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Standards of Service for Victims and Witnesses

Annual Report 2021-2022



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

Scottish Courts
and Tribunals Service



SPS
SCOTTISH
PRISON SERVICE



Standards of Service for Victims and Witnesses 2021-2022

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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 placed 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 2021 to April 2022). 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.

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 2021 to April 2022?

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 2022-23.

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.

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, 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.

General

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 supported by National Divisions and each of them is 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 commitments.

‘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.’

Throughout an investigation, we have a duty to maintain regular contact with victims to keep them updated on the progress of their case. This is reinforced to our operational officers within our Standard Operating Procedures (SOPs) and through internal communications which includes mandatory daily briefings.

Police Scotland and Victim Support Scotland continue to work collaboratively to identify further opportunities to raise officer awareness of the support available to victims.

Every month Police Scotland conduct an external, quality-assured, ‘User Experience Survey for Local Policing. This survey is intended to capture the experiences of individuals who have engaged with Police Scotland to report an incident or crime. The survey enables the service to understand people’s experiences throughout their journey; from first point of contact through officer engagement and overall reflections. Around 14,000 individuals who have contacted police to report a low-level crime or policing incident are invited each month to participate in this survey; this includes telephone (101/999), web-based and police station public counter contact. The survey is conducted by an independent market research agency – Progressive Partnership Ltd. Progressive send text messages with a web link to individuals from the above sample. Around 2,000 people take part each month and the results and insights are reported locally to: all 13 Local Policing Divisions, National Divisions such as Contact, Command and Control Division, and to the Police Scotland Executive via the Strategic Leadership Board and the Public Confidence Governance Board.

It should be noted that from April 2020, the methodology of this survey changed due to the pandemic: the survey changed from being conducted via telephone interview with researchers to being an online survey completed by individuals. This has been delivered successfully and at time of writing there are no plans to return to telephone-based interviewing.

The below table illustrates the questions asked in the survey and the survey results for April 2021 to March 2022;

Question	April 2021 – March 2022
How easy or difficult was it to contact Police Scotland? (easy & very easy)	73%
During the initial contact how satisfied are you with the way you were treated by the staff member? (satisfied & very satisfied)	85%
Did you feel staff properly understood what you needed? (yes)	87%
Do you feel that the police provided the appropriate response to the incident you reported? (yes)	65%
How satisfied are you with the way you were treated by the officers who attended the incident? (satisfied & very satisfied)	80%
Were you adequately informed about the progress of the incident you reported? (yes)	59%
Based on your overall experience, how satisfied are you with Police Scotland? (satisfied & very satisfied)	68%

These results are collated monthly by Progressive and shared back to Police Scotland via the Research and Insights Team. This team has a professional research, insight and public engagement function within Corporate Services Division. These results are monitored on an ongoing basis and insights are used to drive service improvement as set out in the section above. The User Experience Survey and the rich data and insight it provides enable the service to respond to emerging trends, identifying areas of focus – on people and outcomes.

As part of this survey, individuals are asked to indicate whether they had been adequately informed about the progress made on their reported incident. In 2020-2021 62% of those surveyed stated they had been adequately informed.

The service is enhancing and expanding the ways we understand and respond to user experience. Work is progressing with Criminal Justice Services Division to understand the experience of people in police custody. Attention is also being given to how we understand the experience of people who have experienced major crime including domestic abuse and violence, using trauma-informed approaches to guide the design and working with people with lived experience. This is in the early stages, but a key area for the service for progressing in financial year 2022-23.

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

This is to be re-enforced and included in the new national crime system. The introduction of this system commenced at the end of 2021 and the roll out will continue throughout 2022.

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 it is reinforced in relevant DA training.

Sexual Offence Liaison Officers (SOLO) are reminded within the Sexual Crime SOP of their responsibility to explain the investigative process to the victim and keep them up-dated with the progress of the enquiry.

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 Surveys' 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.

Between 1 April 2020 and 31 March 2021 we received 6 requests for such information.

'If you are a victim of either a sexual offence, trafficking for sexual exploitation 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.'

Every Domestic Abuse Task Force and Rape Task Force investigation team (North, West and East) is 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.

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 options available for victims of rape and sexual crime including sexual exploitation include choosing where possible the gender of the interviewing officer. This has been embedded within Police Scotland for a number of years. Service advisors within police call centres are aware to ask victims of these crimes their preferred gender of the interviewing officer. The initial briefing report (IBR) police complete when first responding to victims of rape and serious sexual crime 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 requirements 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 June 2020 implemented a public task approach to sharing information with some Third Sector Organisations (TSOs). 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.

In May 2021 Police Scotland extended the categories of sexual offences where a victim strategy is completed when cases are reported to COPFS, to ensure due cognisance is given to any victim vulnerabilities and any support they may require through the Criminal Justice Process.

Child and Adult Protection

National Joint Investigative Interview Team (NJII) – Scottish Child Interview Model (SCIM)

Police Scotland and Social Work Scotland continue to work in partnership with COSLA, the Scottish Government, COPFS and Scottish Children’s Reporter Administration (SCRA) to take forward recommendations of the Evidence and Procedure Review to improve the quality and consistency of Joint Investigative Interviews of children.

The NJII Team continue to build on momentum developed through Covid-19 recovery and pro-active engagement with Local Policing Divisions and local authorities to adopt and implement the SCIM. The model sets the standards for joint investigative interviews to ensure a trauma-informed framework, reinforcing best practice, is used to secure best evidence for court purposes and to inform a proper risk assessment with regards to the child and other children.

A strong focus of the training programme is on the planning and preparation in order to meet the individual needs of the child being interviewed. The programme itself continues to be delivered in a phased approach across Scotland; with information and data sessions facilitating the development of local systems, supporting the transition to the model. The programme also includes a robust quality assurance and evaluation process to ensure the high standards of interview are maintained.

National Guidance for Child Protection in Scotland 2021

The revised National Guidance for Child Protection in Scotland was published in September 2021, outlining how agencies should work together with parents, carers, families and communities to prevent harm and protect children from harm caused by abuse and neglect. It aims to provide a national framework for services and local inter-agency forums.

The Guidance integrates Child Protection within the 'Getting It Right For Every Child' (GIRFEC) continuum, whilst recognising the future change, development and improvement to the Child Protection System that will come from incorporation of the United Nations Convention on the Rights of the Child (UNCRC), the Age of Criminal Responsibility legislation, the Promise and the implementation of the Scottish Child Interview Model.

The Guidance builds on evidence and well-established single- and multi-agency practice, the changes it will bring include the following.

- A child, in a significant change to anticipate the incorporation of UNCRC, is defined as being a child or young person up to the age of 18 years old.
- Inter-Agency Referral Discussion (IRD) is consolidated by the revised guidance as the cornerstone of the Child Protection system. An IRD is defined in the Guidance as 'the start of the formal process of information sharing, assessment, analysis and decision-making following reported concern about abuse or neglect of a child or young person up to the age of 18 years, in relation to familial and non-familial concerns, and of siblings or other children within the same context. This includes an unborn baby that may be exposed to current or future risk.'

Police Scotland welcome these changes, in particular in relation to the inclusion of IRD, having long recognised the importance of this process in multi-agency working and decision-making. It is anticipated that the implementation of the guidance will represent an evolutionary change to practice for Police Scotland. We continue ongoing engagement locally and nationally to assess the impact of the guidance on existing multi-agency protocols, training and procedures and identifying changes that may be required.

IRD Implementation Sub-Group

A newly formed IRD Implementation Sub-Group, co-chaired by Police Scotland and Social Work Scotland, supports specific work streams derived from the revised Guidance. A leading priority of the group's remit is to transform the National Police Scotland Child Protection IRD training course into a National Multi-Agency IRD training course, which will then be rolled out to ensure consistency of practice and adherence to the National Guidance between partner agencies across Scotland.

