

## **VICTIMS AND WITNESSES (Scotland) ACT 2014**

### **Standards of Service for Victims and Witnesses**

Section 2 of the above Act provides that certain persons must set and publish standards in relation to the services which those bodies provide to victims and witnesses, and set out their complaints procedure. This obligation currently falls to the Lord Advocate (COPFS), the Scottish Prison Service (SPS), the Chief Constable of the Police Service of Scotland (PS), the Scottish Court Service (SCS) and Parole Board for Scotland (PBS).

In setting the standards the Act requires that the named agencies consult with each other and such other persons as appear to have a significant interest in the standards. Earlier in August SCS facilitated an informal workshop to which you were invited, the main purpose being to seek your input and views on the draft standards set out by each organisation. During the day much positive feedback and helpful comment was received and collectively we are very grateful to those who were able to participate.

We stated at that time that we would also issue the draft standards and allow stakeholders a further period within which to reflect. The drafts for each agency accompany this paper and we hope that you will see that in many instances, where possible, your helpful views and suggestions have been taken on board in the revisions. A copy of a general preface which will be adopted by all agencies is also included for your information. This will introduce the standards on each organisation's website. Details of each organisation's complaints handling process will also be included.

We appreciate that unfortunately some of you were unable to attend the workshop due to other commitments. We would invite you to take this opportunity to consider the various standards and submit any views for consideration.

In order to facilitate this process the Scottish Court Service is co-ordinating the communication and collation of views on behalf of the relevant agencies. Once submitted, your comments will be passed to the relevant agency contacts for consideration.

We would be grateful if you could insert any feedback in the relevant boxes below and return **by close on 12 September 2014**

to [csbenquiries@scotcourts.gov.uk](mailto:csbenquiries@scotcourts.gov.uk)

or to Scottish Court Service, Court Services Branch, Spur N1, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD (0131 444 3455).

**NAME and ORGANISATION : Alison Todd, Chief Executive, CHILDREN 1<sup>ST</sup>**

Please enter any comments below

### **Crown Office and Procurator Fiscal Service COPFS**

CHILDREN 1<sup>ST</sup> welcomes the opportunity to comment on these standards. There are some very positive aspects, but we would like to see specific reference to children and young people and the standards they can expect to receive as a particularly vulnerable group of victims and witnesses, and for these standards to ensure that the welfare and interests of children are of primary concern. This could help ensure that all relevant practice is child friendly, and that children and young people's specific needs are not forgotten.

We are pleased that COPFS standards state it will "*continue to work with Victim and Witnesses organisations to improve our service to you*" and CHILDREN 1<sup>ST</sup> is keen to continue and build on our relationship with COPFS.

We hope that COPFS will ensure these standards are available in child-friendly language and formats so children and young people can understand what they can expect. This could take the form of a simple webpage or other resource with pictures and easy to understand language. Moreover, we would like a standard to ensure that any communication or information provision through COPFS or VIA to a child or young person is appropriate to their needs and situation. Written material should be bold, using simple fonts on plain backgrounds. Pictures should be used to support key points and there should be no extraneous information. Everyday language and simple sentence structures support ease of understanding. Using online child friendly information, videos and actors explaining what will happen during a court session can be helpful and letters to children and young people should be in an easy to read format.

CHILDREN 1<sup>ST</sup> considers it important that these standards also tell children and young people how and where their private information will be stored and who it will be shared with.

It would also be beneficial for the standards to embed the Common Core Skills for working with children and young people, and an assurance that staff and/or policy and practice should work to this Common Core. The Common Core describes the skills, knowledge and understanding, and values that everyone should have if they work with children, young people and their families, whether they are paid or unpaid. The skills, knowledge and understanding are described as "essential characteristics" and are set out in two contexts; relationships with children, young people and families and relationships between workers. They are also explicitly cross-referenced to the guiding principles of the United Nations Convention on the Rights of the Child

(UNCRC) and the values are taken from the Getting It Right For Every Child (GIRFEC) approach. As COPFS will be engaging with some children and young people, we believe it would be greatly beneficial if appropriate staff and/or policies and procedures take account of these basic standards. You can find out more about the Common Core here: <http://www.scotland.gov.uk/Publications/2012/06/5565#>

The section *“We will make sure that you have access to relevant and appropriate information”* is positive and we are pleased to learn that COPFS will be developing a protocol with Police Scotland and the Scottish Courts Service to ensure victims and witnesses are provided with the right information from the right people. In this section we would have liked specific reference to children and young people’s very particular needs, and that COPFS will provide this information in a way that suits those needs.

