



Case study regarding the setting up of a victim support service

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Experiences from Victim Support Scotland

2013



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Introduction

Victim Support Scotland is a partner agency in the project “Substantial Support for Victims: Towards Holistic Response to the Crime, Latvia and Beyond”. As part of Victim Support Scotland’s input to the project, this report provides a case study regarding the factors to consider and aspects to bear in mind when setting up a new victim support organisation.

1. Developing the ethos – set a unified aim

When setting up a new organisation, it is important to create a feeling of unity and a shared purpose. Victim support services across Europe are primarily delivered in the communities, by local victim services with a geographical spread across the country. As such, services are delivered to members of the local community, by members of the local community. To ensure that all local services work to achieve the same aim and that victims are able to access the same range of services regardless of where in the country they live or where the crime took place, it is vital to develop an organisational ethos – what should be the vision and aim of the organisation.

In addition to deciding on the overall ethos and aim of the organisation, it is important to build a good team spirit and an atmosphere where the volunteers/staff members can share their experiences and learn from each other. Despite of having set an organisational ethos and aim, without regular updates and coordinated meetings there is a risk that certain parts of the organisation may develop their own practices which may not necessarily be in the best interest of the overall organisation or the service users accessing the services. To maintain and develop the organisational ethos and enthusiasm, Victim Support Scotland holds regular staff and volunteer meetings, where new ideas and experiences can be discussed and the organisation can progress together in a unified force and direction. Society is constantly changing and there is a need for victim support organisations to follow the change to develop, expand and amend their service provision in line with the developments of new crime categories or other external factors affecting the criminal justice arena. By keeping all volunteers/staff members informed and involved in the process, the organisation grows stronger and has a more defined purpose and ethos.

2. Basic principles

Some of the basic principles of Victim support Scotland provides that services should be:

- Free of charge
- Confidential
- Offered to all victims of crime, regardless of crime category. Our services are also offered to witnesses, friends and family members – people affected by crime
- Provided as long as the victim/witnesses requires them
- Provided in a manner suitable for the victim/witness (face-to-face, phone, email, etc.)
- Provided at a location suitable for the victim/witness (at home, in our office, public café etc)
- Based on an individual needs assessment to ensure that the service provision is tailored according to the needs of the victim/witness

3. Quality standards

Just like individuals have different strengths and skills, so will local services have separate interests, strengths and weaknesses. When developing a unified victim support organisation, it is important to ensure that the services offered have the same high quality across the entire country. It is therefore important to develop national quality standards, to ensure that victims are able to access the same quality of services regardless of where in the country the victim lives or where the crime took place.

National quality standards should specify minimum standards that the service should meet and how the fulfilment of these standards should be measures. The minimum standards should include many of the topics discussed in this paper, such as the understanding of the organisational ethos, range of support offered, the assurance that the organisation will provide services to all victims of crime and clarification regarding the training and accreditation requirements for all people providing victim support services.

4. Victim Service and Witness Service

Victim Support Scotland is split in two main branches, the Victim Service and the Witness Service.

Victim Service

The Victim Service provides information and support services in the local community to people affected by crime. The Victim Service accepts referrals from the Police, other agencies and organisations and the Service also accepts self referrals. Information and support services are provided regardless of whether or not the victim has reported the crime to the police. The service is aimed to limit the impact of crime, help the service user in dealing with the impact of the crime and to assist the person in his/her recovery process. The service provision can include a range of different services, for instance both practical and emotional support, or be focused on a particular issue, for instance applying for criminal injuries compensation. The Victim Services can be accessed in the immediate aftermath of crime or several years after the event, there is no timeframe within which the person must seek support after a crime has taken place.

Witness Service

The Witness Service provides information and support services to all people called to give evidence in a criminal court. The court environment can be very stressful and people called to give evidence can be very nervous and afraid of threats and intimidation.

The Witness Service aims to provide information to all witnesses regarding the criminal justice system at large, the trial process itself and the agencies involved. The Service also provides reassurance and attempts to put the witness at ease. For instance, if a witness feels nervous about attending trial, a representative from the Witness Service can meet the witness at the door of the court and escort the witness to a separate waiting area, where the Witness Service representative can wait until the witness is called to give evidence. A Witness Service representative will NEVER discuss the actual details of the case or any of the evidence, as this may be seen as “coaching” a witness, which is not allowed in Scottish criminal law.

