

# **Independent Review of the Victim Notification Scheme**

**This document is being published by the Scottish Government on  
behalf of the independent review of the Victim Notification scheme**

**May 2023**

# Independent Review of the Victim Notification Scheme

## Section 1: Acknowledgements

We would like to acknowledge the assistance this Review has received from the Secretariat provided by the Scottish Government Justice Directorate, who provided us with prompt and very efficient support, whilst scrupulously keeping an objective position, apart from their other responsibilities. We also acknowledge the cooperation of the agencies who are charged with delivering the Victim Notification Scheme, the Victim Support organisations, Victim Support Europe and international counterparts and last but not least, some victims themselves, who gave us their experiences, often at some emotional cost.

## Section 2: Foreword

In March 2022, the Cabinet Secretary for Justice and Veterans invited Alastair MacDonald and Fiona Young to conduct a review into the Victim Notification Scheme. The brief recognised that victims and victim support organisations had concerns about the current operation of the scheme and the Scottish Government now intended to undertake a review to ensure the scheme was fit for purpose and serving victims effectively. The review was to form part of the commitment to transform how justice services are delivered, which includes putting the voices of victims and a trauma-informed approach at the heart of Scottish Justice. The Victims Taskforce had recommended that the review should be led by an independent Chairperson.

Alastair MacDonald was appointed as Chairperson and Fiona Young as Vice-Chair. Secretarial support was provided by the Justice Directorate of the Scottish Government.

## STATEMENT BY THE CHAIR, ALASTAIR MACDONALD

I am grateful to the Cabinet Secretary for Justice and Veterans for asking me to chair this review of a Scheme which affects victims in a most fundamental and emotionally stressful way. It serves a vital purpose, sometimes literally, and is intended to serve the interests of the victim, but when it fails to achieve its objectives, the results can be catastrophic. I am deeply indebted to my colleague and Vice Chair, Fiona Young for her enthusiastic commitment to this task, which has greatly benefitted from her insight, wisdom and experience. We have been very ably supported by a small hardworking team of civil servants from the Justice Directorate of the Scottish Government as our secretariat.

In seeking to consult the widest possible group of interested parties, the administrators, the support organisations and most importantly, some victims themselves, we have found a broad consensus of what the issues are with the current system and again broad agreement on the solutions. We have found the

VNS is a well-intentioned and important process, which is administered diligently by those officials whose responsibility it is, but its complex nature, administered by a large number of different organisations, makes it a process very difficult for victims to penetrate at a time when they are often vulnerable and distressed. I hope our recommendations will be adopted as a matter of priority; they are simple and aim to provide a much more responsive and human service to those who need it.

## Section 3: Contents

Section 1: Acknowledgements .....	1
Section 2: Foreword .....	1
Section 3: Contents .....	3
Section 4: Executive Summary .....	5
Section 5: Methodology .....	7
Section 6: History .....	9
Section 7: The Purpose of the Victim Notification Scheme .....	12
Section 8: Background.....	14
Section 9: Standards and reporting .....	16
Section 10: Standards of Service for Victims and Witnesses: How is the System Performing?.....	17
Section 11: How much is the VNS used?.....	18
Section 12: Current CJS Initiatives .....	20
Section 13: What did users of the VNS scheme tell us?.....	24
Section 14: What the support agencies told us.....	25
Section 15: Process maps for existing VNS processes .....	27
Section 16: The Crown Office and Procurator Fiscal Service.....	31
Section 17: The Scottish Courts and Tribunals Service.....	33
Section 18: The Scottish Prison Service and the VNS.....	34
Section 19: The Parole Board for Scotland and the VNS.....	37
Section 20: Scottish Government Mental Health Directorate .....	39
Section 21: The Mental Health Tribunal for Scotland .....	44
Section 22: Secure Care .....	45
Section 23: Victim notification across jurisdictions .....	46
Section 24: Eligibility.....	47
Section 25: Children and Young Persons .....	49
Section 26: Events which trigger notifications under the VNS.....	51
Section 27: Safety .....	52
Section 28: Police Scotland - Public Interest Disclosure .....	55

Section 29: Registration .....	57
Section 30: Communication.....	60
Section 31: Feedback and Complaints .....	63
Section 32: Victim Notification Models in other countries.....	64
Section 33: What could a new service look like?.....	68
Section 34: Diversity.....	71
Section 35: Conclusion .....	72
Section 36: Recommendations.....	74
Appendix A: Timeline of VNS provisions .....	79
Appendix B: Preceding reports .....	82
Appendix C: Stakeholders.....	87
Appendix D: Submission from the Children and Young People’s Commissioner Scotland .....	90
Appendix E: Criminal proceedings statistics.....	97
Appendix F: Notification the offender is no longer held in SPS custody .....	99
Appendix G: Flow charts for CORO VNS.....	100

## Section 4: Executive Summary

The position of victims within the criminal justice system is not easy; beyond the harm they have endured, they are required to navigate a complex landscape at a time when they are highly vulnerable. Several processes have to be understood by them and there are competing priorities from a variety of institutions. Most agree there is a need for a Victim Notification Scheme, particularly in cases of serious harm and many countries operate similar systems. The Scottish Scheme is voluntary and requires opting in and we can speculate, but we do not know, why the take up rate is relatively low. This Review has set out to analyse the available information, talk to the widest possible number of stakeholders and come up with practical and realistic recommendations for improvement, to allow the Scheme to meet its objectives as fully as possible.

We found that we had been preceded by a number of earlier reports by distinguished reviewers. It was noticeable that the same themes emerged as a thread over a number of years. We recognise there has been a number of initiatives to rationalise and improve criminal justice procedures from the victim's perspective and some worthy initiatives are underway now, such as work towards scoping a single point of contact. Work has been done to make things more trauma-informed, but there is still a way to go. It is disappointing however that issues identified as far back as 2007 still need to be tackled today: a confusing array of institutions with complicated rules and procedures, the burden resting on the victim to navigate their own way through, bureaucratic, paper-based communication and complicated eligibility rules.

Feedback from victims and victim support organisations is remarkably consistent. Victims lack understanding of the processes, they can be wrong-footed by the method and timing of notifications and they are worried about personal safety. We have identified a number of gaps and anomalies around the position of victims who are children, gaps in mental health case processes and how victims understand and are informed about safety planning in the community. We have made a number of recommendations in these respects. We recommend the introduction of some discretion around eligibility.

We have examined a significant number of international models, many of which face the same challenges as Scotland. We have produced a supplement to this review outlining information from models in use elsewhere in the world.

Drawing on international experience, including the rest of the UK and Ireland, we have concluded that there is something we can do to improve the situation. Rather than invite voluntary registration with a letter and a series of forms immediately after sentence, we recommend that there be automatic referral of all eligible cases to a specialist team, who will then make personal contact with the victim, explain and answer questions and facilitate enrolment. We have decided not to recommend automatic enrolment for all. The system should be flexible and responsive to changing needs and personal choice.

We believe a specialist team should sit outside the existing delivery agencies but work closely with them. At present the delivery agencies have to field calls from sometimes highly distressed victims following notifications of parole or release;

officials do their best, but this is not their role nor are they trained to deal with such situations. We have also concluded that some distress is caused by lack of explanation or understanding, which human communication could help mitigate or avoid. Victims should be able to choose their preferred method of communication and they should be kept in touch. It is particularly this element which we found most compelling in other models we looked at.

In making our recommendation for the establishment of a new team to provide personalised victim contact, we have not entered into a detailed costing exercise for this review. We wish to give the Scottish Government some leeway in determining where this team might sit and how it might be managed and constituted, as there are a number of ways in which this might be achieved. In this review, we have estimated a likely caseload, compared other models which already operate, and identified areas within the existing delivery agencies, particularly SPS, where savings can be made by designing out the additional work the system's current complexity creates.

Information about the VNS available online comes in a variety of different formats, in different places and is sometimes out of date or poorly presented. We have recommended there should be one clear reliable online source of information, to which links could be published.

The delivery agencies have published standards and report annually in a joint document on their progress. We have recommended improvements to how they report and how there should be more hard data on performance, with which managers could drive continuous improvement.

Whilst all the delivery agencies have some kind of complaints procedure, we found little evidence of active invitation for feedback or analysis of shortcomings to drive improvement. It is important to listen to the voice of the victim. Those we saw told us they did not feel they had much control in the process. We believe our recommendations will go some way towards redressing that balance.

## Section 5: Methodology

Initial desktop research on existing published guidance, available management data and looking at a number of victim notification schemes in other countries, was followed by interviews with as broad a range of stakeholders as possible; victims who came forward through victim support organisations and other avenues, victim support organisations themselves, the Victims Organisations' Collaborative Forum Scotland (VOCFS), the Children and Young People's Commissioner Scotland and service delivery organisations, where we requested to speak to both a person of sufficient seniority and a practitioner. Beyond the delivery organisations, we spoke to the Scottish Government Secure Care Team, REDRESS (Abuse in Care), SACRO (Care and resettlement of offenders), the Risk Management Authority (Risk assessment and risk management of violent and sexual offenders), Community Justice Scotland and the Scottish Government Bail and Release from Custody (Scotland) Bill Team. We consulted Scottish Government officials responsible for multi-agency public protection arrangements (MAPPA Scotland).

In order to gain a wider perspective of other models, we contacted representatives of victim notification schemes which operate abroad. We did not conduct a formal research survey, but simply asked for:

- Examples of victim notification schemes in other countries, particularly with similar adversarial judicial systems
- Learning what works well and what does not
- How the needs of victims are catered for in the processes. How victim-centred are they?