Under the 3<sup>rd</sup> heading, the standard : *“for all victims of sexual offences where we prosecute in the High Court, we will speak with you at an early stage and make sure that we have a specific and detailed strategy for how we will communicate with you throughout the case”* - is positive. We understand that the “all victims” caveat is meant to include children and young people, but we would still prefer specific reference to this extremely vulnerable group and explanation about how COPFS will meet their needs. We would also like a standard to ensure that COPFS will communicate with all children and young people, whatever the offence, at an early stage and provide them with a detailed strategy for this throughout the case. Children, young people and families often tell us their experience of the justice system is negative and that a single point of contact throughout would have been helpful. One 14 year old girl who gave evidence at a criminal trial told us: *“There should be one person who would stay with the child throughout the process. Support should be offered; it shouldn’t be up to us to look for it”*.

Also, a father of a girl aged 12 who was sexually abused told us: *“After she gave her statement to the police, for two months there was no contact. We had no idea – is this going to court or not? I had to harass people for one and a half years for any information. No single person could help you through the whole system. There was no continuity, we felt shunted from one person to another”*.

It is vital that information about special measures is given to children and young people well in advance, so the child and their family can make the best decisions for them. There should be a clear explanation of what standard special measures are and how they will work in practice with a run through before the day.

In reference to the 4<sup>th</sup> standard, CHILDREN 1<sup>ST</sup> considers that support for children and young people to prepare for court is vital. In one community, we supported one child who had been sexually abused but not the other one, because this second child was deemed less vulnerable and therefore better able to cope. When the case eventually came to court, the first child who had received therapeutic support throughout the investigation and information about what to expect was able to give

evidence confidently. The second child could not. The accused was found guilty only on the offences relating to the first child. Helping children and young people access this type of support is important for them to be able to contribute effectively in their case.

We welcome the 5<sup>th</sup> Standard to “*continue to review the training needs of our staff to ensure they obtain the appropriate information for the role they are undertaking*”. We hope this will include training appropriate staff on how to communicate with children and young people, and training about children and young people’s particular needs when engaging with the justice system. Working to the common core skills will enable this.

We welcome the standard that COPFS will “*obtain feedback about our decision making by holding Independent Review Panels and review how this is carried out*”. CHILDREN 1<sup>ST</sup> are pleased to be involved in this and the new learning these review panels will facilitate.

Finally it may be beneficial to provide helpline numbers at the end of the standards of service or other relevant material that can direct victims and witnesses to emotional support helplines such as ChildLine 0800 1111, and ParentLine Scotland 08000 28 22 33

For more information about the issues in this briefing, or about CHILDREN 1<sup>ST</sup> and any of our services, please contact the policy team at [policy@children1st.org.uk](mailto:policy@children1st.org.uk) or on 0131 446 2300.

### **Scottish Prison Service SPS**

CHILDREN 1<sup>ST</sup> welcomes these standards, and understands that they are intended to be a “catch all”. However, we believe it is important that there is specific reference to children and young people, and the standards they can expect to receive. This could help ensure that all relevant practice is child friendly, and that children and young people’s specific needs are not forgotten.

We hope that SPS will ensure that these standards are available in child-friendly language and formats so children and young people can understand what they can expect.

We welcome the standard that ensures quick responses to written enquiries, and telephone enquiries.

The standard “*you should be able to understand the information that is given to you*” is positive, but we would like this expanded on and with specific reference to a standard ensuring that if information or communication is with a child or young person, then communication will be child-friendly. Many children and young people will have literacy issues. Written material should be bold, and use simple fonts on

plain backgrounds. Pictures could be used to support key points on website information and everyday language and simple sentence structures support ease of understanding. It is important to avoid jargon that children will not understand and letters should be in an easy to read format. Indeed this will make the standards easier to follow for all.

