

Standards of Service for Victims and Witnesses

2023-2024



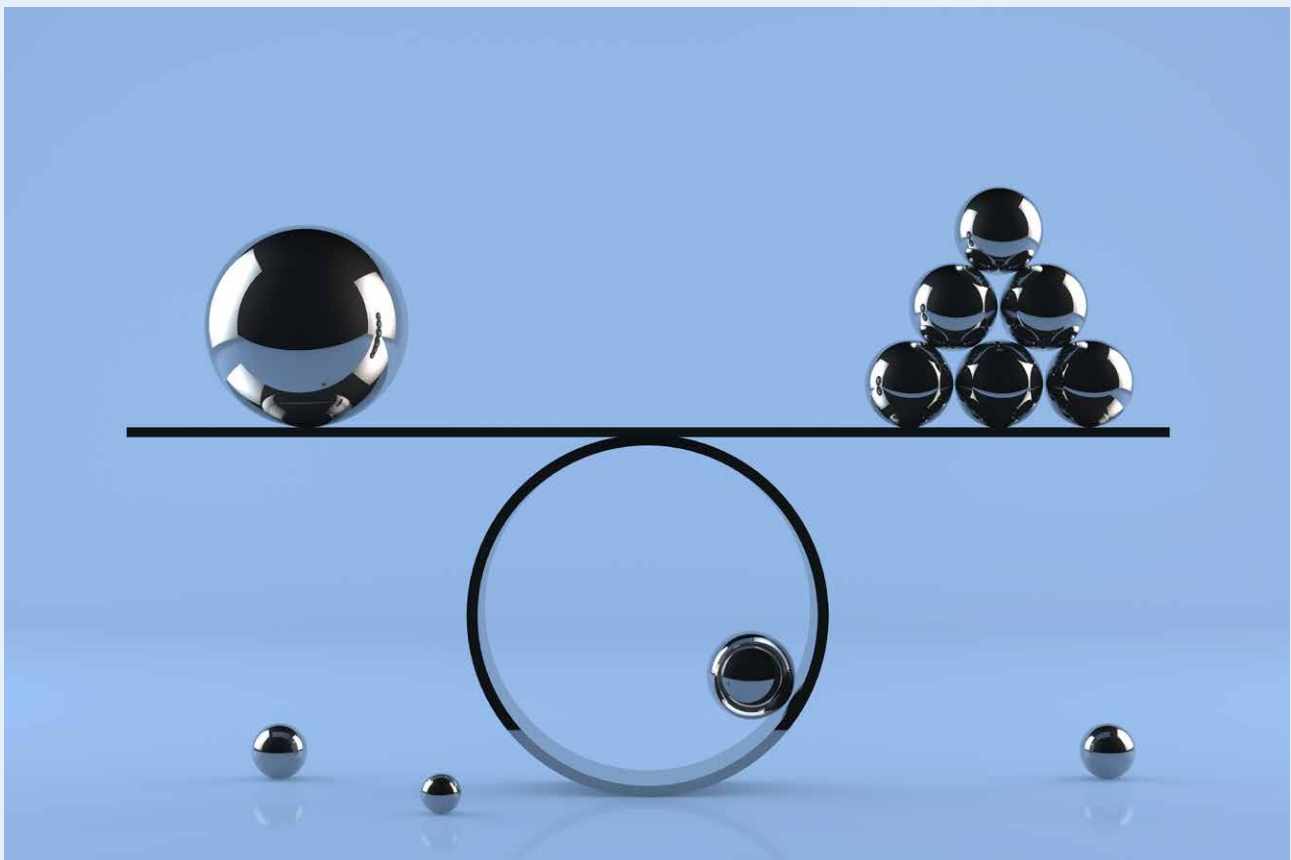
Preface

This document has been prepared by Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Courts and Tribunals Service, the Scottish Prison Service and the Parole Board for Scotland, working in partnership.

Section 2 of the Victims and Witnesses (Scotland) Act 2014 requires Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Courts and Tribunals Service, the Scottish Prison Service and the Parole Board for Scotland to set and publish standards of service for victims and witnesses. These standards are set out in this document.