In addition to some direct contacts and desk-based research, we contacted Victim Support Europe, who passed on our request to EuroPris - the European Organisation of Prison and Correctional Services and CEP, the Confederation of European Probation. We received a good response, discussed later in the report and outlined in the Supplement.

Once we had gathered evidence from all the sources we had intended, we hosted a workshop in Edinburgh in October 2022 (with representatives from all the key stakeholders). We also attended Victims Taskforce meetings, which bring together senior decision-makers from justice agencies, the legal profession, academia and the voluntary sector, including direct representation of victims.



# OCTOBER 2022 WORKSHOP



## Section 6: History

The Victim Notification Scheme (VNS) came into force on 1 November 2004 and created the statutory basis on which to provide victims of offenders who had been sentenced for certain crimes and to a sentence of four years or more with the right to receive information about the offender's progression within prison and eventual release.

In 2008, the right to receive information was extended to victims of offenders convicted of certain offences who had been sentenced to 18 months or more. The Criminal Justice (Scotland) Act 2003 provisions were amended by the Victim Notification Scheme (Scotland) Order 2008/185 to enable this. The VNS was also extended to include information about the return of an offender to prison or young offender institution after release or escape, to continue serving their sentence.

The Victims and Witnesses (Scotland) Bill received Royal Assent in January 2014. This Act entitled victims of all offences to receive information where the offender was sentenced to more than 18 months. The Victims' Rights (Scotland) Regulations 2015 extended the right to receive certain information to victims of offenders sentenced to less than 18 months. The 2014 amendments also referred to a person who cares for a child under 12, in relation to entitlement to receive information where a victim has died, to enable a victim to make oral representations to Parole Board Scotland when a prisoner is being considered for release and extended the right to make written representations about conditions of temporary release.

### VICTIMS OF THOSE SENTENCED TO MORE THAN 18 MONTHS

There are two parts to the scheme for those victims of individuals sentenced to 18 months or more. Victims are asked to choose to opt in to either **Part 1** or **Part 2**, or both parts.

Victims who register under **Part 2** of the scheme can choose to make written representations to the Scottish Prison Service when the offender first becomes eligible for temporary release and release on Home Detention Curfew; and to the Parole Board for Scotland when the offender is being considered for release on parole licence.

Victims who register under **Part 1** of the scheme will, unless there are exceptional circumstances, receive the following information from the SPS: -

- (a) The date of release of the offender from prison or detention other than temporary release
- (b) If the offender dies before release, the date of the death
- (c) If the offender is transferred to a place outwith Scotland, the date of the transfer
- (d) If the offender becomes eligible for temporary release
- (e) Victims will be informed when the offender first becomes eligible for temporary release, but will not be told about each individual period of temporary release

- (f) If the offender has escaped or absconded
- (g) The date on which the offender has been returned to a prison or a young offender's institution to continue serving a sentence from which he or she has previously been released or where they had been unlawfully at large
- (h) The date on which the original sentence expires
- (i) If a certificate has been granted giving the offender unescorted suspension of detention from hospital for the first time

## VICTIMS OF THOSE SENTENCED TO LESS THAN 18 MONTHS

For those victims of offenders sentenced to **less than 18 months**, victims are entitled to request information relating only to the release or escape of the offender from the Scottish Prison Service.

## WRITTEN REPRESENTATIONS TO THE SPS UNDER PART 2

Those victims who have opted to make written representations to the SPS receive a letter from SPS Headquarters near the time that the offender is being considered for temporary release advising when and where to send their representations. SPS Headquarters will also write to the victim to inform them of any licence conditions which are specific to them.

## WRITTEN REPRESENTATIONS TO THE PAROLE BOARD FOR SCOTLAND (PART 2)

Where victims opt to make written representations to the Parole Board for Scotland about an offender's release, the SPS will provide Parole Board Victims Team (PBVT) with the victim's details. PBVT will write to the victim nearer the time that the offender's case is being considered, advising when and where to send their representations.

The Scottish Government website gives the following information on Part 2:

"Part 2 gives you the right to know if the offender is being considered for parole or for release with an electronic tag (Home Detention Curfew). You'll have the right to:

- send written comments to the Parole Board for Scotland when they're considering your case
- send written comments to the Scottish Prison Service when they're considering releasing the offender with an electronic tag."<sup>1</sup>

## MENTALLY DISORDERED OFFENDERS

---

<sup>1</sup> We have noted an inconsistency here between the SPS and Scotgov websites. The SPS website for VNS makes no reference to hospital suspension certificates nor electronic tagging. It is also not clear that an electronic tag in this instance is for Home Detention Curfew, not community sentences.

The Victim Notification Scheme for victims of mentally disordered offenders was introduced at the end of September 2017. The scheme places victims of mentally disordered offenders on the same footing as the equivalent criminal justice scheme introduced in 2004.

'CORO' patients (those subject to a Compulsion Order and Restriction Order) did not fall within the remit of the scheme in 2004 or when it was extended to over 18 months in 2008.

In 2010 the Scottish Government consulted on whether procedures should be introduced to enable information to be routinely given to victims of mentally disordered offenders. The majority of the responses received to the consultation were in favour of the introduction of a scheme for the disclosure of information to the victims of mentally disordered offenders. It was in this context that the Victim Notification Scheme was extended to mentally disordered offenders.

The Mental Health (Scotland) Act 2015 accordingly increased the rights of victims registered for the existing criminal justice Victim Notification Scheme and extended the scope of the Victim Notification Scheme to victims of mentally disordered offenders who received a Compulsion Order and Restriction Order (CORO) as a disposal.

The 2015 Act allowed victims already registered under the existing criminal justice VNS, to receive additional information where:

- the offender receives a hospital direction (HD) as part of their court disposal  
or
- they become subject to a transfer for treatment direction (TTD) while serving a custodial sentence.

The 2015 Act requires victims to register to make representations and to say whether they want to know that a decision has been taken under the new parts of the legislation. This meant existing registration for the criminal justice scheme was insufficient and a positive request by the victim must be made.

## Section 7: The Purpose of the Victim Notification Scheme

The mygov.scot website<sup>2</sup> says the following about the Scheme:

“In some criminal cases, victims have a right to get information about the release of a prisoner.

They also have a right to be told when the prisoner is considered for parole, and to make written representations (comments) about their release to the [Parole Board for Scotland](#).

Prisoners can be sent to hospital if the court thinks they need treatment for a mental disorder. Or, if they're already in prison, they can be moved to hospital under a [transfer for treatment direction](#).

If this happens, victims can make written representations about the prisoner's first unescorted temporary release from hospital.

This is called the Victim Notification Scheme. If you're eligible, it's up to you if you want to register or not.”

The Victims' Rights (Scotland) Regulations, made in 2015, require authorities to take such measures to assist a victim to understand the information given and to be understood. Communications are required to be as clear and easy to understand as possible and to take into account any of the person's characteristics which may affect their ability to understand and be understood. Authorities must also allow a person to be assisted under these circumstances if required, unless deemed to be contrary to their interests or prejudicial to any criminal proceedings.

We found that in several stakeholder conversations, this question of what the purpose of the VNS is arose, with varying opinions on what that might be and to what extent it achieves its legislative aims. When this question was put to the practitioners' workshop, the following responses were made on the purpose:

- “To provide victims and survivors with information at appropriate points in an offender's sentence. To be supportive and empathetic, but also explain to victims they may only have information which directly affects them. It is principally an information scheme, but also a gateway to support.”
- “A trauma-informed service enabling victims to have the appropriate information to support their safety.”
- “To uphold victims' rights by providing the right information at the right time in an accessible, trauma-informed way, with access to support.”
- “To provide the appropriate information at relevant points, compassionate, user-friendly and clear, providing choice regarding communications, addressing safety concerns.”

We agree that the following are essential for the Scheme to function effectively:

---

<sup>2</sup>[Mygov.scot website: Victim Notification Schemes](#)

- An accurate and timely information service with ways to access support as needed
- Easy access, responsive and tailored to the needs of the victim, clear and straightforward
- Trauma-informed
- A service which keeps the needs of the victim at the forefront, particularly concerning personal safety
- A service which helps the victim to feel they have been recognised and have some control

The Victims' Code serves as a clear benchmark for how victims should expect to be treated. We have looked at feedback and complaints processes in Section 31. Our enquiries have identified there are still shortcomings in this area.

## Section 8: Background

The VNS has been considerably amended and expanded since its inception in 2004. When reviewing background and historical material in connection with the VNS, we were struck by a number of familiar threads which re-appear in a number of key criminal justice reports as far back as 2007, and which arose again during our own evidence-taking.

Appendix B has fuller details of the findings of those reports.

