

Additional information – Scotland

1. Please describe the existing victims support services in your country?

The Victim Support movement in the UK began in Bristol in 1974, when people from the local community came together to help victims of crime. This was in recognition of the fact that, at that time, the needs of victims of crime were largely unrecognised by the criminal justice system and there was little formal support for victims. In 1978, the National Association of Victim Support schemes (NAVSS) was established as an umbrella organisation for local victim support schemes throughout the United Kingdom. In 1981, the first Scottish victim support scheme was established in Coatbridge. By the mid-eighties, many local communities across Scotland were coming together to set up local victim support schemes. It was decided to set up a separate national association for Scottish schemes, separate from NAVSS, in recognition of the geographical distances involved and the separate Scottish legal system. The Scottish Association of Victim Support Schemes (now Victim Support Scotland) was established in 1985. There are strong working links with Victim Support organisations throughout the UK, Northern Ireland and Republic of Ireland.

Victim Support Scotland has had charitable status since August 1985 and was established as an independent company limited by guarantee in 1989. Since it was established, Victim Support Scotland has become the lead organisation in Scotland providing emotional support and practical assistance to all victims of crime.

The community based Victim Services exist in all local authority areas in Scotland, where trained volunteers and staff deliver services to victims of crime. The local services were separate charities but moved to one charity with Victim Support Scotland on 1st July 2007. The Witness Service is based in every Sheriff and High court. Trained volunteers, supported by paid staff, offer a service to all witnesses who attend court, both for the defence and the prosecution. Both services are covered and the work guided by national service standards.

The Youth Justice Service is specifically focused to assist the victims of youth crime, developing services in this area and working closely with the Scottish Children's Reporter Administration (SCRA), the Association of Chief Police Officers in Scotland (ACPOS) and local Youth Justice teams.

Victim Support Scotland works to improve and increase knowledge about victims and witnesses through research studies, projects, appropriate publicity and information materials. The organisation has been instrumental in raising the profile of victims and witnesses in the public, parliamentary and criminal justice arenas. The organisation has

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become a major player in the criminal justice system, influencing government policy and helping to improve the experience of victims and witnesses of crime.

2. What preconditions have fostered development of victims support services in your country, if any?

- Recognition of the suffering of victims and the lack of support available
- Good networks of NGOs
- Strong feeling of community spirit and responsibility
- Good connection and cooperation between different criminal justice agencies
- Culture of volunteering
- Political representatives receptive and attentive to requests and lobbying from within their constituency

3. In which cases victims of crime can apply for state compensation, and how the amount is calculated?

“Blameless victims of intentional violent crime”, who report the crime to the police, may apply for criminal injuries compensation from the State. The amount is calculated based on a very complex tariff system whereby each injury is given a certain amount. There is also a range of factors that could decrease the amount, including the behaviour of the scene of the crime or the victim’s previous criminal record. The system is extremely complex and many victims are unable to apply for compensation without assistance from Victim Support (free assistance) or by hiring a lawyer. For more information on the current 2013 compensation scheme, please see

<http://www.justice.gov.uk/downloads/victims-and-witnesses/cic-a/how-to-apply/cica-guide.pdf>

It should be noted that the UK Government recently voted through a range of changes and cuts to the criminal injuries compensation scheme, so a significantly lower number of victims will be able to access this kind of compensation in the future. For more information on the Criminal Injuries Compensation Authority, please see <http://www.cica-claims.co.uk/>

4. How victims support services can contact victims of crime and vice versa? Is there a proactive mechanism on behalf of state that reaches out to victims, assesses their individual needs and offers them support they need? How effective is this model? Are there any down falls?

Around 90% of Victim Support Scotland’s service users are referred from the Police through established referral systems. They work very well and Victim Support Scotland is currently looking to expand the current referral systems to include all victims across Scotland.

5. Please describe the role of medical institutions (hospitals, doctors) in identifying potential crime victims:

Given the high levels of confidentiality within the health services, very few referrals come to Victim Support from medical institutions. This is an area where Victim Support Scotland is trying to advance our work to build better networks and increase referral rates.

6. This research is grounded in restorative justice values and philosophy as a holistic response to crime at the same time remaining a healthy critical perspective. Could you please describe what restorative justice practices are available in your country and who provides them?

Restorative justice measures are still quite limited in Scotland and very much depends on where the victim lives. At the moment, measures are delivered by NGOs or social services. Victim Support Scotland has taken part in a research project along with SACRO to develop a model for delivering restorative justice taking the victims' needs into account. The report of the Restorative Justice Joint Action Project (VSS & Sacro, 2009) states that a balanced approach would see the victim "at the centre of this process, in balance with the offender being at the centre of the criminal justice system."

There is currently a need for a more *balanced* approach to restorative practices within the adult Scottish Criminal Justice System. Existing literature suggests that the needs and views of victims have been largely marginalised in current restorative practices operating within the adult criminal justice system. Models of practice are overwhelmingly offender-focussed.

In Scotland, as with elsewhere, restorative justice has gained momentum over the past decade, but -

- mainly in relation to youth justice – embedded in the political agenda
- services in the adult Justice System are more patchy – Kearney et al (2007), in an overview of restorative justice processes in the adult criminal justice system, such services were currently only available within 5 local authority areas.
- much of the work relates to restorative practice as a form of diversion from the criminal justice / youth justice system – the referral route typically being via the Prosecutor, in discussion with Sacro workers.