5. Referrals – how do victims/witnesses access support?

Victim Service

Victim Support Scotland's Victim Service receives the vast majority of their cases (over 90%) from the Police. Through this set up, Victim Support Scotland's victim services receives the referral without 2 days of the crime

taking place, which ensures that services can be offered to victims very quickly after the event. The remaining 10% of all cases are either self-referrals (victims contact Victim Support Scotland on their own initiative) or referrals from other partner agencies such as Scottish Women’s Aid, Rape Crisis etc. Below follows a picture of how victims access the Victim Service.



Witness Service

Regarding the Witness Service, they receives the vast majority of their cases from the Crown Office and Prosecution Service. In Scotland, witnesses who are identified as particularly vulnerable are referred to Witness Services to be offered a familiarisation visit, where the witnesses is invited to court before they give evidence to show them the court building, where to enter, where they will wait and what the court room and witness stand look like. The familiarisation visit will ensure that the witness knows what to expect on the day and is intended to reduce stress on the court day itself.

National referral arrangement

At the moment, Victim Support Scotland's local Victim Services have developed referral agreements with their local police force regarding the number of referrals and the manner in which referrals should be delivered. This has created different referral set ups in different parts of Scotland. The EU Directive establishing minimum standards on the rights, support and protection of victims of crime includes a requirement for Member States to ensure that all victims of crime and their families are offered access to victim support services in the aftermath of crime. To ensure this offer is given to all victims, the Directive includes a demand on Member States to "facilitate the referral of victims, by the authority that received the complaints and other relevant agencies, to victim support services". Victim Support Scotland strongly supports the establishment of a national referral arrangement and believes that inadequate, or the complete lack of, referrals poses the single greatest barrier to the provision of support to victims.¹ To implement the new EU Directive, the Scottish Government intends to develop a new Victims & Witnesses (Scotland) Bill. Victim Support Scotland is strongly advocating for automatic referral arrangements to become part of the new Bill. We also call for the legislation to address any implications arising from existing legislation including that currently applicable to data protection.

It is estimated that only around 46% of crime in Scotland is reported to the police.² Victims of unreported crime are arguably particularly vulnerable, as they do not come into contact with the criminal justice system and as a result, are not referred to victim support services. The facilitation of referrals, highlighted in the EU Directive establishing minimum standards on the rights, support and protection of victims of crime includes a requirement, not only on the Police to refer victims to victim support services, but on "other relevant agency". To ensure all victims are offered access to victim support services, including victims who choose not to report a crime to the police, Victim Support Scotland would suggest including a statement in the Victims' and Witnesses' Bill encouraging all agencies who come into contact with the victim of crime as a result of victimisation to refer the victim to victim support services to deal with the aftermath of crime. This will include for instance hospitals, embassies, consular agencies, schools, social housing and other social welfare agencies.

6. Needs assessment

¹ This view was supported by the European Economic and Social Committee in their report on the EU Directive establishing minimum standards on the rights, support and protection of victims of crime. *Opinion of the European Economic and Social Committee on the Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions – Strengthening victims' rights in the EU COM(2011)274 final and on the Proposal for a Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime COM(2011)275 final – 2011/0129 (COD)*, section 4.5.5

² 2010-2011 *Scottish Crime and Justice Survey: Main Findings*, Scottish Government, (2011), p. 29

Victims are individuals and as such, they all have individual reactions in the aftermath of crime. The impact of crime cannot merely be based on the crime type suffered – while some victims of serious crime are able to move on in life fairly unaffected, victims of less serious crime may be very impacted by the event. There is a range of factors that will determine the impact crime will have on a victim, including factors such as personality, age, relationship between the victim and the offender, previous experience of victimisation, the seriousness of the crime committed, whether or not weapons were used, any alcohol/drug dependencies, available social networks etc.

To ensure that the service offered to the victim will meet his/her individual needs, Victim Support Scotland conducts an individual needs assessment during the local service's first contact with the victim. The support worker discusses with the victim what kind of service he/she is expecting, while explaining the range of options and services available. The support worker is always very careful when explaining what services the organisation can offer, to set realistic expectations for the victim. The victim and the support worker will then agree of a service provision plan, including the range of services that will be offered to the victim.