Some key recurrent themes emerged across those reports:

### 2007 SCOTTISH GOVERNMENT REPORT: ANALYSIS OF THE STATUTORY VICTIM NOTIFICATION SCHEME

- Victims not understanding sentencing and offender management
- Victims being confused about how the VNS operates, how to interpret the material they receive and how the system works

### 2017 THOMSON REPORT: REVIEW OF VICTIM CARE IN THE JUSTICE SECTOR IN SCOTLAND

- Victims perceive they are passed from authority to authority with little continuity or consistency
- 'Heartfelt pleas' made for a 'case companion' or advocacy worker
- One point of contact desired
- A feeling of powerlessness and lack of choice
- Safety must be a primary consideration

### 2020 THRIVE REPORT: TRANSFORMING SERVICES FOR VICTIMS AND WITNESSES

- Recognition that there was still a way to go in addressing identified challenges around the experience of victims and witnesses
- User-centred, collaborative problem-solving is not embedded
- Develop the 'Witness Portal' further and make better use of technology and data with a cross-system approach (see Appendix B)

### 2021 DORRIAN REPORT: IMPROVING THE MANAGEMENT OF SEXUAL OFFENCE CASES

- A need for –
  - better and more user-friendly information from a single point
  - a trauma-informed approach
  - a collective approach, supported by IT

These earlier reports have all identified what can be done within the Criminal Justice System to improve the victim experience, including the common themes of the need for timely, personal, relevant communication, for information to be delivered in a trauma-informed personalised manner, taking away the burden from victims of having to navigate bureaucracy and managing their expectations effectively. These earlier reports have provided several suggestions to improve the victim experience. In approaching our review, we found that there was already a considerable body of analysis of the problems and proposed solutions. The 'Victim Experience' is a theme often raised in political and policy circles and it is evident that there exists a common desire amongst all those involved to make victims a key consideration across the whole CJS. However, it remains the case that evidence we took from victims themselves and the support organisations does not show victims agreeing this is their experience and it is clear there is more that could be done.

It is notable that our conclusions, based on the evidence we took in 2022, show there is a continuing need to address the identified shortcomings referred to in previous reviews. Given the complexity of the Criminal Justice System and the multiplicity of agencies involved, this presents a real challenge, but victims have not seen the marked difference they wish. Several reforms can be identified within separate agencies, and there have been significant praiseworthy initiatives, such as the establishment of the Victims Taskforce. To have a system, a truly victim-centred system, it must be driven by analysis and response to the needs of the victim and, as far as possible, be cross-system reform, both in terms of practice and culture. 'Customer experience' should be a key driver, but we will see later in this report that there are very few feedback mechanisms and we have not found much evidence this is a prime consideration in the management of the existing scheme. Many of the improvements we recommend are simple and easy to implement, but they should target the victim experience, as opposed to the efficient application of statutory requirements.

The challenge we face now is that, despite a raft of reform and improvements, victims and support organisations have told us that they still felt that the scheme is bureaucratic, complex, and hard to navigate for victims, and can cause particular emotional distress.



## Section 9: Standards and reporting

The Victims and Witnesses (Scotland) Act 2014 sought to improve the support available to victims and witnesses in the criminal justice system. One of the duties the Act imposed on organisations within the criminal justice system was to set clear standards of service for victims and witnesses.

The standards of service are based on the main principles of the Victims and Witnesses (Scotland) Act 2014 and are set out in Section 1. These are:

- That a victim or witness should be able to obtain information about what is happening in the investigation or proceedings;
- That the safety of a victim or witness should be ensured during and after the investigation and proceedings;
- That a victim or witness should have access to appropriate support during and after the investigation and proceedings; and
- That, in so far as it would be appropriate to do so, a victim or witness should be able to participate effectively in the investigation and proceedings.

Each of the agencies, Police Scotland, Crown Office and Procurator Fiscal Service, Scottish Courts and Tribunal Service, Scottish Prison Service and Parole Board for Scotland, is required to report annually in one combined document “Standards of Service for Victims and Witnesses, Annual Report.”

There are no joint targets, which would be a simple lever to drive joined-up working for the benefit of the victim, for example, making the COPFS and any contact unit jointly responsible for achieving deadlines for transferring information. Reporting against these targets should be integral to the performance report.

We have commented in the next section that the performance report is largely narrative in nature with too little data to allow trends to be tracked.

### **Recommendation 1. Objectives and targets. Section 9**

Considerable attention should be given to devising meaningful objectives and targets across the delivery of the VNS, which clearly relate to its purpose. There should be a common currency for targets, to include a focus on improvement, user satisfaction and well-being.

### **Recommendation 2. Objectives and targets. Section 9**

We recommend that, whilst volumes are small, mental health cases are part of the landscape and should come within the ambit of performance reporting in order to provide a full picture. We recommend the inclusion of reporting data on the handling of mental health cases in the Performance Report.

## Section 10: Standards of Service for Victims and Witnesses: How is the System Performing?

The Victims and Witnesses (Scotland) Act 2014 requires the following organisations to jointly report annually against their service standards:

Police Scotland  
 Crown Office and Procurator Fiscal Service  
 Scottish Courts and Tribunal Service  
 Scottish Prison Service  
 Parole Board for Scotland

With regard to the Victim Notification Scheme 2021-2022, as of 31 March 2022, SPS reported the following numbers of VNS registrations:<sup>3</sup>

Year end	Total	Life Sentence	4 years +	Less than 4 years
March 2022	2675	1065	1258	311
March 2021	2331	1032	980	319
March 2020	2615	965	1278	372
March 2019	2563	919	1256	388

Applications to join the VNS Scheme as at 31 March 2022

03/2022	400
03/2021	306
03/2020	472
03/2019	443

Each organisation above reports against its published standards of service. Formats and content vary between each organisation. With the exception of SPS and to some extent Police Scotland, there is little data, reporting being in narrative form. Only one of the organisations, Police Scotland, reports detail against user satisfaction, with percentage figures around a 'User Experience Survey for Local Policing' based on a monthly online survey. Whilst we welcome this report, we consider that more could be done to reflect performance in data terms, tracking trends and improvements, forward-looking objectives and measuring user satisfaction. The registration figures alone do not explain the rate of take up. It should be possible to understand from the data what they mean in context. Registration figures, for example are not presented in context.

<sup>3</sup> [Standards of Service Annual Report 2021-2022](#)

## Section 11: How much is the VNS used?

In August 2021<sup>4</sup> and January 2023<sup>5</sup> the Cabinet Secretary for Justice and Veterans replied to Parliamentary Questions on the take-up rate for the Scheme as a percentage of all eligible victims. The two questions jointly asked for information from financial year 2018/19 to 2022/23.

The responses stated that the Scottish Government does not hold the data requested.

Figures were provided for registration information packs sent out by COPFS to victims as below:

2018-19	1880
2019-20	1788
2020-21	1158
2021-22	1674
2022 to 16 January 2023	1788

It was stated that eligible victims can register for the VNS at any time. Figures from the Scottish Prison Service for registrations by those years were as follows:

2018-19	443
2019-20	472
2020-21	306
2021-22	400
1 April 2022 until 31 December 2022	356

Our enquiries have established that more detailed information on the scheme is not recorded. It has thus not been possible to identify any meaningful data on the take up of the scheme as a proportion of eligible victims, or to identify data on reasons why victims may not elect to register or what influences their decisions on registration itself or when they apply. As discussed later in this report under 'Registration', we estimate that an annual volume of eligible cases could be around 2,700 per year, but it must be emphasised this is an estimate and may be subject to additional factors not taken into account in the calculation, such as a presumption against short sentences or a future increase in the use of community rather than custodial sentences.

### **Recommendation 3. Key data. Section 11.**

We recommend that work be done to identify the key data for the VNS, to identify overall how efficient and effective VNS performance is and to ensure it is readily available to managers of the Scheme to continuously improve it and ensure it genuinely meets its purpose and serves victims as intended. User feedback should

<sup>4</sup> [Written question and answer: S6W-01768 | Scottish Parliament Website](#)

<sup>5</sup> [Written question and answer: S6W-13756 | Scottish Parliament Website](#)

be included. This should be the key information in the published performance report by each of the agencies involved.

## Section 12: Current CJS Initiatives

We note initiatives, sponsored by the Victims Taskforce and one within the Scottish Government, which have importance for the Victim Notification Scheme.

### THE VICTIM CENTRED APPROACH WORKSTREAM (VICTIMS TASKFORCE)

This group, jointly chaired by the Chief Executives of the Parole Board Scotland and Victim Support Scotland, aims to map out current provision, develop a Victim Centred Approach vision and develop a single point of contact for victims.

“Our vision is that victims and witnesses will be treated with fairness, compassion and in a trauma-informed manner in which their safety and well-being are a priority. They will have access to consistent, appropriate and timely information and support. They will be able to understand their right, have confidence that these rights will be upheld and be able to participate effectively.”

In September 2022, the Group issued an invitation to tender to several service design organisations inviting them to provide the workstream with tangible, fully scoped and costed models of support that can be implemented. Work was due to begin in February 2023 and is scheduled to last six months.

The Invitation to Tender document refers to the Thomson Report of 2017 which identified there was no unified approach to delivering an information or support service to victims and witnesses, rather the victim experience was delivered through multiple interactions leading to complexity, duplication, gaps and re-traumatisation. The vision is that there should be ‘one front door’. The work is to map out a number of possible approaches to determine if existing services could be expanded or new services developed.

Whilst this progress is to be welcomed, given that one of the workstream’s drivers is the Thomson Report of 2017 (see Appendix B) and that the workstream has been considering these issues since 2021, this relatively slow progress serves as an illustration of the pace of change.

It is to be hoped the latest scoping study on a single point of contact, commissioned by the Victims’ Taskforce, will move the pace on. The Invitation to Tender document refers to the phrases ‘victim centred approach’, ‘one front door’ and a ‘single point of contact’ under an overarching heading of a ‘victim centred approach’. We suggest that it would help to develop focus in this area if these concepts were more clearly defined; there is a risk of initiatives overlapping if that clarity is not established.

### A TRAUMA-INFORMED APPROACH

The Victims Taskforce commissioned ‘*Trauma Informed Justice – A Knowledge and Skills Framework for Working with Victims and Witnesses*’.

