

## **Scottish Criminal Law**

Scottish criminal law is an adversarial system, under which prosecutions are undertaken by the state in the public interest. Victims are not a direct party to proceedings, although they may be interviewed by any or all of the police, prosecution and defence. In serious cases, the prosecution will keep victims informed of developments and will consult on some decisions, but ultimately the prosecution acts in the public interest.

## **Scottish Strategy for Victims**

The Scottish Strategy for Victims of Crime was published in January 2001 and emphasised the need for victims to have access to enhanced support, information and participation in the criminal justice system. These three pillars have resulted in a number of advances, including:

### Support

Funding is provided to Victim Support Scotland (VSS), Scottish Women's Aid and Rape Crisis Scotland and related projects to help them expand and develop their services to provide help and support for victims of crime.

Section 18 of Criminal Justice (Scotland) Act 2003 empowers the police to automatically refer victims to prescribed organisations, with the consent of the victim for support and advice.

### Information

The Victim Notification Scheme (VNS), allows victims of crimes or, in cases where the victim has died, their families, to receive information about the release of offender's sentenced to 18 months or over imprisonment. Where offenders are sentenced to 4 years or more imprisonment, the victim or their family can make written representations to the Parole Board when the offender is being considered for release on licence. The legislative provisions for the Victim Notification Scheme were made in Sections 16 and 17 of the Criminal Justice Scotland (Scotland) Act 2003 which sets out what information can be given to victims and what offences the VNS covers.

The Victim Information and Advice service (VIA), which is part of the Crown Office and Procurator Fiscal Service (COPFS), Scotland's prosecution service, has been rolled out across Scotland. More information has been provided through a website, a generic leaflet and specialised information packs.

### Participation

The victim statement scheme has been introduced in all courts of solemn jurisdiction (courts where cases are heard by a Sheriff and jury or Judge and jury) from 1 April 2009. This means that victims of serious crime have the right to make a written statement about the emotional, physical and financial impact a crime had on them which will be given to the court after a finding of guilt but before sentencing. The legislative provisions for victim statements were made in Section 14 of the Criminal Justice Scotland (Scotland) Act 2003 which sets out the types of offences where a statement can be made and the courts in which this applies.

### **Victims Standards**

The non-mandatory national standards for victims of crime have introduced standards of service that victims should expect to receive from various organisations in the Scottish criminal justice or children's hearings systems. The standards aim to ensure that victims of crime should receive information, practical and emotional support, and are able to participate more fully in the criminal justice system. The standards are based on the principle that victims should be treated with dignity and respect at all times regardless of gender, age, marital status, race, ethnic origin, sexual orientation, disability or religion.

### **Funding for NGOs**

The Scottish Government is making record contributions to Scotland's third sector (Non-Governmental Organisations) to enable them to support victims including over £4m per year to Victim Support Scotland between 2009-10. Victim Support Scotland (VSS) provides emotional support, practical help and essential information to victims, witnesses and others affected by crime. The service is free, confidential and is provided by volunteers through a network of community based victim and youth justice services and court based witness services. More information about VSS is set out below.

In addition the Scottish Government has provided £178,000 to People Experiencing Trauma and Loss (PETAL) until May 2010 and £30,000 to a Victims' Fund, which is a collaboration between Victim Support Scotland and private charitable donors which provides small emergency services to victims in need.

### **Criminal Injuries Compensation Scheme**

The Scottish Government contributes £28m a year to the Criminal Injuries Compensation Authority so that it can make payments to people who have been physically or mentally injured because of a violent crime.

## **Vulnerable Witnesses**

Under the Vulnerable Witnesses (Scotland) Act 2004, child and adult vulnerable witnesses can benefit from special measures to help them give their evidence. Attached links to relevant websites:-

- our section of the Scottish Government website:  
<http://www.scotland.gov.uk/Topics/Justice/law/victims-witnesses/guidance-information/witnesses-of-crime-1>
- the Act itself:  
[http://www.opsi.gov.uk/legislation/scotland/acts2004/asp\\_20040003\\_en\\_1](http://www.opsi.gov.uk/legislation/scotland/acts2004/asp_20040003_en_1)
- a summary information Guide:  
<http://www.scotland.gov.uk/Resource/Doc/204451/0054415.pdf>
- our Witnesses in Scotland Website (copies of information leaflets):  
[http://www.witnessesinscotland.com/wis/CCC\\_FirstPage.jsp](http://www.witnessesinscotland.com/wis/CCC_FirstPage.jsp)

Also attached a summary of the definition of vulnerability and the factors that are taken into account when considering if someone is vulnerable.

## **Victim Support Scotland**

Victim Support Scotland is an NGO which provides locally based support to victims and the court based witness service. The organisation has around 180 staff and approximately 900 volunteers. VSS supports about 180,000 victims and witnesses each year from offices and courts across Scotland. VSS provides practical and emotional support to victims of crime. It is the largest voluntary organisation addressing the needs of victims in Scotland.

Non-sexual crimes of violence and crimes of indecency account for almost a 1/3 of all VSS cases and VSS are working towards concentrating on crimes where there is a high level of victim need e.g. an elderly or young victim, a repeat victim or where other circumstances make a victim particularly vulnerable.

VSS works in partnership with the Crown Office and Procurator Fiscal Service and the Scottish Court Service to provide appropriate support to witnesses particularly where there are issues of vulnerability.