All our standards will be monitored, reviewed and reported on annually.

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



Standards of Service for Victims and Witnesses 2023-2024

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Introduction

The contribution of victims and witnesses who stand up to crime, who report crime to the police and who give evidence in court, when necessary, is central to effective justice. Providing more help and support for victims and witnesses is therefore a key aspect of building a better criminal justice system. Working together, and with the Scottish Government, the agencies of the criminal justice system responsible for setting these standards for the coming year are committed to doing that.

We are committed to putting the rights of victims and witnesses at the heart of Scotland's justice system; to helping victims and witnesses feel supported, safe and informed at every stage of the criminal justice process; to improving their experiences; and to ensuring that they have access to the right support, advice and information at the right times.

We recognise that the victim's journey can be complicated, at times frustrating, and often upsetting. We do not always get it right. It is recognised that, collectively, we need to do more, and can do more. This document sets out what that will entail in the coming year.

There is a desire to do more and a willingness to do things differently; to improve the support and assistance provided to victims and witnesses. We acknowledge that change needs to be informed by the collective experience of victims and witnesses. Going forward, the criminal justice agencies (with the assistance of Victim Support Scotland), look forward to continuing to work collaboratively with the Victims Organisations Collaboration Forum Scotland (VOCFS) to better understand and meet the needs of victims. Our agencies are also represented on the Victims Taskforce, which is focused on improving the experiences of victims and witnesses in the criminal justice system.

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

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

Introduction

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

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

In relation to obtaining information, you can also expect that:

- ☑ You should have access to relevant information at an early stage and at appropriate points in the process. This should include information on procedures, your role in them (if any), reports on progress (giving an explanation of any delays) and outcomes of criminal proceedings, and where, if possible, you can get further information and assistance.
- ☑ You should be able to understand the information that is given to you. The language should be easy to understand and the information should be available in alternative languages or formats if required; and
- ☑ You should be told who to contact if you want to discuss the information that has been provided and anything you do not understand will be explained to you.

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

What happens at each stage of the criminal justice process?

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

The information that follows explains what you can expect from each organisation at each stage of the process if you are a victim of crime. A victim is classed as a person who is:

- the direct victim of a crime;
- the relative of deceased victims; and
- a parent/guardian of juvenile victims.

You can find further support, advice and guidance for victims and witnesses at mygov.scot/victim-witness-support.

The Police

If a crime is committed against you, you or someone else may decide to report the crime. If that happens the police will investigate the circumstances. They will:

- ask you for a formal statement;
- provide you with information on support organisations available.

You can get more information from Police Scotland.

If you decide not to report the crime, support organisations are available to help you.

You may be able to make an application to the Criminal Injuries Compensation Authority.

If you or someone else has reported to the police, one of the following may happen:

- The police locate the suspect who is over 16 (or under 16, in serious offences) and there is sufficient evidence in which case the police will report the crime to the Procurator Fiscal, who will consider the case. You will be notified of this.
- The police can apply alternatives to prosecution which you will be notified of.
- The police locate the suspect who is under 16 (except where it is a serious offence) and there is sufficient evidence in which case this will be referred to the Youth Justice Process and you will be notified.
- The police cannot locate a suspect/there is insufficient evidence in which case the police will notify you. Support organisations are available to help you.

Victims of specific crimes will automatically be referred to **Victim Information and Advice (VIA)** and your needs will be assessed.

Procurator Fiscal

If the police have reported the crime to the Procurator Fiscal, and they are considering the case they may take one of three actions:

- The Procurator Fiscal proceeds to prosecute the accused in which case victims referred to VIA will be given information about case progress. Other victims and witnesses can request this information. You may be entitled to special measures in Court to help you give your evidence. If this is the case, your details will be passed onto Victim Support Scotland who will contact you in advance of the trial and you will be offered a Court Familiarisation Visit.
- The Procurator Fiscal may offer the accused an alternative to prosecution in which case victims referred to VIA will be advised of this decision. Other victims and witnesses can request this information.
- The Procurator Fiscal may decide to take no further action in which case you:
 - are entitled to information regarding the decision on request from the Crown Office and Procurator Fiscal Service;
 - may request that the decision is reviewed.