The framework has the ambition of ensuring there is a shared language and understanding around the aims of a trauma-informed justice system for victims and witnesses across all staff, and of identifying what staff in different roles need to know and can do to bring that about. A final working document has been agreed.

This workstream has been led by Dr Caroline Bruce at NHS Scotland. We have been pleased to find broad awareness of and engagement with Dr Bruce's work across the delivery organisations.

## WITNESS GATEWAY

Work towards an IT based Witness Gateway has been underway. COPFS' Information Services Division has developed the first Witness Gateway product, which focusses on *witness availability* management. Functionality includes secure access to statements, and witness support services expense claims, which will be released in phases over 2023. We note it has been underway for some time.

We have been informed by the COPFS Project that initial work will provide links to justice information, COPFS' VIA (Victim Information and Advice) services will be incorporated into the portal, alongside links to information on the Victim Notification Scheme. The Project team has advised us that discussions are planned to consider the potential of the COPFS Witness Gateway to support a national victims and witnesses online service. There will be an evaluation in the Spring of 2023, but it does not appear that this work is close to meeting the expressed needs of VNS registered victims post sentence at this stage.

Victims are all witnesses but not all witnesses are victims; a more holistic approach to developing a portal for witnesses and victims would be more comprehensive. If not, there is a risk a number of separate online services might exist in the future for witnesses and victims.

It will be important that the Witness Portal and the Single Point of Contact scoping recently commissioned by the VCA Workstream of the Victims' Taskforce and the recommendations in this review are joined up.

### **This leads on to another initiative we examined, the recent Case Related Data Discovery Report, sponsored by the Scottish Government Justice Directorate.**

At the time of starting our review, there was a Scottish Government commissioned research project underway looking at case-related data in the Scottish Criminal Justice System. It identified that case-related data and information were not being used in the best possible ways to support victims and witnesses in their journey through the criminal justice process, from their first contact with the police to the process being concluded, in whatever form that takes.

It identified a lack of clarity about what data and information victims and victim support organisations need or would like to see and at what points in the process. It found that data is presented in organisational siloes, rather than in a person-centred way, with victims being expected to understand how the organisations fit together and how they should engage with them.

It also recommended access to data and information should be considered through the lens of the trauma-informed approach, which is being developed across the Scottish Government. We have chosen to include relevant detail and quotes in our report, as this reinforces the evidence we have established elsewhere. Key points from the research we noted were:

- On-boarding, off-boarding, and transition moments within the justice system are pain points for victims and witnesses as ownership and responsibility for organisations and expectations for victims at these stages can be unclear
- Building knowledge, trust and confidence in the justice system is difficult for a victim or witness due to inconsistencies brought about by siloes of information
- Expectation setting, consistency in communication and support end to end may improve a victim's experience throughout the justice system
- *"As a victim or witness, I need consistent communication delivered in an appropriate way that works for me, so I don't get caught unawares or feel forgotten by the system."*
- *"I don't think it is appropriate to share everything in a letter. Sensitive information should be shared over the phone if it's going to be a shock or a surprise."*
- *"It's important to manage expectations. Be very honest with people from day one about timescales and the final decision might not be what the victim wants."*
- *"We don't want the person telling and retelling their story all the time. We need access to data."*

### **On-boarding, off-boarding and transition moments are poor experiences for victims and witnesses**

- While some victims are already engaged with support organisations before they enter the core justice system, many are not, and this can lead to a challenging on-boarding experience.
- *"It really depends on the officer they spoke to – if it's a positive relationship, that will sway them in the experience and ease them."*
- The criminal justice system has natural endpoints for a victim (a case is not taken forward; an accused is prosecuted) but that does not match up with a victim's experience of a crime. The process may end, but victim's need for support and guidance may not. This is particularly true after a trial is over.
- Transition moments, or stages when one core organisation changes to another, can also cause confusion, as communication between the justice system and the victim changes and the pace can also change unexpectedly. It is also unclear who is responsible or who has ownership at these stages, both within the justice system and from the victim's perspective.

**What touchpoints do victims and witnesses currently have with data and information related to their case across the end-to-end journey?**

Victims and witnesses experience case data and information mainly through physical letters or phone calls. Participants who were interviewed mentioned that their preference would always be to deliver information face to face or over the phone to allow follow-up questions to be answered, translate justice jargon and maintain a personal touch. However, due to resourcing, this is not always possible.

Inconsistent communication is stressful for victims and witnesses. Too little contact can lead a victim or witness to believe they have been forgotten about or that they are not important. However, unexpected communications that have not been agreed up front and anticipated can have a negative impact on a victim or witness. Access to case data and information for a victim can feel like 'luck' – it is dependent on who is supporting them, the relationship they have with organisations, and how timely information is updated in the system.

The CRDT review concluded that there was potential to widen the remit of the development of the Witness Portal to provide a single one-stop gateway for victims and witnesses. This could include registering for the VNS, to de-register, opt-out, amend contact details, see what the key dates are relating to a registration, and receiving updates about the case or sentence progression.

We have been informed that the CRDT recommendations may not be taken forward at present due to a lack of resources. Ambitious, wide reform may be challenging under current circumstances, notwithstanding the difficulties of introducing major IT programmes, but the feedback from this research received chimes closely with our own findings

#### **Recommendation 4. Single point of contact. Section 12.**

We recommend the Witness Portal work and Single Point of Contact work arising from the Victims Taskforce VCA Workstream include provision for straightforward access to the VNS for victims.



## Section 13: What did users of the VNS scheme tell us?

When we contacted the support agencies, we requested they advertise the Review's existence to their service users, to provide them an opportunity to contribute to the Review's research. Several persons did come forward, whom we spoke to at length. They are necessarily self-selecting and cannot provide a scientific sample in data terms, but their testimony was particularly powerful. Whilst their experiences varied in terms of the nature of the offences against them or their family, common themes emerged.

- The VNS registration process was hard to understand, was mostly paper-based and presented to them at a very difficult time, shortly after sentence, at the end of a traumatic criminal justice process when they were emotionally overwhelmed
- Most found the distinction between Parts 1 and 2 confusing, if they understood it at all
- The impact of verdicts and sentences was profound, but few understood sentencing policy and what this means for release dates of offenders, often leaving victims to believe the offender would remain longer in custody than was the case
- How people were communicated with was key – a letter-based system was generally held to be intimidating and abrupt, likely to reawaken traumatic feelings, news often came by surprise
- The timing of communications was critical, particularly if at short notice or the victim was not expecting an event, such as liberation, so soon
- Letters were showing some improvement, such as giving less prominence to the offender's name and softer-worded letter headings, but they could still harm the recipient's feelings, for example by declaring a decision had been taken, but details of that decision could not be disclosed
- There were concerns around the parole process, the stress of a six-month notice period of an upcoming Parole Board hearing, the shorter deadline to submit written representations, the entitlements of a victim and the rights of the offender, and a lack of understanding about how risk assessments and decisions on liberation restrictions had been reached and by whom. Victims, particularly of sexual assault, told us it was highly upsetting to know the offender would be able to see what they had written about the impact on them; they felt this gave more control to the offender
- It was hard to complain effectively and feedback opportunities were limited
- The impact of the VNS could make them feel they lacked control and were uncared for by the criminal justice system, which seemed to them to focus more on the offender. It was repeatedly said it felt to them that the offender's rights seemed to have higher priority than theirs

## Section 14: What the support agencies told us

The published papers from the Victims Taskforce outlined the raising of concerns by the support organisations in that forum and the proposal that an independent review of the VNS take place. Individual interviews were conducted with the larger support organisations, as well as a joint meeting with the Victims Organisations Collaborative Forum Scotland. These organisations represented a wide range of victim experience.

The main issues put forward to us by the support organisations were:

- The fundamental purpose of the Scheme was not clear
- Safety should be paramount
- Simple notification of information was not enough, it needs support alongside
- The current system is too complicated, confusing and bureaucratic
- Receipt of letters can be traumatising
- The process is generally not trauma-informed
- The timing of registration can be problematic and some victims were unaware of the Scheme
- There could be long periods of no communication from officials
- Scheme eligibility constraints led to problems with the Scheme and in the case of a death, did not recognise less formal family relationships and (arbitrarily) limits the number of family members who can be registered.
- There was a lack of understanding by victims around entitlement to information
- There was a lack of understanding by victims around sentencing
- There was confusion by victims around license conditions and who monitors them
- It can be unclear to victims who is undertaking safety planning and what information they should receive
- The Scheme's performance reporting was not outcome-focussed and there are no shared objectives or outcomes
- Agencies administering the system did not seem joined-up enough
- Communications can fall down, especially over long periods
- Treating a child over 12 as a registrant in their own right can be problematic
- Complaints and feedback procedures were unsatisfactory
- Victims felt a lack of control

A number of improvement suggestions were made. These will be considered later in this report.