Barnahus Or 'Bairns' Hoose'

Scottish Government continues to work towards the implementation of the Barnahus Model in Scotland. The vision of this is to provide all children in Scotland who have been victims or witnesses to abuse or violence to trauma-informed recovery, support and justice. This also applies to children under the age of criminal responsibility whose behaviour has caused significant harm or abuse.

Healthcare Improvement Scotland (HIS) and the Care Inspectorate are leading on the development of a set of standards to introduce a Barnahus-style model in Scotland, to be called 'the Bairns' Hoose'. Police Scotland participate in the Bairns' Hoose Standards Development Group which supports and approves the work HIS and the Care Inspectorate are undertaking.

The Independent Chair for the Bairns' Hoose Governance Group has the responsibility to ensure the standards are met for the Scottish Government's commitment of delivery by 2025. Police Scotland are an active member of this group, which will report to the National Child Protection Leadership Group chaired by the Minister for Children and Young People.

Police Scotland's Partnership Preventions and Community Wellbeing Division ran an engagement session with young people from HMYOI Polmont in January 2022, supporting the first phase of the Bairns' Hoose standards engagement work. Numerous participants provided well-placed insight, given their experience of the justice system and care system, with many having been victim or witness to traumatic crime or abuse.

In March 2022, Police Scotland was invited by Children 1st to participate in a design group and site visits for its House for Healing locations in the North Strathclyde JII-SCIM partnership area, which are based on the Barnahus model.

Tackling Online Child Sexual Abuse And Exploitation

Within Police Scotland we are committed to supporting the victims and witnesses of crimes within Online Child Sexual Abuse and Exploitation (OCSAE) and are committed to preventative activity, building on the successes of our award winning #GetHelporGetCaught online grooming campaign with a new campaign under development for 2022. This next iteration of the campaign will see a focus on Image Based Sexual Abuse which will cover all key public protection areas.

We have enhanced our partnership approach to OCSAE over the past year by implementing a Police Scotland led Multi-Agency Preventing OCSAE Group who coordinate and develop learning and seeks to mutually support partners' campaigns to maximise exposure. This group has helped build new relationships, not least of all with the Ofcom Scotland team, who we are working closely with to develop process and agreement, in anticipation of the new Online Safety Bill.

Police Scotland's Specialist Crime Division, Public Protection have also committed to support a European project designed to counter the effects of Child Sexual Exploitation. This project's main agenda is to develop understanding and approach to avoid the victimisation of children by engaging Minor-Attracted People (MAPs) and provide them with the necessary support, treatment and guidance to help prevent criminal activities.

We have reformed our approach to how we deal with recovered OCSAE media to ensure we maximise opportunities to protect children and prevent their re-victimisation. Through this reform we have developed a Victim Identification Team who provide specialist investigative support to OCSAE investigations throughout Scotland, to ensure each victim contained in imagery is identified where the opportunity exists. Allowing us to prevent further unnecessary, or duplicative, investigation and work with our partners in the National Crime Agency and the Internet Watch Foundation, to remove this harmful content from the World Wide Web.

Adult Survivors Of Childhood Abuse

Police Scotland has created information products to raise awareness amongst adult survivors of how to report childhood abuse to police, the criminal justice process and the existence of survivor support services. The products include the 'Information for Adult Survivors of Childhood Abuse' animation film, which has been produced following extensive consultation with survivors/survivor support services and with funding from Scottish Government, an information leaflet and a dedicated page on Police Scotland's website. All products aim to provide survivors with information to enable them to make an informed choice about whether or not they wish to report such abuse to police, whilst at the same time ensuring that they are signposted to relevant support services. In addition, Police Scotland has increased awareness of the information products amongst officers and staff, in order to enhance knowledge and to ensure survivors are signposted to them when appropriate.

Domestic Abuse

We will ensure that victims of Gender-Based Violence and Domestic Abuse (DA) are safer and confident that Police Scotland are responsive to their needs.

The 3 tiered approach to the policing of domestic abuse implemented by Police Scotland has victims and witnesses at the core. The approach, which helps define the expected policing response to domestic abuse, is clearly laid out in national guidance contained in the DA Investigation SOP and Toolkit, and is also illustrated on intranet pages for the information of all

police officers and staff. Defined responsibilities for all police officers/staff roles in respect of victims and witnesses, including keeping complainers informed of the progress of their case, as well as referring victims to victim support and advocacy services and issuing Victim Care Cards, is included in that guidance and reinforced in relevant DA training.

What We Have Done

- Equipped police officers and staff with the training to effectively target perpetrators
- Supported rehabilitation and behaviour change programmes to reduce re-offending
- Improved support to victims (including expansion of the victim notification process)
- Evaluated the Disclosure Scheme for Domestic Abuse Scotland (DSDAS) to improve protection

Effective delivery of the 3-tiered approach is supported by a cadre of bespoke and embedded domestic abuse training, to ensure domestic abuse victims across Scotland receive a police response tailored to the particular circumstances of their case.

We have invested in delivery of training to over 14,000 of our officers and staff to support implementation of the Domestic Abuse (Scotland) Act 2018. A pioneering training programme 'Domestic Abuse Matters (Scotland)' has been designed and gives guidance on the practical issues like evidence gathering and reporting of coercive and controlling behaviours. Specifically, it has advanced knowledge of the dynamics of power and control in abusive relationships and tackled the many myths and misconceptions which are common in our communities.

Additionally, Police Scotland's network of over 700 Domestic Abuse Champions embed the learning from the Domestic Abuse Matters Core Training programme to sustain organisational change, as well as supporting and offering guidance to ensure that their colleagues uphold the key principles of the Domestic Abuse Matters Core Training programme.

The national Domestic Abuse Investigators Course (DAIC) is delivered to specialist DA investigators working within Divisional Domestic Abuse Investigation Units (DAIU) and the Domestic Abuse Task Force (DATF). The course spends focussed time on the proactive approach to DA, forced marriage/HBA and stalking investigations and the high priority given to ensuring victims and witnesses are productively engaged in the criminal justice process, by appropriate and regular sharing of information about related cases and investigations.

The management structure of the DATF actively cascades relevant information during weekly management meetings and all information requests in respect of DATF cases are nationally coordinated via the Domestic Abuse Coordination Unit (DACU).

Every DATF Investigation team (North, West and East) is made up of a sufficient number of officers of different genders to enable the standards set in Section 8 of the Victims and Witnesses (Scotland) Act 2014, to be met.

We have engaged with the Scottish Institute for Policing Research (SIPR) and secured funding to

evaluate the Disclosure Scheme for Domestic Abuse Scotland. This is currently ongoing.

Police Scotland continues to drive primary, secondary and tertiary prevention activity through the use of the Disclosure Scheme for Domestic Abuse Scotland, protection of victims through participation in Multi-Agency Risk Assessment Conferences (MARACs) and the targeting of high risk offenders through the Multi-Agency Tasking and Coordination (MATAC) process.

Whilst Police Scotland will always respond to calls for service, they contributed heavily to changing societal attitudes to Domestic Abuse, supporting the 2021 16 Days of Activism Campaign and creating high profile awareness campaigns, including the Domestic Abuse Campaign which was launched on 20 December 2021.

We will ensure you receive a Victims' Care Card (VCC), if you are a victim of crime which provides you with the details of your enquiry officer, the crime you report and information on how you can access victim support and the Scottish Government's Victims' Code.

Partnerships, Prevention and Community Wellbeing Division, Victim Support Scotland and Police Scotland's Strategy and Innovation Team have carried out extensive research in relation to improving performance in providing victims with their rights to access victim support services.

In relation to VCC, work has been carried out to look at how VCCs are used by victims, ensuring the content is appropriate and the contact methods provided meet the needs of victims.

We will continue to develop our approaches to public contact and engagement by working with our partners, as a whole system, to reach positive outcomes. For example, we have recently conducted a wide public engagement exercise in partnership with Victim Support Scotland, to understand the experiences of people affected by crime. The findings and areas for consideration are progressing through the service to improve the experiences of people and to maintain public confidence in policing in Scotland.