7. Range of services offered

In order for national victim support organisation to meet the disparate and varying needs of people affected by crime, it is essential that the organisation offers a range of separate services, such as for instance information services, emotional & psychological support, practical support, information and assistance in relation to compensation claims. In situations where Victim Support Scotland is not able to provide adequate specialised services to particular groups of victims, the organisation will provide information and/or refer the victim to specialist organisation who can cater for the needs of the particular victim. Below follows a summary of the main services delivered by Victim Support Scotland.

i. Information

Victim Support Scotland is able to provide a wide range of information, including:

- the rights of victims of crime and how to access these rights
- how and where to report a crime
- how and under what circumstances the victim can receive protection
- how and under what circumstances the victim can receive legal aid
- how and under what circumstances the victim can receive compensation
- generic information regarding the criminal justice system and the role of the victim in such system

ii. Emotional & psychological support

One of the most important roles for Victim Support Scotland is to provide emotional and psychological support. This includes giving the person time to explain the impact the crime has had on their life, the experiences of the victims and reassuring the victim that his/her reactions are normal reactions to an abnormal situation. Comfort, reassurance and empathy are vital parts of emotional support provision. The support worker must be non-judgemental and give the victim time to identify his/her own strength and speed of recovery process.

iii. Practical support

In the immediate aftermath of crime, victims may also require practical support and assistance. This could include one-off actions such as installing new alarms, security locks and repairing broken windows.

For crime that has a higher degree of impact on the victim, such as for instance the murder of a close family member, some victims may require further assistance in the immediate aftermath, such as for instance funeral arrangements and cleaning of house in cases where the crime was committed in the victim's home. In addition, standard tasks such as paying bills, grocery shopping and other activities may become overbearing and the victim may require short-term assistance with these routine tasks.

iv. Compensation

In the aftermath of crime, many victims of violent crime are eligible to receive criminal injuries compensation for the injuries suffered. Victims may also be eligible to receive compensation for the emotional pain and suffering following the crime, in addition to coverage of any direct costs (medical costs, dental costs etc) incurred as a result of the crime.

The application process for criminal injuries compensation is very complex and several documents are required in order to submit an application, such as for instance police report and doctor's report of documented injuries. For more complex applications, additional information may be required, such as psychologist reports and documentation from other specialists. In Scotland, the Criminal Injuries Compensation Authority (CICA) is the deciding body in relation to eligibility and amount of awarded compensation. Victim Support Scotland is the organisation allocated by the CICA to help victims with their compensation claim, for instance by giving victims information relating to criminal injuries compensation, assist in assessing eligibility whether or not he/she will be able to apply for compensation and help to fill in the actual compensation forms. If the

CICA has reached a decision on compensation, a victim may appeal the decision, for instance in regard to the amount of compensation awarded. The appeal is decided by Criminal Injuries Compensation Appeal Board. Victim Support Scotland is able to assist the victim in preparing their written appeal and we are also able to orally represent the victim in front of this Board.

In addition to criminal injuries compensation, crimes such as theft, robbery and house breaking may require the victim to report the crime to an insurance company in order to receive compensation for the stolen/damaged item. Victim Support Scotland is able to generally direct the victim in the right direction regarding who to contact in relation to filing an insurance claim following crime.

v. Specialist services

Victim Support Scotland provides generic information and support services to all victims of crime in Scotland, irrespective of crime type or where the crime took place. In certain situations, in particular in relation to serious crime such as families bereaved by murder or in relation to particular groups of victims such as for instance young victims of crime, there may be other organisations available who provide more specialised services tailored to the particular needs of the individual victim. Victim Support Scotland local services have developed close cooperation and networks with other support organisations in their local area, to ensure that they can provide information to the victim, and if required refer the victim to access specialised victim support services.

8. Manner of service provision

Victim Support Scotland uses a range of ways in which to contact the service user. The individual needs assessment (as discussed in chapter 7) will determine the manner in which Victim Support Scotland contacts the service user.

Letter – in cases that are considered less serious and where there are no particular vulnerabilities identified, the victim/witness often receives a letter with information regarding Victim Support Scotland and the range of services we offer. The letter will encourage the victim/witness to get in contact if they have any questions and provides information where to find assistance and support if required.