If the Procurator Fiscal proceeds to prosecute the accused and they **plead guilty** at the Court Hearing or are **found guilty** at trial, you will be advised if it is open to you to provide a Victim Statement. You may be advised if the accused has been released from custody including on bail.

If the Procurator Fiscal proceeds to prosecute the accused and they **plead not guilty** at the Court Hearing, the case will proceed to trial.

If the case is proceeding to trial and you are required to give evidence you should follow the instructions in the letter (citation) you receive from the Procurator Fiscal.

If the case is proceeding to trial and you are not required to give evidence you are entitled to observe the trial, you would need to contact the Procurator Fiscal to obtain the date of the trial.

Scottish Courts and Tribunals Service

At Trial

Victim giving evidence

When you arrive at Court:

- You should report to the reception desk.
- You may be directed to the Victim Support Scotland Volunteers for support.
- You may be entitled to special measures.
- Your name will be called if you are required to give evidence.
- You will receive updates at regular intervals while you wait.
- You will be advised when you are free to leave.

Victim giving evidence with special measures

When you arrive at Court:

- You should report to the reception desk to ask which courtroom the trial is held in.
- A Victim Support Scotland Representative will be appointed to support you.

Victim not giving evidence

When you arrive at Court:

- You should report to the reception desk to ask which courtroom the trial is held in.
- Support may be available to you if you have previously been referred to Victim Support Scotland (not in certain Justice of the Peace (JP) court locations).

If the accused pleads or is found guilty, the case may be adjourned for further information. In that case:

- You may be advised if the offender is released on bail.
- You will be advised if it is open to you to provide a Victim Statement.
- The Judge, Sheriff or JP decides the sentence. In that case:
 - Your Victim Statement may be considered by the Court at this time.
 - The case may be appealed to the Sheriff Appeal Court or the High Court of Justiciary. You are entitled to enquire about the outcome of the appeal.
 - You will be advised by the Court if the offender must pay you compensation.
 - You are entitled to request information on the final outcome of the case.

Not guilty or not proven

If the accused is found not guilty, the verdict is not proven or the case does not proceed to a verdict, the accused is free to go and may not be subject to further prosecution on that charge. In that case, you are entitled to request information in relation to the verdict or outcome.