We are guided by the Code of Ethics for Policing in Scotland and our Standards of Professional Behaviour.

We will act with fairness, integrity and respect at all times.

Crown Office and Procurator Fiscal Service



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

General

The Crown Office and Procurator Fiscal Service (COPFS) is Scotland's prosecution service. We receive reports about crimes from the police and other reporting agencies and then decide what action to take. We also investigate deaths that require further explanation and investigate allegations of criminal conduct against police officers. We work closely with our partners in the criminal justice system to help make Scotland safer.

COPFS recognises the significant impact that crime has on individuals and communities and we strive to respond fairly, effectively and robustly to all reports of crime whilst ensuring that victims and witnesses receive the support and information that they require as they navigate the criminal justice system.

The following outlines some of the work which has been undertaken in the past year by COPFS in relation to the Standards of Service for victims and witnesses.

Standards

Standard 1

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

A revised '[Complaints Handling Procedure](#)' was published in August 2021 and is available on the COPFS website.

We have committed to publishing information on complaints outcomes and actions taken to improve services on a quarterly basis and that work is ongoing.

Work is ongoing in relation to the introduction of key performance indicators to monitor the processing and outcome of complaints.

What We Will Do

We will launch a corporate Service Improvement Strategy in 2022/2023 with a supporting framework for the delivery of priority actions. The COPFS Service Improvement Board, with the support of the Institute of Customer Service, will ensure both the strategy and framework are properly informed by a clear understanding of our current standards of service and how engaged and equipped our staff are to deliver those standards.

We will establish a Service Improvement Working Group to support the Service Improvement Board to deliver service improvement across COPFS. Planned activities in 2022/2023 will include

preparing staff for the re-opening of front counters and developing proposals for local service improvement ideas to be captured and shared across COPFS.

We will take forward a full review of complaints outcomes and identify thematic issues and learning. During the course of 2022/2023, we will start to publish information on complaints outcomes and actions taken to improve services on a quarterly basis.

We will introduce key performance indicators (KPIs) to monitor the processing and outcome of complaints. The Service Improvement Board will prepare proposals for a new set of KPIs and present these to Operational Performance Committee for approval during 2022/2023.

Standard 2

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

A new external COPFS website has been developed and is approaching completion. As part of the website redevelopment, content has been rewritten with user needs and accessibility in mind. We have consulted with internal and external stakeholders in creating the new website content.

Development and evaluation of the first product version of the Witness Gateway is continuing. Guidance has been issued on the use of technology such as Microsoft Teams in the provision of information to witnesses.

We are continuing to review our Victim Information and Advice (VIA) administrative processes, which includes development of detailed process guidance and training for Local Court VIA staff.

We continue to receive feedback from complainers in cases involving serious sexual offences via the formal process agreed between the Lord Advocate and the Chief Executive of Rape Crisis Scotland. We have implemented a new, defined process for dealing with the feedback that we receive to ensure that appropriate action is taken to address the issues which arise.

What We Will Do

We will launch a new external website with updated content which aims to meet the needs of our service users. We will continue to improve the published information on our website by seeking views from different user groups and making improvements based on their feedback.

We will continue to 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. COPFS will continue to work on development and implementation of the 'Witness Gateway' with official launch planned for 2022/23. This will focus initially on confirming witness availability for trials, contributing to managing physical appearances at court.

Standard 3

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 measures.

What We Have Done

We have continued to work with key partners, including Police Scotland and Rape Crisis Scotland, on the Video Recorded Interview pilot project. The aim is to assess the use of pre-recorded evidence in cases involving serious sexual offences. We continued to monitor the progress of cases that are part of the pilot and continue to gather feedback. The pilot has been extended and will run until May 2022.

We continue to work with key partners, including Police Scotland and Social Work, to monitor the effectiveness of the new Scottish Child Interview Model in the various pilot areas. To support this work, we have established an evaluation model in each of the pilot areas. COPFS has committed to evaluating Joint Investigative Interviews (JIIs) submitted in solemn cases where the JII has been conducted under the new Scottish Interview Model and as part of the pilot project. In addition to the evaluations in the pilot areas COPFS is also undertaking evaluations of JIIs submitted nationally in High Court cases. These evaluations will consider JIIs conducted under the previous model as well as the new Scottish Interview Model.

COPFS has formed an internal working group to plan for implementation of the second phase of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019. The internal working group, with membership from across COPFS, has continued to meet regularly. A test process for pre-recording the evidence of the witnesses to whom the legislation applies is in operation within the sheriffdoms of Glasgow and Strathkelvin and Grampian, Highlands and Islands. We continue to engage with Scottish Government and Scottish Courts and Tribunals Service regarding the necessary infrastructure to support implementation.

In May 2021, we published an updated policy regarding witnesses accessing their statements prior to trial. The updated policy details the circumstances in which it is appropriate for witnesses to access their statements using online platforms such as Microsoft Teams.

What We Will Do

The VRI pilot project has been extended and will now run until May 2022. We will continue to monitor all pilot cases and seek feedback from relevant staff and Crown Counsel as cases progress. When the pilot concludes we will work with partners to begin the final evaluation process.

We will continue to work with Police Scotland, Social Work and our partners on the JII pilot projects in each of the pilot areas to monitor the effectiveness of the new Scottish Child Interview Model. COPFS will continue to evaluate JIIs submitted in solemn cases where the JII has been conducted under the new Scottish Interview Model and as part of the pilot project. COPFS will also continue to undertake evaluations of JIIs submitted nationally in High Court cases. These evaluations will consider JIIs conducted under the previous model as well as the new Scottish Interview Model.

We will continue to prepare for the implementation of the second phase of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019. This will involve assessment of the ongoing test process and continued liaison with partners to ensure that necessary infrastructure is in place to support implementation.



We will progress the VIA Modernisation Programme – an overarching review of our VIA service. The review is in the very early information gathering stages and will be a long-term programme of work. However, the programme will look at how we can make the best use of our resources and create efficient, simple and consistent VIA business processes to both support our people and improve our service to victims and witnesses.

Between 2 September 2019 and 29 November 2019, the Scottish Government ran a consultation on ‘widening the scope of the current victim statement scheme’. The consultation sought views on the current victim statement scheme and on potential changes relating to the extension of eligibility to make a victim statement, the format of the victim statement, and other ways the scheme could be improved. COPFS will work with Scottish Government to assess various options to expand the scheme and have formed a working group to undertake analysis of the initial proposals.

We will implement a review led by the Assistant Principal Crown Counsel of how prosecutors deal with reports of sexual offences that are prosecuted in the High Court, which focuses on justice and aims to deliver long term improvements to the experience of victims and witnesses. The review is in the early information gathering stages and will be a long-term programme of work. The remit of the review will be approved by the Lord Advocate in due course and will take into account the views of victims and agencies from across the criminal justice system.

Standard 4

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

We have reviewed relevant policies and have continued to publish updates where that has been deemed necessary to make policy compatible with the United Nations Convention on the Rights of the Child. Training and guidance for staff is being prepared and will be published prior to implementation of the legislation, which has been delayed in light of the Supreme Court’s judgement regarding the scope of the Bill.

We continue to work with Home Office, Scottish Government, and other agencies to agree appropriate timescales for the communication of Conclusive Grounds Decisions in cases involving potential victims of human trafficking and exploitation. The Lord Advocate has written to the Home Office to highlight the importance of Conclusive Grounds Decisions being provided within timescales that are in line with the time-limits which apply in the various criminal justice systems throughout the United Kingdom. We have updated the Lord Advocate’s instructions for prosecutors when considering prosecution of victims of trafficking in light of the European Court of Human Rights’ decision in *VCL & AN v UK*. We continue to work with Third Sector Organisations (TSO) to create appropriate communication processes regarding liberation of potential victims of trafficking.