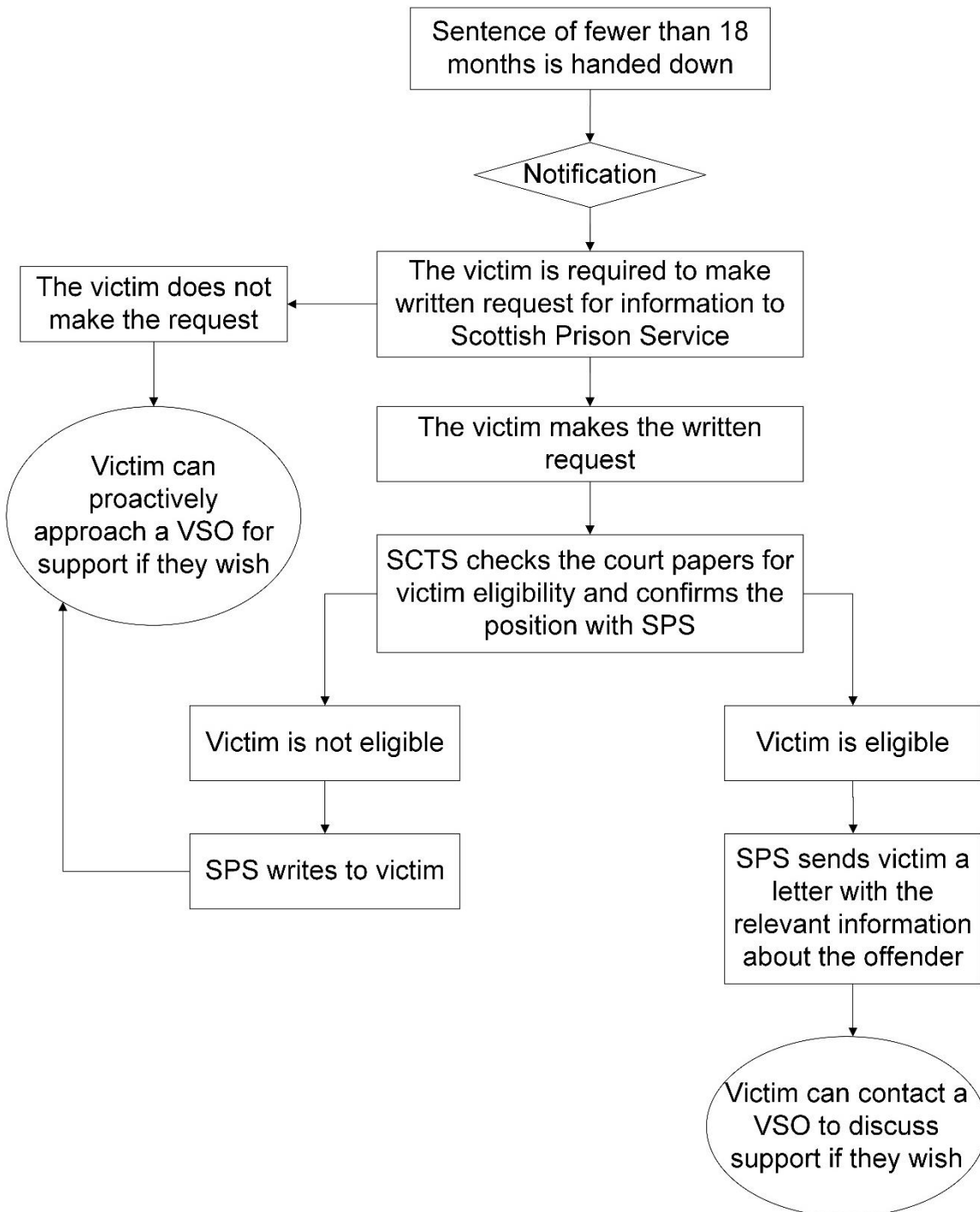
- There should be a single point of contact for victims
- Referral should be automatic, allowing for a period of reflection and easy ways to change one's choice
- Communications should offer a menu of methods, to be chosen by the user
- An online portal would be desirable for those who can use it
- Consideration should be given to the establishment of a multi-agency team, suitably skilled, to manage contact

- Regular updates should be provided as routine, even if nothing has changed
- There should be adequate notice of impending release to allow for effective safety planning
- No assumptions should be made about how victims behave or their needs
- The VNS Scheme needs a consistent human interface, understanding their trauma and offering a choice of means of communication, with regular updates, not linked to anniversaries of their case or the imminence of a significant event
- Post sentencing, VNS enrolment should be thoughtfully and sensitively timed
- Most, but not all, respondents suggested that an 'opt out' process, rather than the onus of an 'opt in', would work better and increase Scheme take up. This should also be concomitant with an easy ongoing opt-out/opt-in process, possibly doable online
- Communications should be sensitive and informative, avoiding euphemisms as well as bluntness
- There should be ready access to support for persons affected

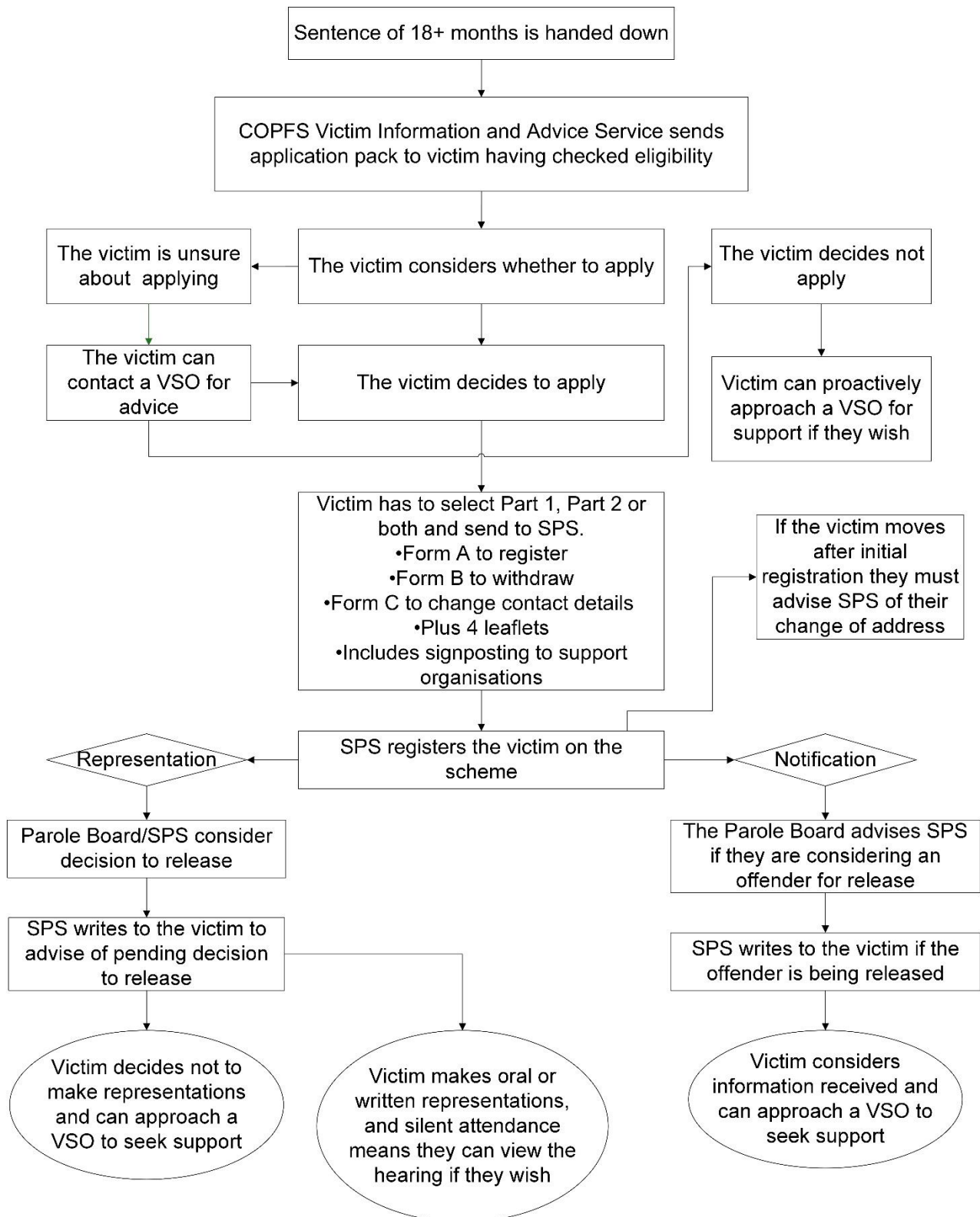
## Section 15: Process maps for existing VNS processes

In this section, we have also included a high level process map for the victims of mentally ill offenders subject to CORO. A more detailed process map is attached at Appendix G, which outlines the complexity of the process.