CHILDREN 1<sup>ST</sup> also consider it beneficial for the standards to embed the Common Core Skills for working with children and young people, and an assertion that staff and/or policy and practice should work to this Common Core. The Common Core describes the skills, knowledge and understanding and values that everyone should have if they work with children, young people and their families, whether they are paid or unpaid. The skills, knowledge and understanding are described as “essential characteristics” and are set out in two contexts; relationships with children, young people and families and relationships between workers. They are also explicitly cross-referenced to the guiding principles of the United Nations Convention on the Rights of the Child (UNCRC) and the values are taken from the Getting It Right For Every Child (GIRFEC) approach. As some SPS staff may need to engage with children and young people, we believe it is important that appropriate staff and/or policies and procedures adhere to these basic standards. You can find out more about the Common Core here <http://www.scotland.gov.uk/Publications/2012/06/5565>

CHILDREN 1<sup>ST</sup> recommends inserting a standard similar to COPFS which states the SPS will “*work with Victim and Witnesses organisations to improve our service to you*”. CHILDREN 1<sup>ST</sup> are keen to continue to work with all justice organisations to help ensure their policy and practice is child centred and meets the needs of vulnerable child victims and witnesses.

Finally it may be beneficial to provide helpline numbers at the end of the standards of service or other relevant material that can direct victims and witnesses to emotional support helplines such as ChildLine 0800 1111, and ParentLine Scotland 08000 28 22 33

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### **Police Scotland PS**

CHILDREN 1<sup>ST</sup> welcome these standards and are pleased to be able to contribute to their development.

We would like to see specific reference to children and young people, and the standards they can expect to receive as a particularly vulnerable group of victims and witnesses from Police Scotland and for these standards to ensure that the welfare and interests of children are of primary concern. This could help ensure that

all relevant practice is child friendly, and that children and young people's specific needs are not forgotten.

There are numerous examples of how not thinking about the needs and interests of children can compromise investigations or limit the ability of children to give their best evidence at the investigation stage.

A CHILDREN 1<sup>ST</sup> family support worker, working in an abuse and trauma recovery service explains: *"How the police deal with the child at this stage has a real impact on what the child will say. Our service has seen many examples of uniformed police officers coming to school to conduct interviews with children, without the child being prepared at all. This can cause children to become so scared and upset that they are unable to talk at all"*.

Another case study highlights how practice could be more sensitive to family situations and offer more support:

*"The first two weeks after Charlotte, aged 3, told her parents she had been sexually abused, were very difficult for the whole family, with them feeling "propelled" into full investigation mode. The police arrived in a marked car with flashing lights on, so all their neighbours knew something had happened. Both children in the family were interviewed but only by police and the interviews were video recorded. Both parents were interviewed separately but at the same time, which created practical problems relating to childcare and also a lack of time and support afterwards to process what they had been through, nor any independent support for the children. The family coped, but feel that a more vulnerable, less resilient family might not have"*.

We also hope that Police Scotland will ensure that these standards are available in child-friendly language and formats so children and young people can understand what they can expect as vulnerable victims and witnesses. This could take the form of a simple webpage, or resource with pictures and easy to understand language. Children and Young people should be able to understand the information that is important to their lives. This would also benefit adults with low literacy levels.

We would also like the standards to assure children and young people that Police Scotland will keep them informed of the progress of their case, in the most appropriate manner for them. For children and young people, any communication should be simple, jargon-free language, and letters should be in bold, child-friendly language.

CHILDREN 1<sup>ST</sup> consider it important that these standards also tell children and young people how and where their private information will be stored and who it will be shared with.