We continue to review all training materials and courses and have updated these in line with any changed approaches, such as the introduction of Pre-Intermediate Diet Meetings (PIDMS), electronic search warrants and Coronavirus Regulations. Work has also been undertaken in order to transition to a hybrid and blended learning model. COPFS People and Learning Division is committed to quality assurance and continuous improvement of programmes to ensure they are up to date and fit for purpose. In January 2022, driven in particular by the high volume of recruitment to support court recovery, we introduced a New Start Hub to improve support for all new staff in all job roles.

We have developed and delivered training for Local Court staff pending the further roll out of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019. We have delivered training to VIA Staff through Local Court VIA workshops (summary work) and a training course for VIA officers engaged in High Court Work (solemn work).

What We Will Do

In so far as Government guidance on Covid-19 safety allows, COPFS shall commit to return and implement a hybrid model of education of staff which shall be blended according to learner need to include face-to-face and online learning. Improved governance and biannual curriculum planning will aim to provide choice and notice of our provision to assist learners' planning. COPFS shall also continue to work towards developing partnership with coordinators of external training organisations including our justice partners, in order to pursue areas of mutual benefit.

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 continue to ensure that our training programmes are improved and updated to ensure that they best equip our new legal staff with the core skills they require as prosecutors. We will introduce an improved educational provision for new-start Deputes and we shall review our policy in relation to Depute Accreditation.

We will continue to review the training of VIA staff and ensure that they have the skills required to engage with our most vulnerable victims in a trauma-informed manner. In particular, COPFS will carry out work in relation to developing Trauma-informed Practice training through the Victim's Task Force Workstream 2, the national framework under development, and Abuse in Institutions training.

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.

It is important to acknowledge at the outset the significant impact that the coronavirus pandemic has and continues to have 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 using innovative technological advances and approaches to continue supporting justice and victims and witnesses in their journey and improving their experiences, whether by attending court in person or via virtual means.

During the pandemic the safety of all those who use our buildings has been our top priority. We have remained cautious in our approach when reviewing safety measures, taking account of public health advice and ensuring we have done all we can to keep ourselves, colleagues and all who use our buildings safe.

For victims and witnesses we have considered alternative ways of 'attending' court to give evidence. Such as working with justice partners and Victim Support Scotland (VSS) to enable

police and professional witnesses for High Court trials to give their evidence remotely from alternative premises such as VSS sites. This has provided a range of benefits and has been warmly welcomed by those who were no longer required to physically attend court.

As we emerge, recover and move forward from the coronavirus pandemic we have the opportunity to create a better system for our users by learning and adapting the approaches taken.

Working Together For Victims and Witnesses – Joint Protocol

We worked with Crown Office and Procurator Fiscal Service, Police Scotland and Victim Support Scotland on a review of the joint protocol **Working Together for Victims and Witnesses**, which was updated and published in June 2021.

The protocol was agreed in order to identify best practice and obtain consistency of approach to improve victim and witness engagement and support. It is a commitment to work together to understand and meet victim and witness needs, treating them appropriately, professionally and with respect at all times. It aims to avoid duplication and confusion so that we can improve certainty around the court experience.

The protocol governs how we will:

- share information;
- arrange for victims and witnesses to look around a court before trial;
- identify and explore the vulnerability of victims and witnesses;
- consider the impact this may have on their ability to give their best evidence;
- assess what special measures and/or additional support will make a difference; and
- work together to ensure the safety of victims and witnesses throughout a case.

The protocol seeks to put in place appropriate support for victims and witnesses following the **Victims and Witnesses (Scotland) Act 2014** and the European Directive on the rights, support and protection of victims of crime.

Criminal Justice Reform

SCTS remains committed to continuously driving forward initiatives which have emerged from the judicially led **Evidence and Procedure Review** (the Review), and many more which were introduced at pace in response to the coronavirus pandemic to ensure the continued operation of the Scottish courts.

The Review 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 their best evidence at the earliest opportunity, in a safe and high-quality/user-friendly environment. Informed in part by the Review, the Scottish Government introduced primary legislation (the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019) that creates a legal presumption in favour of the pre-recording of evidence from child witnesses, and adult vulnerable witnesses in particular. The legal presumption is being implemented via a phased rollout. A 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.

We will continue to support justice partners in the phased commencement of the 2019 Act, which will see an increase in the range and number of cases in which evidence is captured in this way. We will do this principally by providing, and expanding where possible, the facilities to support a key process by which evidence can be captured early – evidence by commissioner, discussed further below.

The 2019 Act also makes provision for the introduction of a simplified notifications process, so that applications can be lodged administratively for those witnesses who are automatically entitled to what are termed 'Standard Special Measures' (use of a live television link either from the court building or from a remote site; use of a screen, and a supporter) when giving their evidence.

We will continue to support the phased commencement of the 2019 Act and the implementation of this provision in particular. The software to automate the transfer of those applications from the Crown Office and Procurator Fiscal Service (COPFS) to SCTS has been developed and tested from the SCTS side. We await COPFS completing development of their system after which we will agree next steps with them.

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, Case Management in Summary Criminal Cases Pilot, 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 and a Cross-Justice Project Board is currently considering when and in what form they can be resumed. Although any assessment of the impact of the early EPR pilot courts was impacted by their duration, the early progress made during that time will be useful in informing the future approach.

The impact of **Practice Note 4 of 2020**, Summary Criminal Business in the sheriff courts: further provision regarding Intermediate Diets etc., came into effect on 1 December 2020 and will also be helpful. Its aim was to promote meaningful and early engagement between the Crown and defence and it sought to ensure that only those cases which could not be resolved and which were ready for trial, proceeded to a trial diet. This approach should see a reduction in the number of trials and consequently the number of witnesses coming to court.



Digital Strategy – Evidence-Giving Facilities

SCTS developed the concept of designated 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 of taking evidence by commissioner. Our first purpose-built suites went live in Glasgow in October 2019. This has since been followed by a second bespoke evidence by commission suite and separate evidence hearing suites in Inverness Justice Centre, where the first evidence by commission took place in October 2021. Expanding upon the blueprint in Glasgow, the Inverness Justice Centre has been designed to take into consideration the importance of separate areas for witnesses and separate access routes for those considered vulnerable. The evidence suite has a separate discrete entrance to help alleviate anxiety or concerns.

These bespoke suites have been designed to provide more intimate and informal spaces to make witnesses more comfortable, to facilitate the giving of their best evidence in a less traumatic way, using the best technology available. The suites benefit from specified and specially designed waiting rooms, which include support spaces and sensory equipment to improve the lived experience for victims and witnesses attending to give evidence.

The onset of the coronavirus pandemic and the public health guidelines in place requiring social distancing unfortunately limited our ability to fully utilise the bespoke suite in Glasgow. By the start of 2021 work was however completed to re-configure the space which enabled hearings to recommence there in a Covid-19 secure manner, and an additional hearing room was fitted out to expand capacity. They have been running at capacity since. We will continue to explore and develop these facilities as they improve the way in which vulnerable witnesses can provide evidence.

While our plans for installation of fixed recording equipment and upgrading of facilities within existing hearing rooms in Aberdeen and Edinburgh were deferred as part of the Covid-19 response, work is now progressing in Aberdeen and Edinburgh based on aspects of the Inverness and Glasgow models. The intention is to have all four suites operational, subject to the current physical distancing requirements being relaxed by the end of 2022.

SCTS remains committed to the further development and expansion across a wider geographical reach, where possible, of similar facilities for victims and witnesses to give pre-recorded evidence by commissioner and by live 'link' to court proceedings.

Virtual Summary Trials And Domestic Abuse Cases

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 essential recommencement of summary trials business, helping to address physical distancing requirements arising from the coronavirus pandemic by remote participation of court users. The pilot, which initially concluded in December 2020, included trials at Aberdeen sheriff court and Inverness Justice Centre, with witnesses appearing via live TV link from various locations outwith the courtroom, including a case in which the witness gave evidence from the offices of Victim Support Scotland.