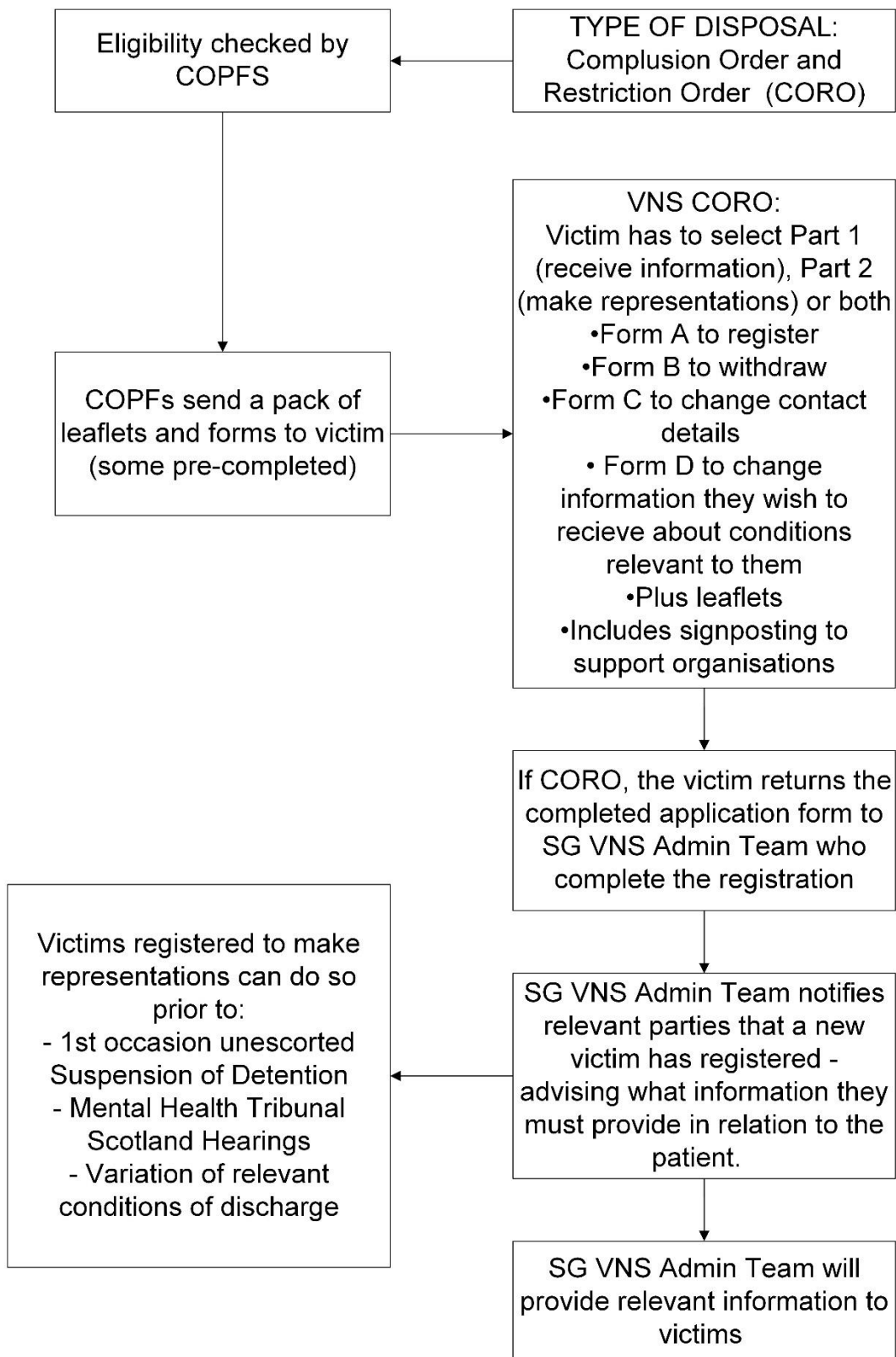
### VICTIM NOTIFICATION SCHEME: VICTIMS OF OFFENDERS SENTENCED TO - 18 MONTHS: HIGH LEVEL PROCESS MAP (CURRENT)



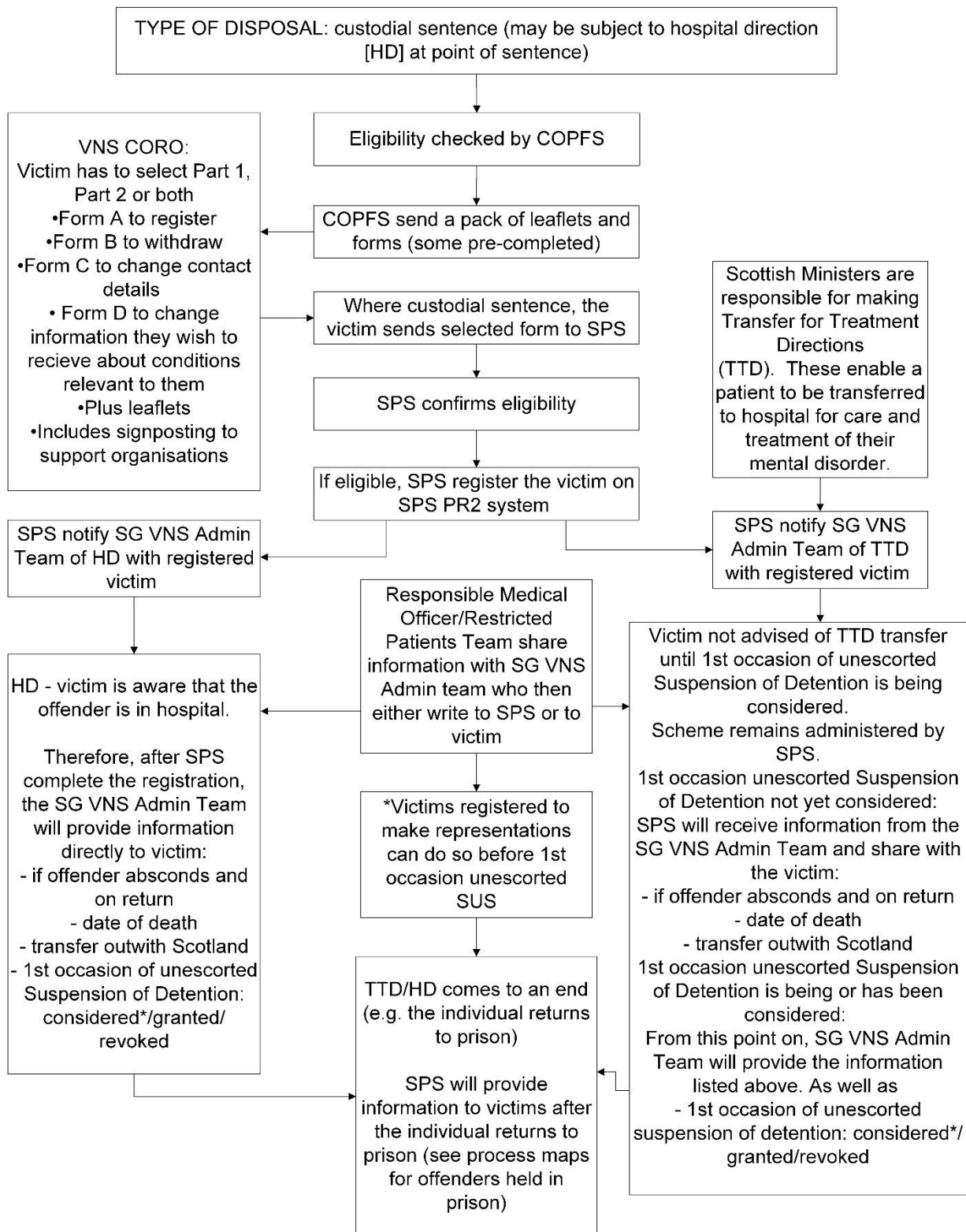
## VICTIM NOTIFICATION SCHEME: VICTIMS OF OFFENDERS SENTENCED TO 18+ MONTHS - HIGH LEVEL PROCESS MAP (CURRENT)



VICTIM NOTIFICATION SCHEME: VICTIMS OF PEOPLE IN THE FORENSIC MENTAL HEALTH SYSTEM: COMPULSION ORDER & RESTRICTION ORDER (CURRENT)



## VICTIM NOTIFICATION SCHEME: VICTIMS OF PEOPLE IN THE FORENSIC MENTAL HEALTH SYSTEM: HOSPITAL DIRECTION OR TRANSFER FOR TREATMENT DIRECTION (CURRENT)



## Section 16: The Crown Office and Procurator Fiscal Service

COPFS is involved with the VNS in three respects, Parts 1 and 2 and CORO, (a mental health Compulsion Order and Restriction Order). Following the sentencing of an offender, COPFS identify eligible victims and arranges for them to be sent a leaflet and a number of forms.

Communication is computer-generated at the time of file updating following sentencing. If a sentence is under 18 months, VIA may telephone a victim. There is not a VIA officer assigned to every case, for example in some summary cases. When the pack is sent out to the victim, the process requires registration forms to be sent elsewhere, to the Scottish Prison Service, not back to the sender. This in itself can lead to confusion and forms being returned to the wrong place. Additionally, COPFS does not monitor who signs up in relation to forms sent out, so it is difficult to measure take-up rates, as SPS only deal with applications received. Under this system, there is no opportunity for a follow up invitation to register.

The COPFS representatives we spoke to suggested an 'opt out' system rather than the present 'opt in' might improve take-up and be more effective overall. We did not identify evidence that this stage of the process was actively trauma-informed. That COPFS were not able on interview to tell us how many information packs were sent, but that this information was disclosed in two Parliamentary Questions gave us an indication that these data are not at the forefront of managing the process. The answers to these two questions jointly explained that the numbers of registration packs sent out were:

2018-19	1880
2019-20	1788
2020-21	1158
2021-22	1674
2022 to 16 January 2023	1788

The scheme has a set-out table of eligibility, which is strictly applied, but stakeholders generally commented that this can prove inflexible. It is also possible that one incident may involve several victims and one offender, but different sentences for individual offences may mean some victims are eligible for the VNS and others are excluded. Administrators of the scheme felt there should be some room for discretion in determining scheme eligibility.

We consider that there may be a case for third party individuals to be able to register, where a legitimate interest can be established. This would only apply where an offender receives a custodial sentence. We have received feedback in relation to this issue and there is a model in Switzerland where this pertains. We suggest that consideration is given to the legal basis on which this might be done in Scotland.

It was suggested that discretion could be exercised to extend beyond the limit of the number of relatives eligible (normally 4), that the statutory table did not reflect modern family relationships and where there are multiple victims of one offender,



and some charges did not result in custody, this could result in unequal outcomes for the victims. It was also suggested an improvement could be made in relation to inclusion for a sentence under 18 months. Administrators told us they would particularly like to see some discretion over the 4 relative limit in homicide cases. We refer to this in Recommendation 12 in Section 24.