CHILDREN 1<sup>ST</sup> consider it beneficial for the standards to refer to and embed the Common Core Skills for working with children and young people, and an assurance

that staff and/or policy and practice should work to this Common Core. The Common Core describes the skills, knowledge and understanding, and values that everyone should have if they work with children, young people and their families, whether they are paid or unpaid. The skills, knowledge and understanding are described as “essential characteristics” and are set out in two contexts; relationships with children, young people and families and relationships between workers. They are also explicitly cross-referenced to the guiding principles of the United Nations Convention on the Rights of the Child (UNCRC) and the values are taken from the Getting It Right For Every Child (GIRFEC) approach. As the Police will be engaging with some children and young people, we believe it would be greatly beneficial if appropriate staff and/or policies and procedures adhere to these basic standards. You can find out more about the Common Core here:

<http://www.scotland.gov.uk/Publications/2012/06/5565>

In regards to the fourth standard, that children and young people should automatically be considered vulnerable victims and witnesses by virtue of their age, we would like this to ensure that Police Scotland will provide children and young people with appropriate child friendly information and support which is child centred.

CHILDREN 1<sup>ST</sup> recommends inserting a standard similar to COPFS which states that PS will “*work with Victim and Witnesses organisations to improve our service to you*”. CHILDREN 1<sup>ST</sup> are keen to continue to work with all justice organisations to help ensure their policy and practice is child centred, and meets the needs of vulnerable child victims and witnesses.

Finally it may be beneficial to provide helpline numbers at the end of the standards of service or other relevant material that can direct victims and witnesses to emotional support helplines such as ChildLine 0800 1111, and ParentLine Scotland 08000 28 22 33.

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### **Scottish Court Service SCS**

CHILDREN 1<sup>ST</sup> are pleased to be able to contribute to the development of the Scottish Court Service’s standards of service. We would like to see specific reference to children and young people, and the standards they can expect to receive as a particularly vulnerable group of victims and witnesses from the Scottish Court Service and for these standards to ensure that the welfare and interests of children are of primary concern. This will help ensure that all relevant practice is child friendly, and that children and young people’s specific needs are not forgotten.

We hope that the Scottish Court Service will ensure that these standards are

available in child-friendly language and formats so children and young people can understand what they can expect. This could take the form of a simple webpage, or resource with pictures, and easy to understand language. Moreover, we would like a standard to ensure that any communication or information provided by the Scottish Court Service to a child or young person is appropriate to their needs and situation. Written material should be bold, and use simple fonts on plain backgrounds. Pictures could be used to support key points and everyday language and simple sentence structures could support ease of understanding. Using online child-friendly information, videos and actors explaining what will happen can be helpful and letters should be in an easy-to-read format. This will also benefit adults with low levels of literacy.

Many children tell us that engaging with the Justice system is a particularly stressful and negative experience for them. Children and young people deserve and indeed require having their needs, wishes and interests provided for specifically in standards of service.

We welcome the second standard, which states that when at court, the SCS will update witnesses on the progress of the court case at least once per hour, and advise them when they can leave court. Children and young people have told us how upsetting and frustrating the long delay while waiting in court can be. We would like this standard to ensure that this method of communication is appropriate and in person. It is also important that SCS provide victims and witnesses with an explanation of why things are happening.

CHILDREN 1<sup>ST</sup> also welcomes the third SCS standard to provide separate waiting rooms for prosecution and defence witnesses. It is also important for separation to continue throughout the building, as this case study example highlights:

*“In a case involving two girls, aged 13 and 15, both of whom had been sexually abused, the 13 year old waited all day to give evidence while the 15 year old provided her evidence and then was cross-examined in a process lasting many hours. Before the 13 year old was able to give her evidence, the case was dismissed on a technicality and without explanation the two girls were told to go home. As they walked out of the court building, the two previously accused persons passed them in the hallway and one of them winked at the girls”.*

We believe that the availability of refreshment facilities and bathroom facilities is vital for children and young people (especially younger children) while they are waiting, sometimes for hours at a time to give evidence in court. We would like “*where possible*” to be removed from the third standard, to ensure that these facilities are available for every vulnerable victim and witness.

We welcome standard number 4, but stress the importance of families and children and young people knowing about the availability of court familiarisation visits, and how they can request one. Appropriate coordination with other victims and witnesses

agencies is important here. Children have told us how positive these court familiarisation visits can be, as they are a chance to ask questions about proceedings too. Information should be given to children and young people in simple and plain language. Everything should be explained to the child, including something as simple as being told that it is ok to ask for a break to go to the bathroom during questioning.