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

A National Project Board, chaired by Sheriff Principal Pyle, consisting of members from across the justice sector including SCTS, COPFS, defence agents, Scottish Government, Scottish Legal Aid Board (SLAB) and third sector agencies including Victim Support Scotland (VSS), was established to consider the future viability of the pilot. It favoured the continuation of the pilot in Aberdeen with a focus on a specific type of crime – domestic abuse – and testing the use of a remote facility for witnesses under the supervision of VSS. To support this SCTS acquired and developed a designated external facility from which witnesses could provide their evidence remotely.

Following a review of the experience gained through the pilot, a [report on the piloting of virtual summary trials](#) was published in January 2022. It recommends that every sheriffdom across Scotland should have a dedicated virtual summary court for domestic abuse cases and concludes that this would offer key advantages including:

- increasing protection and reducing trauma for complainers;
- making it easier for witnesses to give their evidence;
- offering efficiencies in reducing the need for individuals to travel to court and leaving existing courtroom capacity free for in-person cases;
- mitigating the impact of delays caused by the coronavirus pandemic on complainers and accused; and
- maintaining consistency with the aims of capturing best evidence and introducing trauma-informed practices.

The report highlights the key advantages that arise from being able to have those involved in a case giving evidence remotely from court, which is seen as another important step forward in improving services for vulnerable witnesses and complainers. It identifies the options for decision makers and the practical consequences in terms of resources and legislative change required to progress with its recommendations. SCTS welcomed the Board’s findings and we look forward to working with justice partners to see how they can be implemented. SCTS continues to look to

further develop the opportunity for victims and witnesses to give evidence in physical and virtual trials from dedicated witness sites. A separate initiative which commenced in January 2022 has taken forward the remote provision of evidence by police and professional witnesses in High Court solemn trials, given the significant cross-sector value the model brings.

Restarting Solemn Trials

Getting jury trials up and running again following the initial national lockdown in March 2020 was a huge undertaking. This was 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. Financial resourcing provided by Scottish Government supported this.

With developments in the use of technology and the introduction of remote jury centres, the first High Court jury trials, following national lockdown on 23 March 2020, restarted in Edinburgh and Glasgow in July 2020. By November 2020 the High Court was operating at pre-Covid-19 trial capacity (16 trial courts). The High Court now has 12 trial courts operating out of 3 dedicated High Court centres in Edinburgh, Glasgow and Aberdeen, supplemented with additional trial courts in Airdrie, Dundee, Edinburgh, Glasgow, Livingston, Paisley and Stirling 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-19 trial capacity.

In September 2021 we commenced our challenging recovery programme which includes the provision of additional trial courts, resulting in increased provision beyond that available pre-pandemic. As of 6 September 2021 the following business is programmed to sit on a daily basis:

- 20 High Court trial courts, an increase of 4 courts from the pre-September programme;
- 20 sheriff court solemn trial courts, an increase of 2 courts from the pre-September programme; and
- an average of 43 sheriff court summary trial courts, an increase of 10 courts from the pre-September programme.

Work to reconfigure courtrooms in Glasgow and Edinburgh High Courts to accommodate multi-accused trials was completed in June 2021.

Early indications are that the additional 16 trial courts introduced on 6 September have stabilised the backlogs and further progress is anticipated in future quarters.

Management Of Sexual Offence Cases Review

A judicially led cross-justice review group was established in 2019 to consider and develop proposals for an improved court system to deal with all sexual offence cases. The review group, led by the Lord Justice Clerk Lady Dorrian, comprised of members of the judiciary alongside representatives of SCTS, Police Scotland, COPFS, 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, its aim being to improve the experiences of complainers (and witnesses) without compromising the rights of the accused.

On 18 March 2021 the group published its final report, **Improving the Management of Sexual Offence Cases**, in which it made a number of transformative recommendations. These include:

- the presumption of the pre-recording of evidence of all sexual offence complainers;
- the creation of a specialist sexual offences court; and
- improving the experiences of complainers through communication, provision of information and a variety of services.



The recommendations are wide-ranging and collaboration, resourcing, and in some instances the introduction of legislation will be key to their successful implementation.

Since the report's publication, we have been exploring the recommendations and commendations made within it, developing our own implementation plan and focusing elements applicable to us which do not require legislation and can be progressed individually and in conjunction with justice partners. This is to ensure that the Review's aim of improving the experiences of complainers (and witnesses), without compromising the rights of the accused, is not lost sight of and is achieved in so far as possible.

We have been reviewing our provision and giving consideration to improving capacity and facilities (resource-reliant) using technological advances to support the anticipated increase the Review will create in the pre-recording of witness evidence by commission, and the giving of evidence by live TV links from remote locations.

A Scottish Government-led cross-justice Governance Group, with a commitment to work at pace, has now been established to support consideration and delivery of the review recommendations with a particular focus on what areas may require public consultation and legislative change. SCTS are represented on the group and will play a key role, leading and co-leading on a number of essential work streams within it. In the interim, as an organisation we continue to support the Lord President/Lord Justice Clerk, Judicial Office and Judicial Institute in early stage development for recommendations out with the remit of the Governance Group (judicial training, jury manual updates).

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 TV links in court, between courts or from a remote location.

External remote sites are in place across Scotland for vulnerable witnesses to give evidence to the court via a live TV link. In 2020-21 the impact of the coronavirus pandemic resulted in the closure of all our vulnerable witness remote sites. Last year we saw a gradual re-opening of sites following satisfactory health and safety inspections to ensure sites were Covid-19-compliant. At the time of writing there were 25 active sites. As levels of court business have increased through implementation of our ambitious court recovery programme, the number of applications for special measures has increased and we expect this upward trend to continue.

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.

The Taskforce, which will meet every 6 months, has agreed to focus on the development of a victim-centred approach and a justice-specific knowledge and skills trauma training framework. They also want to develop a mechanism for structured and regular engagement with people with lived experience. SCTS continue to be 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 of these work streams.

We are committed to providing excellent service and becoming a trauma-informed organisation is a key priority for us. We are working with our justice partners and subject matter experts to develop a Knowledge and Skills Framework for our staff. It is likely that this framework will identify 3 levels of trauma-informed training for staff and our Education and Learning Unit will create and curate learning content to address these 3 levels. These are:

- all SCTS employees to be trauma-informed;
- operations staff who come in to contact with victims, witnesses and accused persons, to be trauma skilled; and
- court staff dealing with domestic abuse and sexual offence cases to be trauma specialists.

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, whilst ensuring a fair justice system for those accused of crime.

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

Court officers and macers continue to liaise with the prosecutor to update witnesses and updates are provided in all locations. However, the changes to arrangements for witness attendance, in response to the coronavirus pandemic, has affected the timing of updates in some locations. For example, two courts noted that some witnesses are asked to leave and return at a specific time if the running order of cases changes. One court has experienced difficulty with receiving specific information that can be passed on to witnesses. However, they always advise witnesses when they can leave and provide them with as much information as they have been given.

In the majority of courts hourly updates are provided and in some, more frequent updates are provided; for example, in Glasgow sheriff court real time updates are provided to witness muster areas and staff then update witnesses and in Paisley sheriff court updates are provided every 30 minutes. In the High Courts in Edinburgh and Glasgow, where information is available, updates are provided in the morning and afternoon.

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.

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

What We Will Do

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

We noted earlier that an initiative commenced in January 2022 in regard to the remote provision of evidence by police and professional witnesses in High Court trials. We will work with COPFS to agree the method and frequency of updating police and professional witnesses who give their evidence remotely to court.

‘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 remains an issue.

Refreshments remained limited across all locations due to the impact of the coronavirus pandemic. Access to fresh drinking water for witnesses is considered the bare minimum and continues to be provided by all courts. Edinburgh sheriff court continued to allow witnesses access to the canteen for a takeaway service and vending machines are available in Glasgow sheriff court.