Scottish Prison Service / Parole Board for Scotland

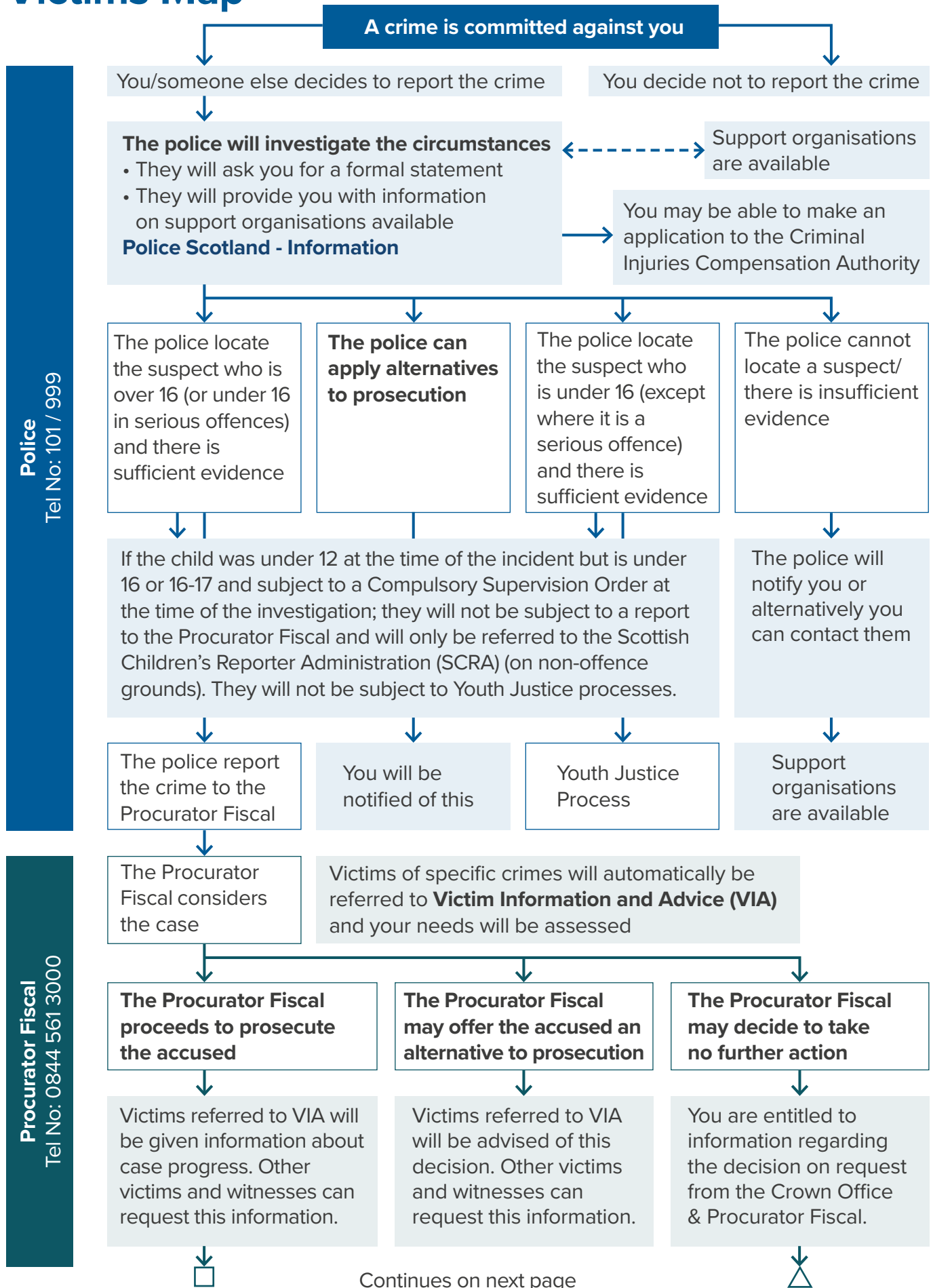
Custodial sentence

If a custodial sentence is given, you will be entitled to receive information from the Scottish Prison Service. The information you receive will depend on the length of sentence given by the court. If the offender is sentenced to 18 months or more you can ask to make representations about release including temporary release.

The Victim Map flowchart on the next page sets out the process described above.

