemic and was published on our website.

Since 1 April 2020, we have met with 16 victims of life sentence prisoners to receive representations. Owing to Covid 19 restrictions, 12 of these meetings were held by telephone, which was agreed in advance with the victims and 4 were conducted face to face.

Following implementation of the Victim and Witnesses Act 2014, the Board has met a total of 57 victims of life sentence prisoners and held 132 meetings; 113 were conducted face to face and 19 were conducted by telephone. The Board is considerate of victims' needs and ensures these are considered when making arrangements to meet victims. The Board is also responsible for preparing a draft victim statement following the meeting and agreeing it with the victim before it's put in the prisoner's dossier.

We have continued to work with the Scottish Government (SG) on proposals about parole reform and victim engagement. In addition, quarterly meetings are held with other Public Scottish Criminal Justice Agencies to take stock of victim related work and report on progress to SG. We are focused on how we can best support victims through the parole process by working closely with victim support organisations although, owing to other priorities in light of Covid 19, we have been unable develop a victim referral protocol.

We support the principle of victims having a greater understanding of the parole process and continue to consider and work through the practical issues that need to be addressed to enable victims to attend Tribunals. We have been able to use what we have learned so far to safeguard all parties involved in the process and to ensure that our practical arrangements are robust. This information will also assist us in implementing The Parole Board (Scotland) Amendment Rules 2021 which introduces a number of new rights for victims.

We have developed and piloted our approach to 'Summary Minutes' which supports the principle of transparency in the Board's decision making.

To ensure we provide the best service delivery for victims, we have continued to listen to victims and learn from their experiences of the parole system to enable improvements to be made in our guidance, operating procedures and training.

Board member and staff guidance has been kept under frequent review to ensure that sections relating to victims are current. We have finalised our staff training toolkit. Victim training for Board members and staff has been reflected in learning plans.

### What we will do

The following activities will be subject to our operating model during 2021/2022 in light of the Covid-19 pandemic. Some of these activities have been carried forward from 2020/2021.

1. We will support the implementation of The Parole Board (Scotland) Amendment Rules 2021, we will create and develop a new administrative Victims Team within Parole Scotland. Lessons already learnt on victim attendance at Tribunals will be reflected in our new processes.
2. Victim Service Delivery will be a key element of the Board's Business Plan for 2021 – 2022, and Corporate Plan 2021/2024.
3. We will continue to listen to victims and learn from their experiences of the parole system to enable improvements to be made in our guidance, operating procedures and training to ensure that sections relating to victims are current.
4. Victim training for Board members and Parole Scotland staff will be reflected in learning plans.
5. We will continue to consider our internal operating systems and procedures to ensure they provide the best service delivery for victims. We will consider victim service delivery when designing our future casework management system (CMS).
6. In conjunction with the Scottish Prison Service (SPS), we will consider further development and future implementation of the Victim Notification Scheme Portal later in this financial year.
7. We will look to design and launch various information tools for victims and continue to update the dedicated page on our website for victims and their families. We will also review our communication methods to ensure they are effective.
8. We will engage with the Scottish Government's plans to procure external expertise to work with partners across the justice sector to review victim-focused publications (including letters, leaflets, websites) and develop a style guide.

## 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 or write to:

Professional Standards Department  
PO Box 2460  
Police Scotland  
Dalmarnock  
GLASGOW  
G40 9BA

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

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

Response and Information Unit  
Crown Office and Procurator Fiscal Service

25 Chambers Street  
Edinburgh EH1 1LA

You can also contact us by calling 0300 020 3000 from a landline. If phoning from a mobile call 01389 739 557.

The Scottish Courts and Tribunals Service

**www.scotcourttribunals.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**

You can make a complaint:

- in person to the VNS Department at the SPS
- by calling 0131 330 3500 or
- by writing to:

Victim Notification Scheme  
Room G14  
Calton House  
Edinburgh EH12 9HW; or

- By email 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 on [the Scottish Parole Board website](#).

## 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 at 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 on [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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SCOTLAND'S PROSECUTION SERVICE

Scottish Courts  
and Tribunals Service

**SPS**  
SCOTTISH  
PRISON SERVICE