What We Will Do

Moving forward, we will continue to make the best use of available space within court buildings. As noted earlier work is progressing in Aberdeen and Edinburgh in relation to evidence and hearing suites and we remain committed to the further development and expansion across a wider geographical reach, where possible, of similar facilities for victims and witnesses to give pre-recorded evidence by commissioner and by live ‘link’ to court proceedings. However, 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 continued 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.

The public health response to the coronavirus pandemic limited our ability to use all of our facilities, in particular, remote sites, all of which closed in March 2020. During 2021/22, we continued to work closely with proprietors of these sites to enable more sites to reopen. Twenty-five sites are now open and available for use following satisfactory risk assessments and appropriate health and safety measures being put in place.

In addition to remote sites, video link facilities were available within court buildings and despite the challenges earlier in the year with the reduction in available remote sites, all applications for the giving of evidence with the use of special measures have continued to be accommodated by courts, where requested. In addition, there are 44 vulnerable witness rooms currently available within 35 of our court buildings for vulnerable witnesses to give their evidence by live TV link.

A small number of courts experienced higher volumes of requests for witnesses to give evidence remotely to another court to avoid the need for witnesses travelling. This created additional pressures and conflicted with local needs due to the limited accommodation and staff to facilitate additional requests.

What We Will Do

We will continue to monitor the use of remote sites and where appropriate we will attempt to source additional sites to enable vulnerable witnesses to give their evidence to court via live TV link.

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

Court familiarisation visits are available to all witnesses. 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. Visits provide an opportunity for witnesses to ask questions about what will happen when they attend court.

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.

The coronavirus pandemic continued to impact on courts during 2021-22; however, courts accommodated requests for familiarisation visits which are mainly conducted by Victim Support Scotland (VSS) staff.

SCTS continues to liaise with VSS 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.

In the latter part of 2020, VSS 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. Most tours were available during 2021 and the final two locations were completed in early 2022. The tours are used by Victim Support Scotland to give witnesses a virtual tour of the court room where physical court visits may not be possible but they can also be used in addition to visits taking place.

This positive development has provided witnesses with choices on how and when they wish to view courts, which can be at any time convenient to them, from any device when viewing online. The virtual tours can be viewed independently or with the support of VSS staff. There are 51 virtual tours available which can be accessed via the following link: [VSS virtual tours of scottish courts](#)

VSS data indicates that from 26 July 2021 to 01 March 2022 there were 2,756 page views of the virtual tours page. This page also featured in VSS’s top 20 pages by page-views since its launch.

What We Will Do

SCTS will continue to work closely with VSS 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. In some locations where there are no support services on site or support services are not on site each day, arrangements are in place for court staff to provide contact details should they be required.

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, we acknowledge the importance of equipping our staff with the skills and knowledge to assist and support our service users in a trauma-informed way, and are working with leading experts in the NHS to develop and implement an improved bespoke training strategy to support this.

What We Will Do

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

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. During 2021-22 meetings continued although the frequency changed to every four weeks.

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 2022-23

During the course of 2021-22, SCTS worked 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 engaged 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**.

We will continue to review our current Standards of Service for victims and witnesses in collaboration with Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Prison Service and the Parole Board for Scotland. In doing so we will take account/cognisance of the recommendations and commendations made by the Lord Justice Clerk's Review in to the Management of Sexual Offence Cases and their interaction with the standards, as applicable to all justice partners and SCTS. We aim to review the waiting room and entrance arrangements in place in some of our key court buildings with a view to improving our services and enhance the experience of victims and witnesses attending our court buildings to give evidence in so far as possible and recognising the size, age and scope of our estate.

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;
- whether 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

General

The Scottish Prison Service (SPS) is an Executive Agency of the Scottish Government and was first established in April 1993. There are 13 publicly managed prisons and 2 privately managed prisons (HMPs Kilmarnock and Addiewell). SPS currently has a contract for Scottish Court Custody and Prisoner Escort services with GEOAmey PECS.

How The Scheme Works

Compliance with General Data Protection Regulations (GDPR) is essential in how the authority handles offenders and victim's personal information. The operation of the part of the Victim Notification Scheme that SPS has responsibility for largely relies on a system of alerts. SPS's Prisoner Records database (PR2) records relevant information about an offender and their sentencing arrangements. 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 certain information set out in legislation. The manual interrogation of alerts requires those operating the VNS to have sufficient knowledge of the scheme and the potential changes that can occur in relation to an offender's sentence management over the course of serving a sentence of imprisonment.

Factors such as the number of offenders in custody, the number of victims registered and the stages that offenders are at in their sentence impacts on the numbers of alerts the database generates. Consequently, the number of alerts varies month to month, and year to year. The alerts generated over the past 12 months have increased compared to last year. This may be related to the easing of coronavirus restrictions on prisoner movements including access to the community and an increase of activity through courts etc.



Collaborative Working

SPS collaborates with the Scottish Government on policy development and is actively engaged with the work of the Victims Taskforce. SPS also attends a number of victim groups such as; the Criminal Justice Agencies Victims Meeting, held quarterly, and the VAWG/Victims Covid-19 conference call, held monthly (format under review). SPS is currently working with Scottish Government to review VNS letters issued by SPS to improve the communications victims receive.

Common Standards Of Service

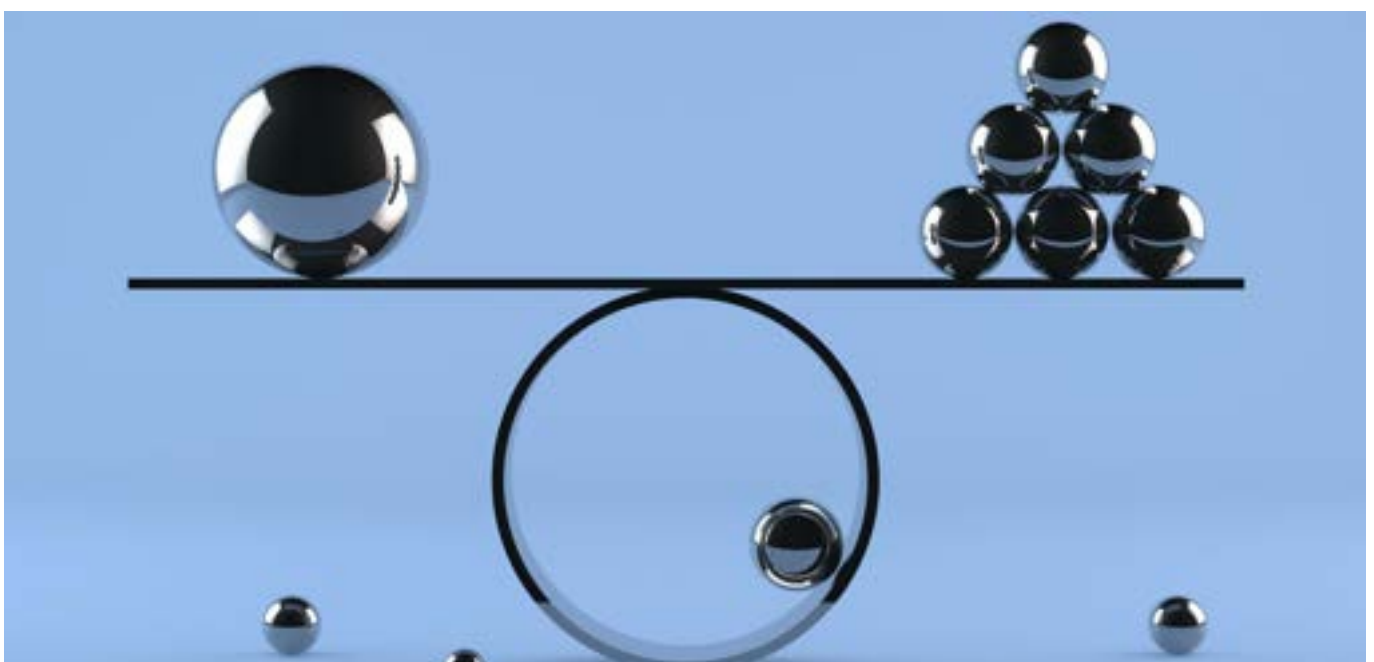
There are a number of common standards of service for the agencies and these are set out earlier in the document.