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

Victims Map

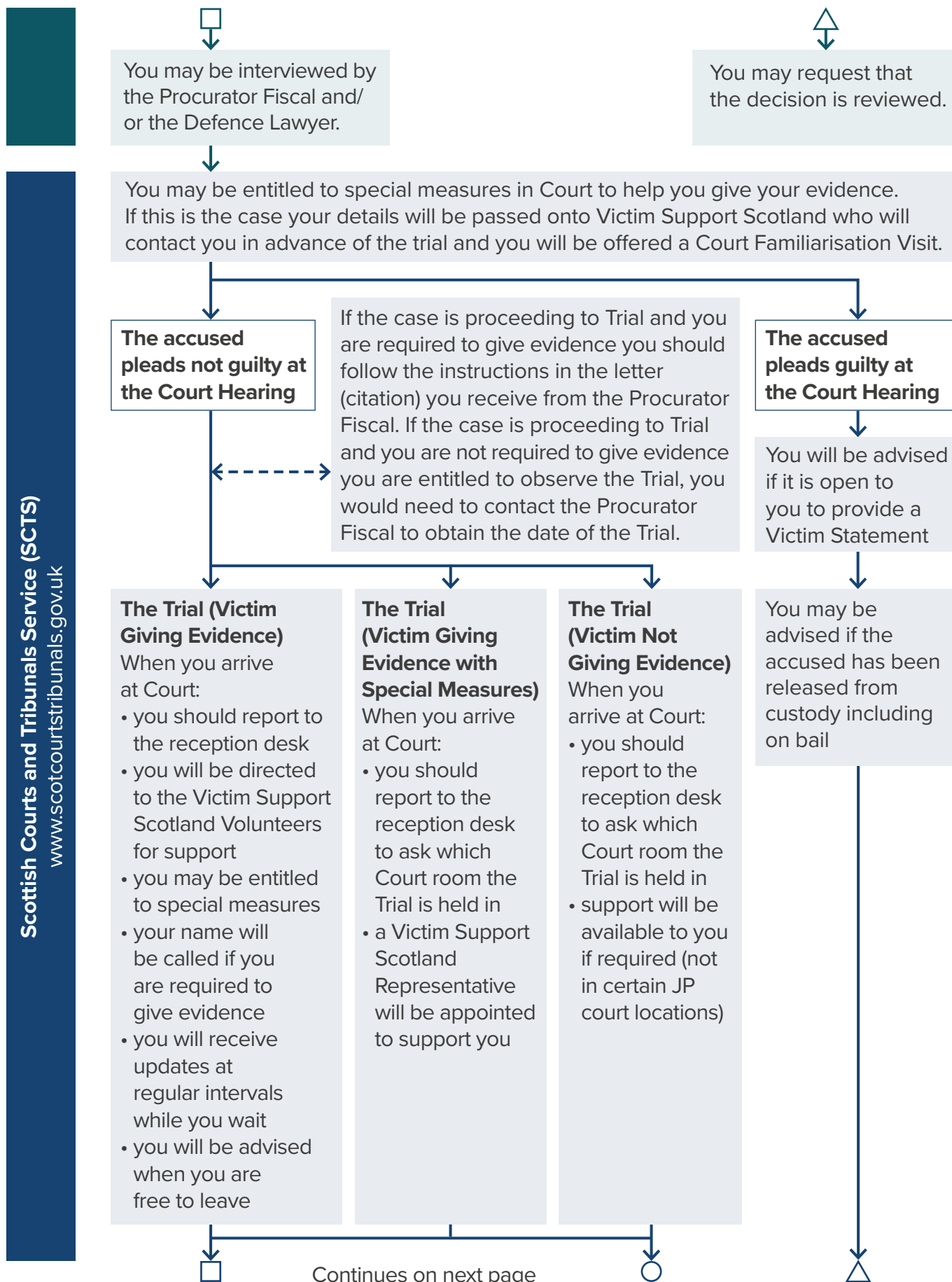


Police
Tel No: 101 / 999

Procurator Fiscal
Tel No: 0844 561 3000

Victims Map

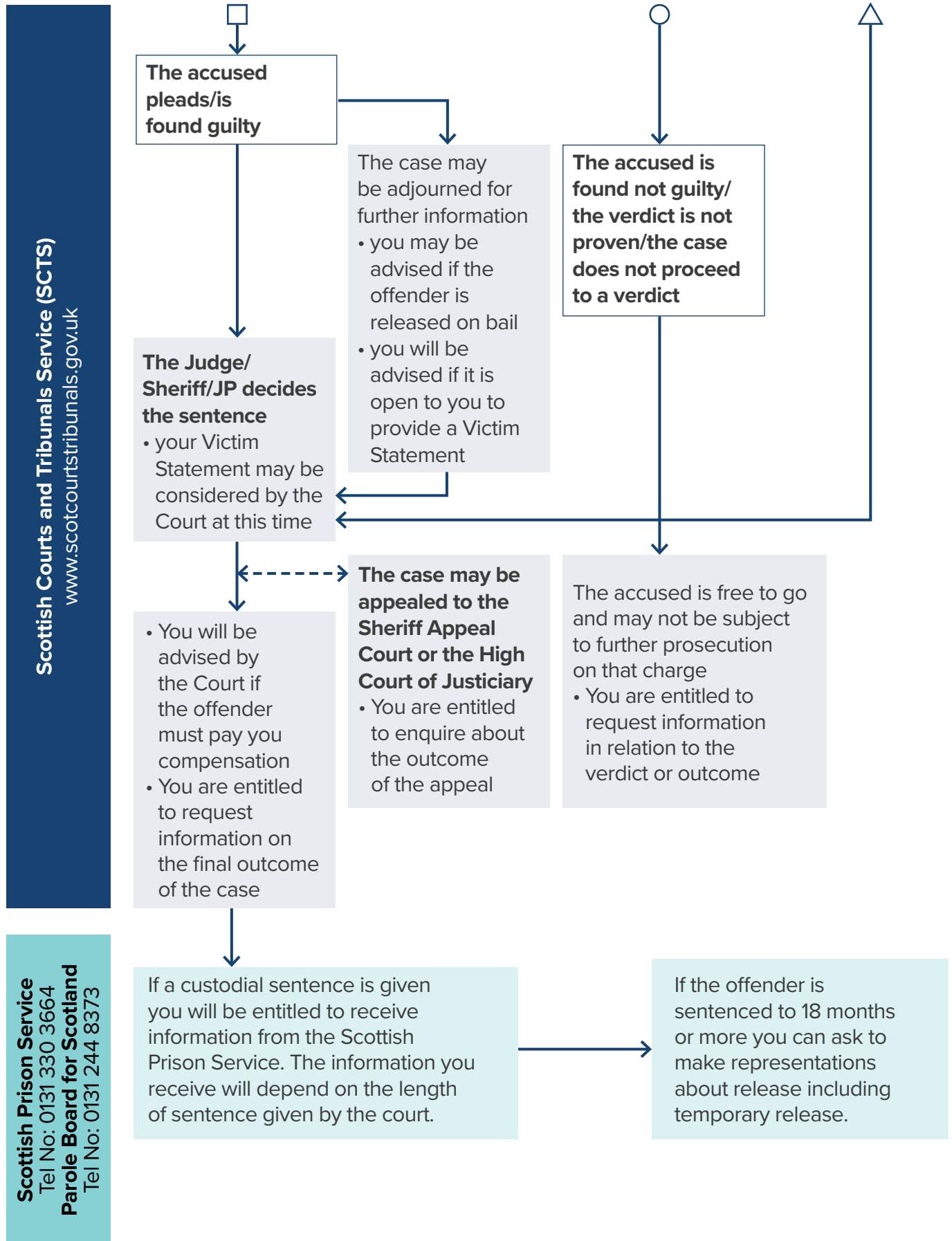
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Scottish Courts and Tribunals Service (SCTS)
www.scotcourtsribunals.gov.uk

Victims Map

Continued



The common standards of service you can expect from us

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

We appreciate this, and we will all:

- ensure you have fair and equal access to services throughout and are treated with dignity and respect at all times regardless of age, disability, gender reassignment, 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
- ensure that we comply with our respective Complaints Policies, details of which are found below.

You can also expect the following specific standards:



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 sexual exploitation for prostitution, trafficking for exploitation, domestic abuse or stalking, Honour Based Abuse (HBA), Female Genital Mutilation (FGM) or Forced Marriage, 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 requirements 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.



**CROWN OFFICE
& PROCURATOR
FISCAL SERVICE**

SCOTLAND'S PROSECUTION SERVICE

Crown Office and Procurator Fiscal Service

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; and
- We will take decisions in cases reported to us in line with our prosecution code, and continue to review the training needs of our staff to ensure that they have the appropriate skills.

**Scottish Courts
and Tribunals Service**



The Scottish Courts and Tribunals Service

Standards

SCTS has reviewed the standards of service to take account of some changes in the way witnesses can give evidence to court. Our standards for 2023-24 will reflect current practice and are noted below:

- If you are a witness attending one of our locations to give evidence in person or virtually, we will update you once per hour on the progress of the court case while you wait. We will advise when you are no longer required;
- We will provide separate waiting rooms for prosecution and defence witnesses, and access to refreshments;
- If you are due to give your evidence to the court by live TV link, we will ensure that an explanation of the process for giving your evidence is provided on the day, at the location, if not in advance of that;
- We will respond to requests received on behalf of witnesses, for accommodating 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 or otherwise provide information on how to contact such support if they are not present at court.