Phone – for victims/witnesses who are identified as particularly vulnerable following the initial needs assessment, or in particularly serious cases, the victim/witness will receive a phone call from Victim Support Scotland. During this initial phone call, the victim/witness supporter will provide information regarding the organisation and the range of services offered. The conversation will also discuss any particular wishes or requirements from the victim/witness,

based on which a plan for service provision is developed and agreed between the support worker and the victim/witness.

Visit VSS office – during the phone conversation with the victim/witness, Victim Support Scotland can offer the person a visit to a local VSS office. A dedicated volunteer/staff member will meet with the person to provide any information and support required. This gives the victim a chance to have a confidential conversation in a peaceful environment, where all matters can be discussed in confidence. This may be particularly suitable for victims who have children at home or who otherwise will struggle to find the time and place to have a confidential conversation at home.

Meeting in public place – If the victim/witness prefers, the volunteer/staff member providing support is also able to meet the person in the community, at a café or any other place that the person feels more comfortable.

Home visit – for victims who prefer not to come to our office or to meet in public, Victim Support Scotland also offers home visits, whereby the volunteer/staff members will provide information and support services in the victim's home.

9. Funding

Victim Support Scotland is a community organisation, providing support services in the community, to the members of the local community, delivered by members from the local community. As such, many local services receive funding from the local authority. This funding relates both to generic support services and specialised services to particular groups of victims, such as for instance victims of antisocial behaviour.

As the largest national organisation providing generic support services to victims of crime in Scotland, Victim Support Scotland also receives national funding from the Scottish Government. This funding is delivered through a funding agreement, whereby Victim Support Scotland signs up to delivering victim support services to all victims of crime across Scotland.

In addition to local and national funding, there is also a range of international sources of funding that may be of interest and use to victim support organisations. Victim Support Scotland for instance takes part in several EU funded project and as such, we receive targeted EU funding to delivering particular projects and services.

10. Premises – court based vs. community based

In order to reach as many victims and witnesses of crime as possible, the premises used by the organisation must be conducive to the range of services

offered. For instance, victim support services should be based in the local community in a location easily accessible but that will still provide privacy for the victim attending the service. As such, there should for instance be a separate room available for victims visiting the service, where confidential conversations can be held without being overheard.

The Witness Service provides information and support services to people called to give evidence in court. Whereas some witnesses are referred to the Witness Service in advance of their court case to be offered familiarisation visits, the vast majority of witnesses in Scotland are not. They are therefore only able to access the services while in court. To ensure that the services can be offered to as many witnesses as possible, it is therefore important that the Witness Service is based in court, close to the waiting rooms where witnesses are likely to be present. To be able to provide separate waiting areas to witnesses who feel particularly nervous or intimidated, it is also important that the Witness Service has access to separate rooms and waiting facilities.

11. Recruitment of volunteers

In Victim Support Scotland, the vast majority of services to victims and witnesses of crime are delivered by volunteers. To ensure that we can offer services to every victim and witness of crime, it is important to have a substantial number of volunteers who are able to provide the services. Recruitment of volunteers is therefore a very important task for the organisation. This task is performed by the local service coordinators, who in addition to recruitment are also responsible for managing the volunteers, allocating cases and maintaining the volunteers' interest, inspiration and engagement in their roles as support workers. Victim Support Scotland has developed a strategy regarding volunteers, including the manner in which we will proceed to recruit volunteers. For instance, we attend local volunteer fairs, Universities and community events to highlight the organisation and the vital roles of volunteers.

12. Training requirements

One of the most important steps in ensuring that people affected by crime are treated in a sensitive, impartial and professional manner is by providing adequate training. Victims and witnesses of crime are entitled to professional services that meet their needs and comply with their rights throughout the criminal justice system. The EU Directive therefore calls for minimum standards regarding training to be developed for all professionals in contact with victims and witnesses, to ensure they are fully trained and qualified on victims' reaction to crime. The level, type and frequency of training, including any specialist training, should be determined in accordance with the extent and nature of the professional's contact with victims and witnesses of crime. It is likely that particular groups of victims, such as victims of rape and people bereaved by murder, will have additional needs compared to victims of less serious crime.

Victim Support Scotland has therefore developed specialised training for people in contact with these groups of victims.