It is argued that restorative programmes, while purporting to be victim-centred, focus more on the offender. Typically, victims are not given the opportunity to participate unless offenders have first been deemed suitable for diversionary measures and secondly have given their agreement. Many victims are therefore not given an opportunity for involvement and in terms of restorative justice are secondary to the process or ignored completely

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There is what appears to be a 'postcode lottery' whereby some victims may live in an area where they may be asked to participate in restorative justice whereas many others are denied this simply because of geographical reasons.

Types of Restorative Justice Interventions

In Scotland, there are currently three examples of restorative interventions:

- **Mediation Programmes** – these can be *direct*, involving face-to-face contact between victim and offender with a support worker, or *indirect* (shuttle) mediation.
- **Restorative Conferences** – these can involve victim, offender, supporters of both and community members meeting together with one or more facilitators to discuss the issues.
- **Reparative Programmes** – these can involve direct reparation from offender to victim or indirect reparation by providing some sort of reparation to the local community.

Talk After Severe Crime (TASC)

A Sacro service designed to provide victims of severe crime the opportunity to safely communicate with the offender, either directly or indirectly.

It is victim-focused but given the nature of the service, understandably deals with very few cases.

Voyce

This is specifically for victims of youth crime in Dundee. Part of the services provided by the Voyce service include the opportunity for victims, by means of shuttle dialogue, to indirectly and anonymously convey their views, to seek answers from those responsible via the young person's social worker.

How it works:

- Victims are referred to the service by Tayside Police at the point where the young person has been charged with the offence.
- Provision is not dependent upon the young person's disposal but is available to **all** victims.
- It is multi-agency, voluntary and has a choice of options

7. Please describe the awareness level regarding the issue of secondary victimization among law enforcement agencies, NGOs, mass media, victims' advocacy groups, and larger public.

Victim Support Scotland is very active in working to highlight the risks, and how to prevent, secondary victimisation. There is general awareness amongst the involved professionals regarding the impact of secondary victimisation, but criminal justice agencies and the criminal justice processes are not always adaptable to avoid this risk. For instance, the Scottish criminal justice system and in particular, the process of "cross-examination", is often a very traumatising experience with victims forced to re-live very painful memories of the crime and its effects. There have been some very high-profile cases where victims have suffered secondary victimisation and even committed suicide following particularly traumatising secondary victimisation experiences.¹ Measures introduced to limit and avoid secondary victimisation include:

- training for practitioners working with victims of crime (Manifesto call from VSS)
- minimum standards regarding behaviours and services offered to victims from criminal justice agencies
- available special measures when giving evidence in court
- improved access to victim support services through automatic referral mechanisms
- improved awareness raising to victims and the general public about the criminal justice system (for instance <http://www.victimsofcrimeinscotland.org.uk/>)

8. Please provide information on crime rates in your country. Is there any substantial research on reporting and not reporting crimes and reasons for not reporting?

The Scottish Government conducts a national Scottish Crime and Justice Survey to assess levels of crime and victimisation (including unreported crime and reasons for not reporting a crime to the Police) in Scotland. For the most recent report, please see <http://www.scotland.gov.uk/Resource/Doc/361684/0122316.pdf>

One of the main purposes of the Scottish Crime and Justice Survey is to provide an estimate of the extent of crime among the adult population living in private households in Scotland. There were 874,000 crimes as measured by the SCJS in 2010/11, including:

- Approximately 654,000 property crimes (75% of crime) involving theft or damage to personal or household property (including vehicles)
- Approximately 220,000 violent crimes of assault or robbery (25% of crime)

¹ For example, please see <http://news.bbc.co.uk/1/hi/scotland/2184457.stm>

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The number of crimes has fallen by 16% in the two years between 2008/09 and 2010/11, from 1,045,000 crimes in 2008/09 to 874,000 crimes in 2010/11.

The 2010/11 survey estimates that around one in six (17.8%) adults aged 16 or over was the victim of at least one crime.

- 15.9% of adults were estimated to have been a victim of property crime
- 3% of adults had been a victim of violent crime

The risk of being a victim of a crime has fallen from 19.3% in 2009/10 to 17.8% in 2010/11. The risk of crime is lower in Scotland than in England and Wales where the victimisation rate was 21.5% in 2010/11.

9. Is protection and support for victims of crime a political priority and consequently priority of the criminal justice system? Please elaborate.

The current Government is highlighting victims of crime as a priority and a range of criminal justice amendments have been introduced to improve the rights and access to services for victims of crime. For instance, victim notification scheme, victim impact statements, special measures when giving evidence are examples of measures aimed to improve the position and enable a greater participation of victims in the criminal justice system. The Scottish Government has recently published the draft Victims & Witnesses (Scotland) bill,² aimed to implement the new EU Directive establishing minimum standards on the rights, support and protection of victims of crime in Scotland. However there are still a range of areas where we believe victims' rights must be strengthened, for instance:

- victims right to information – all victims should be able to access case specific information
- national referral arrangements for all victims of crime
- set minimum standards for all criminal justice agencies, along with measure and sanctions for failure to fulfil rights
- minimum standards regarding training of professionals
- availability of special measures for all victims of crime
- routine access to specialised services for victims of homicide and young victims of crime

10. What other countries such as Latvia that is lacking a substantial victim's support mechanism can learn from your country, both positive and negative experiences?

Please see my full report from Victim Support Scotland for more information and a range of examples regarding this matter.

² Please see <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/59133.aspx>