Complaints

SPS received fewer than 5 formal complaints relating to VNS this reporting year. Victims may express dissatisfaction when making a telephone enquiry; however, this is usually due to misunderstanding information received and the query can normally be resolved on the call. As advised above, SPS is working with Scottish Government to improve the communications victims receive.

Request for Information in alternative format/language

There were no requests for information in an alternative format/language in the period from March 2021 to April 2022, and similarly no requests the previous year.



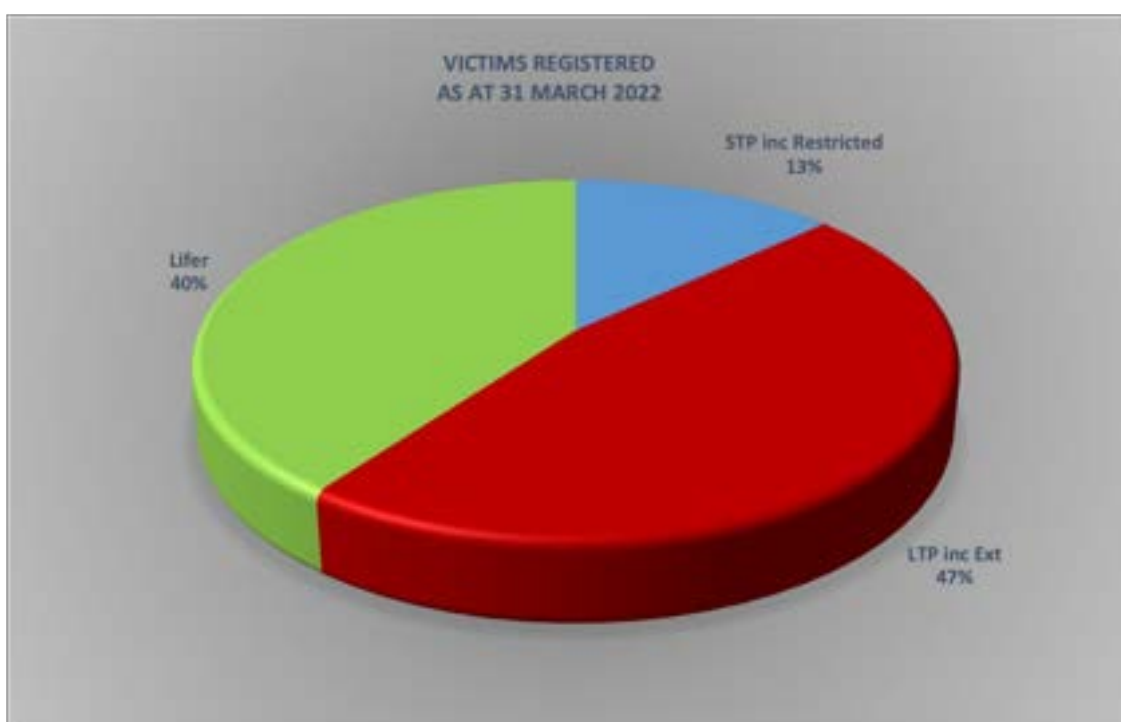
SPS Standards Of Service

Context

SPS delivers custodial and rehabilitation services for offenders in their custody. SPS 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. SPS is acutely aware of this difficulty and will continue to ensure that victims' views are taken into account when making such decisions. Over the past 12 months these activities have remained greatly impacted by coronavirus restrictions.

The table below shows the number of victims currently registered at 31 March 2022 compared with the previous three years:

Year	Total	Life Sentence (inc. Order of Lifelong Restriction)	Long Term Sentence (4 years or more)	Short Term Sentence (less than 4 years)
March 22	2675	1065	1258	311
March 21	2331	1032	980	319
March 20	2615	965	1278	372
March 19	2563	919	1256	388

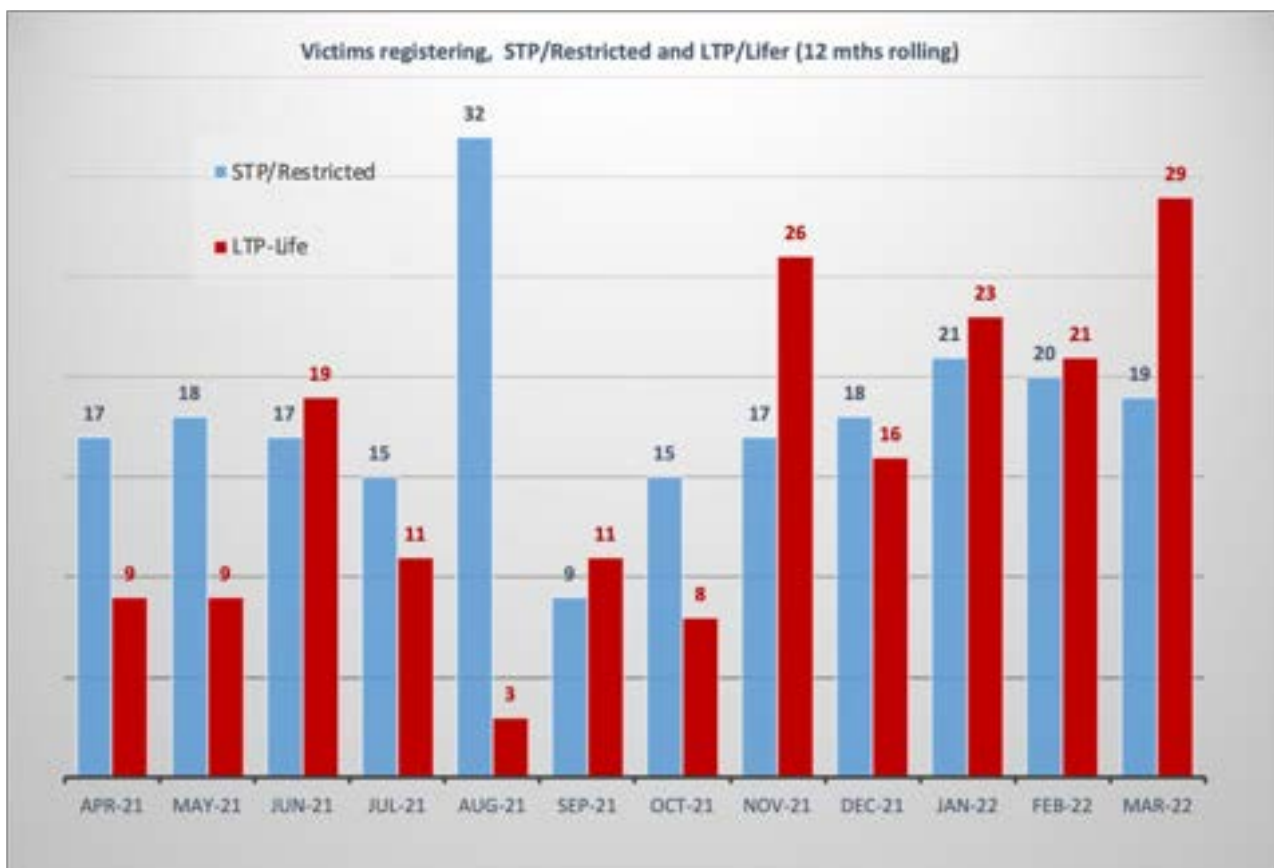


Applications To Join The Scheme

There were 400 applications to join the scheme received in the year. The VNS is an opt-in scheme, victims may choose to join the VNS 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 2022 compared with the previous three years.