## Section 17: The Scottish Courts and Tribunals Service

SCTS has very limited involvement with the VNS. Beyond a central unit, victims' and witnesses' issues are dealt with by individual courts. Involvement is generally confined to responding to queries around eligibility from SPS where they have been approached about a sentence under 18 months. Their reply is a simple confirmation or otherwise. This appears to add an unnecessary layer to the VNS process, as we understand COPFS should have all the necessary details of victims on their case files and it ought to be readily available digitally with the correct information-sharing protocol.

### **Recommendation 5. Confirmation streamlining. Section 17.**

We do not see a need for this additional layer and recommend that SPS and COPFS jointly look at how this procedure might be streamlined.

## Section 18: The Scottish Prison Service and the VNS

SPS representatives stated that there was a common misconception that the VNS is managed by the SPS. Whilst SPS hold crucial data, they regard their role just as one stage in a process, other parts of which are owned by other organisations.

Ownership of the scheme is discussed later. If they are contacted about a sentence of under 18 months, SPS check eligibility with the sentencing court, which is their only means of confirmation. If a sentence is over 18 months, SPS expect forms sent out by COPFS to be sent to them. If there is any doubt about who the victims are, SPS have to check with COPFS. These checks of victim eligibility could be simplified with improved information sharing. As COPFS would have the relevant information for sentences under 18 months, there should be a simplified way of doing this.

### **Recommendation 6. Eligibility check. Section 18**

In the case of victims of offenders sentenced to under 18 months, we would hope this could be done centrally via a COPFS database, rather than an SPS official needing to contact an individual sentencing court.

If representations are made under Part 2 of the VNS, it is not uncommon for victims to telephone SPS with questions, but enquiries may then need to be redirected to another organisation, the PBS. Thus, by this relatively early stage in the process, three separate arms of the CJS need to be navigated by a victim. Such a relatively bureaucratic system also leaves scope for communications and departmental cooperation problems, effectively asking the victim to find their own way around.

If the victim has no recourse to an advocacy worker, they would in most cases enquire online. Official information on the VNS in Scotland can be found on the following websites: SPS, Mygov.scot, COPFS, Parole Board Scotland and gov.scot. It is also possible to find VNS information on the Police Scotland and Scottish Courts and Tribunals websites. On each of these sites, the language and content differ and they have varying degrees of accessibility in terms of language. It cannot be surprising that victims say they are confused.

To take one example from the SPS website:

#### **“Written Representations to the Parole Board for Scotland**

Where victims opts (sic) to make written representations to the Parole Board for Scotland about the offenders (sic) release, the SPS will provide Victims, Witnesses, Parole and Life Sentence Division (VWPLS) with the victim's details. VWPLS will write to the victim nearer the time that the offender's case is being considered, advising when and where to send their representations.”

Here we see mention of Victims, Witnesses, Parole and Life Sentence Division (VWPLS), but it is not clear who or where this is, nor would it appear to be necessary for an enquirer to know this detail. A Google search for ‘VWPLS’ refers only to the SPS website. We note that this website has been recently updated, but we were aware that the above was on the website for the majority of the time we were conducting our research.

We consider communications and how information might be presented online later in Section 30.

What came across strongly from our conversations was that victims, at a highly stressful time, struggle to understand sentencing and the VNS process. The receipt of a notification letter from SPS can be traumatic for the victim and this often results in them telephoning SPS in a highly emotional state. We were impressed by the sensitivity of SPS staff dealing with the VNS as to the victim's distress and their willingness to talk to victims on the telephone. However, it is the role of the SPS to provide statutory notifications, not to provide advice or a counselling service. We heard evidence that conversations, such as where a victim threatens self-harm over the telephone can have a strong impact on the SPS staff member themselves. This aspect is not their role, nor are they trained to deal with such, whilst they do their best to signpost callers to support. SPS is looking at trauma training, but they do not feel they are the right people to take calls from traumatised victims.

SPS has been involved with the First Word Project, *People at Heart*, which was initiated under the auspices of the Victims Taskforce to guide agencies on how to communicate sensitively with people affected by crime. Whilst we have taken evidence from a number of officials of increased awareness of the impact of language and communications, we are not persuaded that there has yet been a wholesale culture change. The pro-forma letter attached as Appendix H serves as an example. This letter is sent to VNS registered victims to notify that a prisoner is no longer held within SPS custody. Without explaining why more detailed information may not be disclosed, it then lists a number of reasons why the prisoner might no longer be in SPS custody, but does not disclose which of the disparate possibilities it might be. Reference is made to contacting Victim Support Scotland for assistance, but it is not clear how VSS themselves would be able to identify what had happened. To find a local VSS office, it is suggested the recipient consult a telephone directory. The recipient is also invited to contact the sender with any questions and confidentiality is assured. The letter concludes by trusting the above information clarifies the position. It is hard to see how receipt of this communication could not but leave a victim more confused.

The SPS representatives we saw supported the consideration of a trauma-informed single point of contact for the VNS. Long periods can elapse when victims are not contacted, victims need clear explanations from the outset about what they are entitled to be told and also that prisoners' information is also protected under certain conditions, such as the address to where a prisoner may be released. How a prisoner travels through the penal system ('prisoner progression') is often not understood by victims.

On the question of registration, the SPS representatives preferred retention of the 'opt-in' approach to the VNS because contact from SPS can be traumatising for victims. They believed that some victims do want to 'move on' and SPS does receive requests from victims to be removed from the scheme. We have asked SPS how often this occurs but data is not available.

Concerns were also expressed about setting 12 as the age at which a child becomes a VNS registrant in their own right., Some felt that this was problematic, for example when a child is unaware of having been a victim, such as when an infant, or is unaware of having been adopted and that their name may have changed as a result. Passing the age of 12 could then potentially exclude a parent or guardian from receiving information from the VNS on behalf of the child and the child may not be able to deal with this. This issue will be examined in greater detail in Section 28 of this report.

## Section 19: The Parole Board for Scotland and the VNS

The Parole Board for Scotland is the key agency with regard to part 2 of the VNS. By virtue of where the parole system sits within the criminal justice process, it can be many years before a victim comes into contact with them and this by itself creates issues. Since 2021, victims have been permitted 'silent' attendance at hearings. Consequently, the PBS set up a dedicated victim's unit to improve victim support. Whilst there have been relatively few observations to date (7 at the time of writing), the process is that observation will take place remotely in a safe place, such as Local Authority premises, accompanied by a victim team member.

The PBS representatives we spoke to informed us that the organisation is committed to trauma-informed training for staff, including Board members. Information booklets, FAQs and feedback forms had been introduced since the creation of the victim resource. We were told however there is no formal feedback process.

Given their key concern that the process results in long gaps between communications, they were broadly supportive of consideration of an 'opt out' VNS process. They were conscious of the sensitivity of wording in their letters (the principal means of communication) and suggested a secure portal for online access might be a helpful option.

On 1 April 2023, a change in Parole Board regulations came into force, restricting observation of Parole hearings only to those registered under part 2 of the VNS. Hitherto any registered victim had been given an entitlement to observe. This change will reduce the administrative burden on PBS but has the effect of adding another nuance to a complex process, unless the Scheme is simplified as we recommend.

We are aware that the provision for victims to be 'silent observers' remotely at Parole Board hearings has caused some public debate. We understand there have been very few cases so far, 7 in total. We note that victims may make representations in writing or orally. It is understood the majority of representations are written. We note the concerns from commentators on the restriction on participation at hearings, but as the process is in its very early stages, we make no particular recommendation in this regard, but suggest that, in line with our observations around performance improvement by delivery agencies and the need to encourage and respond to user feedback, the situation be closely monitored to see if changes might be warranted by victim demand.

Victims are required to apply to attend a hearing and their application may be rejected by the Chair, without a reason being given. One victim told us they applied and were rejected without explanation, to subsequently discover that despite being sent an invitation, participation was not possible due to Covid restrictions. If an application to attend is rejected, then a reason should surely be given.

### **Recommendation 7. Explanation for rejection – Parole. Section 19.**

We recommend that unless there are exceptionally overriding circumstances, any rejection of a victim's application should be explained to them.

## Section 20: Scottish Government Mental Health Directorate

Scottish Government officials had already identified anomalies and shortcomings in the legislation concerning mental health cases which were helpfully brought to our attention on interview. These need rectification, but the greater point to note is that this illustrates the complexity of the Scheme, even for experts, and we conclude that this points clearly to the overwhelming need for victims to have access to someone capable of explaining things simply in lay terms. This is evident in the complexity of the process flow chart attached at Appendix G.

This report has recommended that the VNS move to an automatic referral system, whereby victims have an opportunity to discuss their options with a contact team and make informed choices. Adoption of such a process would address many of the scheme's shortcomings.

Officials have identified to us a number of areas within the existing process where it appears changes to legislation, regulations, registration processes and guidance for victims would be required to address issues with the entitlement to notification of victims registered with the VNS. We have listed these below:

### **Recommendation 8. Mental health procedures. Section 20.**

We recommend that the 10 amendments to mental health procedures (outlined in Section 20 of this report 8(a) to 8(i)) be adopted

#### **1 Transfers into and out of Scotland**

In the case where the offender had originally been made subject to a CORO in proceedings in Scotland, one or more victims have registered for the VNS and the offender subsequently transfers out of Scotland and later returns to Scotland, Scottish Ministers would no longer be required to provide information under the VNS because the criteria in 16A(1)(b) would no longer be met (section 16A of the Criminal Justice (Scotland) Act 2003). In addition, where a person made subject to a CORO in respect of an offence perpetrated against a "natural person" has been transferred to a place outwith Scotland, it is unclear if this would include situations where the offender is not transferred by authorities but is, for example, on Conditional Discharge (CD) and chooses to move to a place outwith Scotland.