In addition to internal training of our own staff and volunteers, Victim Support Scotland has longstanding professional experience of delivering victim awareness training to a range of external professionals in the criminal and social justice system. Below, Victim Support Scotland has given some suggestions on minimum standards and topics that we believe should be included in training programmes for the 3 professional groups legal professionals, health professionals and social welfare professionals:

1. Victims' rights and other applicable legislation

- a) Legal professionals – victims' right to compensation, legal representation, legal aid, reimbursement of costs, right to referrals to support services etc.
- b) Health professionals – victims' right to (emergency) health care, psychological support, right to referrals to support services etc.
- c) Social welfare professionals – victims' right to emotional/psychological support, financial assistance, housing, social welfare benefits, assistance finding employment etc.

2. Common reactions to crime

- a) Legal professionals – how to engage with victims throughout the criminal justice system in a constructive way, when the victim is also suffering emotionally and practically from the impact of crime, how to ask appropriate questions, right to special measures, protective measures etc.
- b) Health professionals – how to identify victims in the E & A, how to engage and communicate to ask the right questions etc.
- c) Social welfare professionals – awareness of the many ways crime can impact on victims and how to address the effect of such impact. For instance, the victim may be unable to go to work or engage socially, which may lead to them losing their employment. Without an income, they are at risk of losing their home. Without their social interaction, they are at risk of isolating themselves and losing their social network and support system etc.

3. Basic needs of victims of crime

- a) Legal professionals – legal advice, protective measures, legal representation, legal aid, compensation etc.
- b) Health professionals – emergency assistance, safety and security, preventative measures etc.
- c) Social welfare professionals – practical assistance with housing, financial assistance, safety and security, drug/alcohol treatment etc.

- 4. The ripple effect, how one criminal act can impact on many people**
- 5. Available support services for victims and witnesses and how to refer victims to such services**

13. Partnerships

Victim Support organisations work as part of the community, providing a range of services throughout the victim's journey through the criminal justice system. As previously described, victims of crime have a wide range of needs in the aftermath of crime – there is no one size fits all in relation to service delivery in the aftermath of crime. It is therefore important that victim support organisations work as a part of the community and develops close partnerships with other criminal justice agencies and organisations throughout the local community. On the national level, it is vital that the Victim Support organisations work with agencies such as the Police Service, Prosecution Service, Court Service and Prison Service to develop close cooperation in relation to for instance information provision. Victim Support Scotland has also developed close partnerships with the Scottish Parliament and the Scottish Government to highlight the needs of victims and to ensure that new legislation and public policies reflect the needs of people affected by crime.

14. Impact of secondary victimisation – how to prevent and deal with in needs assessment

In Scotland, around 30% of all victims of crime have been victimised before. As such, it is a small percentage of victims in our community who suffer the majority of crime.

Victim Support Scotland's individual needs assessment aims to limit the impact of re-victimisation. One of the factors identified in the assessment is whether or not the victim has previous experience of victimisation. The response to this question will impact on our initial offer of support and the manner in which we contact the victim. For instance, if the reported crime is less serious which normally would not generate personal contact in the first instance, the fact that the victim has previous experience of victimisation will increase the likelihood of the victim receiving a phone call. We will also take previous victimisation into account when developing the service delivery, for instance by discussing more

substantial preventative measures and safety provisions, decreasing the likelihood of the person falling victim to crime again.

15. Recording of data

To measure the impact and fulfillment of the new Directive and a subsequent Victims and Witnesses (Scotland) Bill, it is important to assess how many victims are able to access their rights, for instance by looking at how many victims come in contact with relevant criminal justice agencies and what services they are able to access. At the moment, data recording in the victim field is patchy in Scotland. All agencies are for instance not able to disclose how many separate victims they work with each year and what kind of services they deliver to those victims. Victim Support Scotland therefore support to introduction of a requirement for each relevant criminal justice agency to record anonymised information regarding the number of victims they work with and what services they deliver to those victims. Ideally, data should also be recorded regarding any gaps in service delivery, where victims are not able to access services, including specialised support services. Systematic and adequate data collection for all agencies working with victims will assist in measuring whether or not criminal justice agencies meet the needs of victims and help to calculate how many victims come through the criminal justice system each year. Victim Support Scotland introduced a new Case Record Management System about 2 years ago, and we have found it is a very useful tool when recording what services each victim/witness has accessed and what steps were taken in each case. Since we record name and contact details of every victim/witness we work with, we are also able to more quickly identify people who have been re-victimised as they will already be present in our computer system. This will facilitate a speedier and speedier and more accurate service provision in the aftermath of crime.