We will continue to review our Standards of Service for victims and witnesses and in doing so we will take account/cognisance of the recommendations and commendations made by the Lord Justice Clerk's Review into the Management of Sexual Offence Cases and their interaction with the Standards, as applicable to all justice partners and SCTS.



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 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 of you who have joined the Victim Notification Scheme, and have expressed a desire to make representations in relation to licence conditions under section 17 of the Criminal Justice (Scotland) Act 2003, SPS will write to you to seek your representations no less than two weeks before any decision will be taken on release:

- on Home Detention Curfew;

- on temporary release (but only on the first occasion that the prisoner is considered); or
- by the Parole Board for Scotland.

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.



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 oral hearing 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 oral hearing and will not be at your home. The meeting will be at a time that is suitable for you;
- 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, Extended Sentence or Order for Lifelong Restriction, to request to observe the prisoner's oral hearing (subject to the approval of the oral hearing Chairperson). The observation will take place from a suitable venue, this will not be at your home. These requests to observe will be processed within 10 working days of receipt;
- We will answer your letters, emails or telephone calls promptly. We will answer your letters or emails within 5 working days (this applies to all areas of Parole Scotland). 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. 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 9 of the Parole Board (Scotland) Rules 2022, 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 not be provided to the prisoner. The victim(s) will be advised of the information which has been withheld. Where appropriate, their views may be sought in advance of deciding whether information falls under Rule 9.
- All formulated decision summaries for Release decisions will be published on Parole Scotland's website and removed after a 12 month period. We will aim to action and process summary minutes within 20 working days of the oral hearing. These will be actioned within 5 days of receipt to our Victims Team Mailbox.

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 at www.btp.police.uk/advice/advice-and-information/victim-support/victim-witness-support/. Any enquiries regarding the standards may be directed to d-crime@btp.police.uk.

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

How to Complain

Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Courts and Tribunals Service, the Scottish Prison Service and the Parole Board for Scotland are committed to delivering the highest standards of service to you. We know that sometimes things go wrong, and we will try to put things right if that happens. If you are not happy with the service you have received from one of these organisations, it is important that you let them know.

If the matter cannot be resolved, you should be offered information about the relevant complaints procedure, so that you can raise your concerns formally. Your complaint will be taken seriously and will be dealt with quickly and effectively: you should be able to complain without fear of victimisation.

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

Police Scotland

www.scotland.police.uk

Complete our online complaint form 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

You can email RIU@copfs.gov.uk or write to:

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

You can also contact us by calling 0300 020 3000.

The Scottish Courts and Tribunals Service

www.scotcourts.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 Team at the SPS
- by calling 0131 330 3664 or
- by writing to:

Victim Notification Scheme (Legal Services Branch),
Scottish Prison Service HQ – One Lochside,
1 Lochside Avenue,
Edinburgh,
EH12 9DJ; or

- By email to spsvictimnotificationscheme@prisons.gov.scot

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 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).

If you consider that Police Scotland have not dealt with your complaint satisfactorily you can contact the Police Investigations and Review Commissioner for Scotland. Their role is to independently investigate incidents involving the police and independently review the way the police handle complaints from the public. You can contact them by telephoning 01698 542900 by email at enquiries@pirc.gov.scot or by writing to:

Police Investigations & Review Commissioner
Hamilton House
Hamilton Business Park
Caird Park
Hamilton
ML3 0QA

Who you can contact for support or advice

You can find further support, advice and guidance for victims and witnesses on www.mygov.scot/victim-witness-support.

This document has been prepared by Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Courts and Tribunals Service, the Scottish Prison Service and the Parole Board for Scotland working in partnership.

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CROWN OFFICE
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SCOTLAND'S PROSECUTION SERVICE