Standard number 5, *“If you want to know what support is available to you when you arrive at court, make it known to a court official who will be able to direct you to the Witness Service or other support services which are present in the court building”* could be far more victim focused as well as child centred. Support should be *offered* to children and young people and their families when they arrive at court, without having to ask.

Standard 6, *“When you are entitled to give your evidence to court by TV link, we will meet you at the location and explain how you will give evidence”*, we believe could and should go further to ensure a better court experience for victims and witnesses. Ideally, if a child is using a TV link to give evidence, they should understand about this and how it will work long before the actual day they need to give evidence. This could be tied into a standard promising a court familiarisation visit. We hope that this standard will be amended to state the SCS will familiarise victims and witnesses with all special measures and how they work before the day of court trial.

CHILDREN 1<sup>ST</sup> recommends inserting a standard similar to COPFS which states that the SCS will *“work with Victim and Witnesses organisations to improve our service to you”*. CHILDREN 1<sup>ST</sup> is keen to continue to work with all justice organisations to help ensure their policy meets the needs of vulnerable child victims and witnesses.

We would also welcome the SCS including a standard similar to COPFS which states that they will *“continue to review the training needs of our staff to ensure they obtain the appropriate information for the role they are undertaking”*. This could include training appropriate staff on children and young people’s particular needs when engaging with the justice system.

CHILDREN 1<sup>ST</sup> considers it important that these standards also tell children and young people how and where their private information will be stored and who it will be shared with.

CHILDREN 1<sup>ST</sup> also considers it beneficial for the standards to embed the Common Core Skills for working with children and young people, and an assurance that staff and/or policy and practice should work to this Common Core. The Common Core describes the skills, knowledge and understanding, and values that everyone should have if they work with children, young people and their families, whether they are paid or unpaid. The skills, knowledge and understanding are described as “essential characteristics” and are set out in two contexts; relationships with children, young people and families and relationships between workers. They are also explicitly

cross-referenced to the guiding principles of the United Nations Convention on the Rights of the Child (UNCRC) and the values are taken from the Getting It Right For Every Child (GIRFEC) approach. As the Police will be engaging with some children and young people, we believe it would be greatly beneficial if appropriate staff and/or policies and procedures adhere to these basic standards. You can find out more about the Common Core here <http://www.scotland.gov.uk/Publications/2012/06/5565>

Finally, it may be beneficial to provide helpline numbers at the end of the standards of service or other material that can direct victims and witnesses to emotional support helplines such as ChildLine 0800 1111, and ParentLine Scotland 08000 28 22 33.

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### **Parole Board for Scotland PBS**

CHILDREN 1<sup>ST</sup> welcomes the opportunity to comment on these standards; there are some very positive aspects of the standards, but we feel they could go further to meet the needs of vulnerable children and young people who may have contact with PBS through the Victim Notification scheme.

We understand the standards are meant to be a “catch all”; however we would like to see specific reference to children and young people, and the standards they can expect to receive as a particularly vulnerable group of victims and witnesses. This will help ensure that all relevant practice is child friendly, and that children and young people’s specific needs are not forgotten.

It is positive that the standards state that you will *“write any letters using simple and clear words, and will provide information in a language or format that you require”* as it is vitally important that children understand the information that is provided to them.

We hope that the Parole Board for Scotland will ensure that these standards are available in child-friendly language and formats so children and young people can understand what they can expect.

CHILDREN 1<sup>ST</sup> considers that it would be beneficial for all organisations’ standards to embed the Common Core Skills for working with children and young people with an assurance that staff and/or policy and practice should work to this Common Core.

The Common Core describes the skills, knowledge and understanding, and values that everyone should have if they work with children, young people and their families, whether they are paid or unpaid. The skills, knowledge and understanding are described as “essential characteristics” and are set out in two contexts; relationships with children, young people and families and relationships between workers. They

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You can find out more about the Common Core here

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