16. User feedback – validate the service

As an organisation providing services to people affected by crime, it is vital to ensure that our services actually need the need of our service users. Victim Support Scotland therefore conducts regular user-feedback surveys, to ask our services users about their satisfaction with the delivered services and whether or not we could improve our service in any way. In the most recent user feedback survey, we sent letters to around 2500 of our previous service users, asking them to take part in the survey. They were able to respond via a hardcopy or online questionnaire. We received a 11% response rate and the

vast majority of our service users (around 80%) reported that they were satisfied with the service delivered. The vast majority of respondents also felt that the support worker was knowledgeable, respectful and trustworthy. The user feedback also highlights areas where improvements can be made. For instance, compared to the overall respondents, young victims of crime were more likely to feel that improvements could be made. As a result, Victim Support Scotland will conduct further studies and prioritise improving services delivered to young victims of crime, to ensure our services delivered meet the needs of all victims of crime regardless of their age.

17. Other surveys to assess the volume of crime – Scottish Crime & Justice Survey

Information and statistics gathered by the Police will only provide information in relation to reported crime. It is well known that not all victims report the crime to the police, for a variety of reasons. To get a realistic number about crimes in Scotland, the Scottish Government conducts an annual Crime & Justice survey. This is a household survey whereby 13,000 individuals are asked questions about their experience of crime and victimisation. It provides an overall and more accurate estimation regarding the volume of crime, irrespective of whether or not the victim has reported the crime to the police. The survey includes detailed questions regarding the crime itself, including time and place where the crime happened, whether or not the victim blames him/herself for the crime and whether or not any alcohol/drugs were involved. The survey also includes questions whether or not the victim reported the crime to the police and satisfaction rates with the manner in which the police handled the complaint. The Crime & Justice Survey also asks whether or not the victim accessed any support services (including Victim Support Scotland) and satisfaction with such services. Finally, the survey assesses fear of crime and whether or not particular age groups are more afraid than others. For more information on the most recent 2010/2011 Crime & Justice survey, please see <http://www.scotland.gov.uk/Resource/Doc/361684/0122316.pdf>

18. A big challenge identified and addressed

Victim's rights have improved in many ways in Scotland in recent years. The Vulnerable Witness Act has given vulnerable witnesses access to special measures when giving evidence and the Victim Notification Scheme has lowered its threshold to ensure that victims in cases where the offender is given a prison sentence of 18 months or more are given information when the offender is released from prison.

However, victims and witnesses of crime still face many challenges in Scotland. As identified in chapter 6, adequate and appropriate referral is one of the most vital steps in ensuring that all victims can access information and support services in the aftermath of crime. Originally, referral mechanisms in Scotland

were developed between the local police and the local Victim Service. It often required the police to ask the victim whether or not he/she would like to access victim support services, when the victim reported the crime to the police. To extend the offer of support to as many victims as possible, some of Victim Support Scotland's local services have developed "automatic referrals", which means that the Police will simply inform the victim that their details will be sent to a victim support organisation unless the victim says that they would like not to be referred. The local services who have introduced this model of automatic referrals have found that not only does it increase the number of victims who are able to access support services, it has also increased the level of satisfaction amongst victims because they feel that they are being supported and informed by the victim support organisation instead of always phoning the Police for information. Subsequently, the process has also lessened the burden on the Police to provide information and support, they can simply inform the victim that support will be provided by a particular victim support service. Victim Support Scotland is hoping to roll out these automatic referrals to all our local services, and look to the Victims & Witnesses (Scotland) Bill to provide the legal framework to extent the arrangements nationally.

19. Summary

This paper has given a summary over the main areas Victim Support Scotland has taken into consideration when developing victim support services. In 2011, the organisation celebrated 25 years of providing quality services to people affected by crime in Scotland. Through our engagement in Victim Support Europe and this particular project, we hope to assist the development of information and support services across all EU Member States. This will help to ensure that victims can access quality support and information services regardless of where in Europe they live or where the crime took place. They deserve nothing less.

Additional information

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 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

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-focussed but given the nature of the service, understandably deals with very few cases. 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.³

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

³ For example, please see <http://news.bbc.co.uk/1/hi/scotland/2184457.stm>

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)

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.