Year	Total
March 22	400
March 21	306
March 20	472
March 19	443



Written Enquiries

SPS received no written enquires in this reporting year, and there were also no written enquiries in the previous year.

Provision Of Information

The table below shows the number of letters containing information sent to victims as at 31 March 2022. The previous 3 years are reported for comparison:

Year to	Total	No. not issued within 48 hrs
March 22	1715	115
March 21	1681	64
March 20	1961	11
March 19	2499	25

The VNS standard for information to be provided in response to an alert is 48 hours. 115 responses were not issued within 48 hours of when the alert was generated over the past 12 months. Home working due to the Covid-19 pandemic has caused some delays to responses which were waiting over 48 hrs for their secondary assurance check. There were no delays over 5 working days and no record of a notification not being sent which should have been.

A small amount of letters sent to registered victims continue to be returned undelivered to us by the Post Office. When SPS receive mail returned undelivered we make a further attempt to provide the victim with the information in writing. 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 SPS has updated all its VNS correspondence to ask victims to inform us of any change of address. This appears to have had a positive impact.

At 31 March 2022 there were 53 victims we were unable to contact (3.1% of letters issued). The table below shows the number of letters returned at 31 March 2022 compared with the previous 2 years.

Year	Total
March 22	53
March 21	117
March 20	113
March 19	98

Representations

A total of 448 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. When the offender attains access to temporary release, victims of life-sentence prisoners can 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 2022 compared with the previous 3 years.

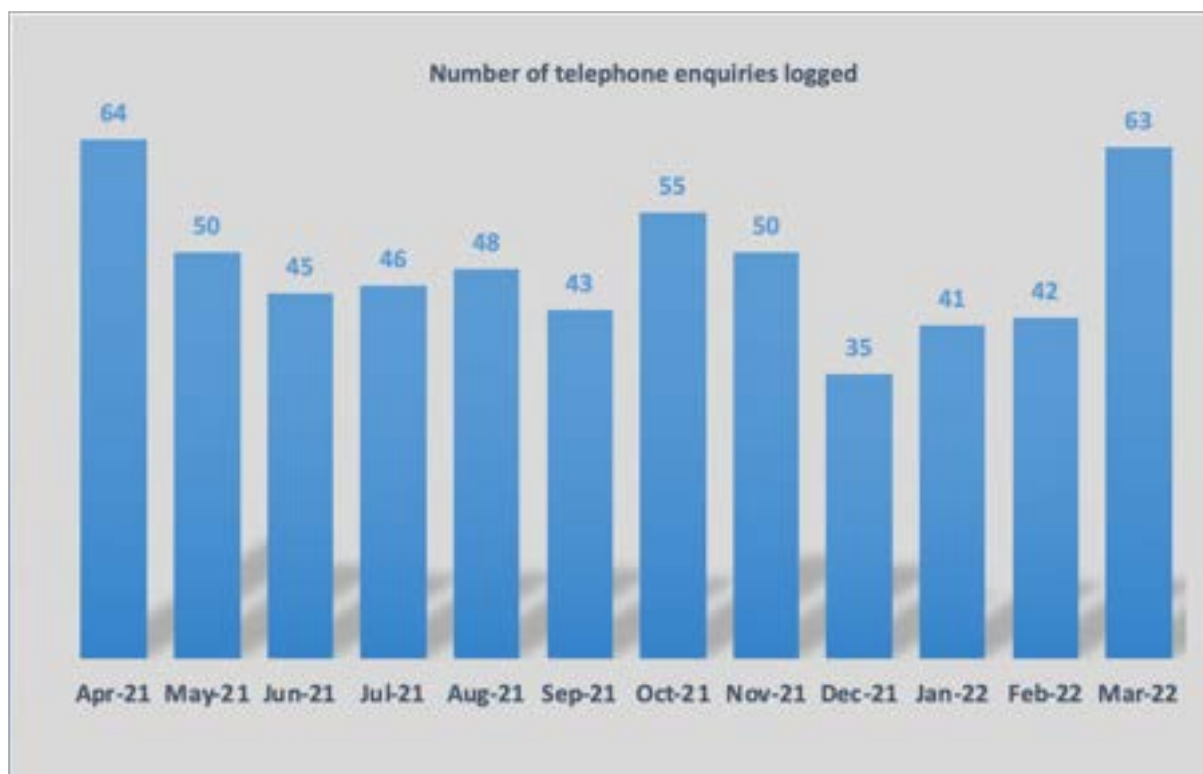
Year	Total
March 22	448
March 21	317
March 20	495
March 19	717

Telephone Enquiries

There were 582 enquiries received by telephone in the year to 31 March 2022. All enquiries were responded to within a day with the majority able to be dealt with at the time of the call. A number of enquiries (73) 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 2022 compared with the previous 3 years.

Year	Total
March 22	582
March 21	512
March 20	774
March 19	674



Parole Board for Scotland



The Parole Board for Scotland Standards of Service

- 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.
- 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 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 1 allows victims to receive information about an offender's release.

Part 2 allows victims to make representations to the Parole Board in advance of an offender being considered for release on parole or non-parole licence.

Victims in cases where a life sentence has been imposed have continued to be offered an interview with a Parole Board member to allow them to make their representations in person.

The introduction of Rule 26A of the Parole Board (Scotland) Rules 2001 allows victims in relevant cases to request to observe the prisoner's tribunal. This opportunity is open to victims of prisoners who are serving a life sentence, extended sentence or an order for lifelong restriction.

The Board will consider victim representations along with all other information on the offender's case before reaching a decision. Representations are fully considered by the Board as part of its overall decision-making process. If the Board does decide to release, then representations may assist in deciding the licence conditions that will be imposed. 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 given. 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 2021– April 2022.

What We Have Done

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

We have created and developed a new administrative Victims Team within Parole Scotland to support the implementation of key changes to The Parole Board (Scotland) Rules 2001.

Victim Service Delivery has been a key element of the Board's Business Plan for 2021/2022, and Corporate Plan 2021/2024.

We have listened to victims and learned 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 constant review to ensure that sections relating to victims are current.

Victim training for Board members and Parole Scotland staff will be reflected in learning plans. Trauma-informed and skilled practice training has been delivered to Parole Scotland, this has further developed the skillset of staff when dealing with victims.

We have constantly monitored our internal operating systems and procedures to ensure they provide the best service delivery for victims. We are currently considering how to maintain and improve victim service delivery when designing our future casework management system (CMS).

We have looked 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 are also reviewing our communication methods to ensure they are effective.

We have engaged with the Scottish Government's plans to procure external expertise to work with others across the justice sector to review victim-focussed publications (including letters, leaflets, websites) and to develop a style guide.

What We Will Do

Some of these activities have been carried forward from 2021/2022.

We will monitor the requirements of the new Victims Team and ensure we have all the resource we need to provide an excellent service for victims.



We will ensure all emails are answered within 5 days of receipt to our new Victims Team Mailbox.

We will develop new induction materials for new members of the Victims Team to ensure they are brought up to speed as quickly and efficiently as possible.

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.

We will continue to ensure that Board member and staff guidance is kept under constant review to ensure that sections relating to victims are current.

We will continually monitor requirements for future victim training for Board members and Parole Scotland staff and implement this when needed.

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).

We will continue to 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 continue to review our communication methods to ensure they are effective.

We will continue to engage with the Scottish Government's plans to procure external expertise to work with others across the justice sector to review victim-focussed publications (including letters, leaflets, websites) and develop a style guide.

We will use the new Safe Space initiative, ensuring we have across Scotland access to safe and secure meeting venues for Victim Interviews and Observations.

In conjunction with the Scottish Prison Service (SPS), we will considered further development and future implementation of the Victim Notification Scheme Portal.

(Brought forward from previous year due to pressures with Covid-19.)

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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ISBN: 978-1-80435-529-9