#### Recommendation 8 (a)

Consideration should be given to reviewing the information entitlements of registered victims in these circumstances. The review comments on other issues arising from cross border movements in section 23.

#### **2 "No Order Made"**



Is the most common order made by the MHTS (Section 16C(2)(f)). Section 16C lists the information disclosable to registered victims. Currently there is no provision to inform any registered victim directly of this fact.

Recommendation 8 (b)

“No Order Made” should be added to the list in Section 16C.

### **3 Appeal against conditional discharge or the outcome of that appeal.**

Where the Mental Health Tribunal has made an order under section 193(7) of the Mental Health Act conditionally discharging, there is no provision for informing victims about an appeal against CD or the outcome of such an appeal, including that the appeal decision meant that the offender was no longer conditionally discharged or that the CD was final (Section 16C(2)(g)).

Recommendation 8 (c)

Consideration should be given to adding appeals and the outcome of appeals to the list of information entitlements.

### **4 Conditions on Conditional Discharge Relevant to the Victim**

In relation to the terms of any conditions imposed on conditional discharge under section 193(7) or section 200(2) of the Mental Health Act (including under section 193(7) as applied by section 201(3) or 204(3) of that Act, the legislation provides that victims can only be given information about conditions that are relevant to them. It goes further to state that a relevant condition is:

- (a) the condition is a restriction on the person referred to in the section in question contacting an individual or being in a place, and
- (b) the registered victim has made a valid request to the Scottish Ministers to be informed about any condition which restricts the offender from (i) contacting that individual, or (as the case may be), (ii) being in that place or any wider area within which the place in question falls.

To establish whether a condition is relevant and can be shared, a registered victim must be first asked to provide information on persons and/or places. This can create confusion as victims believe they are providing information that will be used to determine the conditions of discharge being set for the offender rather than their relevance. (Section 16C(2)(h))

Additionally, in the team’s experience victims do not always name themselves as an individual for the purposes of (b) above and without that, officials cannot inform them about conditions that restrict the offender from contacting them.

The place(s) that victims request to be informed about must be places where the victim or any member of their family is regularly. In practice, this has proven to be difficult with victims feeling that they should not have to justify the areas that they have asked about. In addition, officials are not in a position to independently check

that the places are those where the family is regularly. Consequently, in view of the restrictions on relevance of information, officials are uncomfortable with having to accept the victim's request at face value. The requirement has, however, acted to limit the areas that registered victims ask to be informed about.

Separately in terms of places, for a request to be valid, it cannot cover an unreasonably large area. There is no definition in the legislation of an 'unreasonably large area'.

#### Recommendation 8 (d)

These provisions need to be clarified and relevant advice made available to registered victims.

### **5 Scottish Ministers recall the offender to hospital under section 202 of the Mental Health Act**

The legislation does not currently allow for the eventuality that the patient or their named person makes an appeal to the Tribunal against Scottish Ministers' decision to recall the patient. There is no provision for informing victims about the appeal or the outcome of such an appeal (including that the appeal decision meant that the offender was no longer recalled or that the recall was final).

#### Recommendation 8 (e)

(Section 16C(2)(i))

Provision is needed for informing victims of appeals against recall to hospital or the outcome of such an appeal in these circumstances.

### **6 First Occasion of Unescorted Suspension of Detention**

When a certificate has been granted, for the first time, under the Mental Health Act which suspends the offender's detention and it does not impose a supervision requirement, this first occasion may be within the grounds of the hospital. Officials consider it might be more relevant to the victim to receive information about the first occasion of unescorted suspension of detention outwith hospital grounds. (Section 16C(3)(c))

#### Recommendation 8 (f)

It is recommended that an amendment be made to allow victims to be notified of the first occasion of unescorted suspension of detention outwith hospital grounds.

### **7 Right to information after representations made**

It would appear that Section 17D only allows Scottish Ministers to inform the victim that the decision has been taken. Not what that decision was. To provide this very limited information, the victim has to specifically intimate a wish to receive information under Section 17D.

## Recommendation 8 (g)

The review heard from victims that being told of a decision but not what the decision was is frustrating and stressful. Consideration should be given to what information can be provided and when information cannot be provided, the reasons for that explained.

### **8 Hospital Direction (HD)**

Where an offender is made subject to a Hospital Direction (HD) by the court, it is the VNS (SPS) scheme with which the eligible victim/s would register. Hospital Directions are not covered by the CORO Victim Notification Scheme.

SPS have highlighted a potential technical difficulty in registering such victims, as the offender does not enter the prison estate until after they have been treated in a hospital setting and are assessed as well enough to transfer to prison.

COPFS have confirmed that they send out VNS registration packs to victims of offenders given a Hospital Direction by a court. The Scottish Government officials who deal with COROs are sometimes contacted by victims and they will then liaise with COPFS to have the pack sent.

Victims would not receive information while an offender is in hospital and are not notified when an offender transfers from hospital to prison.

Currently, there are no VNS registered victims for an offender who is subject to a Hospital Direction (HD). When the first registration form is received for this type of case SG officials intend to work closely with SPS to avoid difficulties.

### **9 VNS (SPS) Registration Forms – No ‘Opt In’ Option**

In relation to TTD and HD, the Mental Health Directorate is responsible for providing only very limited information: that i) a certificate has been granted, for the first time, under the Mental Health Act, which suspends the person's detention and does not impose a supervision requirement and that ii) the certificate mentioned has been revoked.

Victims can also intimate the wish to be given the opportunity to make representations before a decision is taken on the first occasion of unescorted suspension of detention.

The Mental Health Directorate can only provide this information where the eligible victim has registered with the VNS (SPS) and thereafter intimated that they wish to receive the additional information and have the opportunity to make representations, as provided for in the 2015 Act.

It appears that when the existing legislation was amended through the 2015 Act, the VNS (SPS) registration forms were not updated, leaving no option for a registering victim to ‘opt in’ to receive the increased information to which they are entitled. The current situation in relation to TTDs is that the registered victim does not get asked whether they would want to receive this additional information until a prisoner has transferred to hospital on a TTD.

With this occurring at this part of the process, it may highlight to the victim that the prisoner has moved into hospital, which is confidential information. It may also frustrate the victim receiving a question relating to scheme registration which could have been asked at initial registration.

If a victim of a patient subject to a HD was not registered via the VNS, then this victim would not be asked if they would want to receive the additional information to which they were entitled.

#### Recommendation 8 (h)

Registration forms should be reviewed and updated to ensure victims can opt to receive all the information to which they are entitled. Guidance for all victims needs to highlight the information entitlements that can only be met if registered with the VNS. This again highlights the need for an easier way for victims to navigate this system.

### **10 Earliest Date of Liberation**

When the offender reaches their sentence end date in custody, the SPS write to the registered victim to inform them of this and that they will no longer receive information under the scheme. Once released from prison, the SPS notify a registered victim that the offender has been released at their EDL (earliest date of liberation).

For the time that an individual is subject to a HD or TTD, the Mental Health Directorate are responsible for providing a registered victim with information under the VNS. When an individual reaches their EDL, they may remain in hospital under a civil order but they are no longer a restricted patient; the HD or TTD comes to an end when the EDL is reached. At this stage, the Mental Health Directorate cease to have any authority to provide information.

A victim is not notified when an offender is subject to a HD or TTD at the time they reach their EDL.

When a person is no longer detained as a restricted patient, any disclosure of their health condition would amount to a breach of privacy.

#### Recommendation 8 (i)

In these circumstances, we recommend that victims are told formally that they will stop receiving information when the EDL is reached for those reasons.

## Section 21: The Mental Health Tribunal for Scotland

The MHTS has had a designated victim liaison officer since 2017. Numbers are low and the workload represents about 10% of an FTE. We were told there are close links with the Scottish Government Mental Health Directorate and relationships are good. We have been informed MHTS are in active contact with 50 persons in connection with 27 patients.

There is a requirement for a review at the two-year stage or sometimes earlier in the CORO process, as it is essentially indefinite. An application for a hearing will trigger a check. If a VNS registration is identified, contact with the victim or family will be made. Initially, a stock letter is sent which contains information and sets out the possible outcomes. The victim will be asked if they wish to make representations and a period of two weeks is given for that. The victim may attend a separate hearing at which the patient's solicitor may be present, but the patient is not. The patient however has a right to see the written representations.

Eligibility for notification is the same as the Criminal Justice VNS table. It is checked by the Scottish Government team.

Whilst there is a formal complaints process for the MHTS, there is no regular feedback process in place, other than ad hoc.

We were told that the Directorate deals with around 5 new Compulsion Order and Restriction Orders (CORO) each year.

## Section 22: Secure Care

The Scottish Government Secure Care team have responsibility for the management of children sentenced to be detained in secure care. At present, 'children' for these purposes are legally defined as under 16 or 16/17 years old on compulsory supervision. The team deals only with children convicted on indictment.

Whilst there have been no requests for victims to register for the VNS in respect of young people in Secure Care, there is no process yet in place. It had been assumed that SPS would deal with these requests, but they have indicated that they cannot, as they do not hold information about young people who are not in the SPS system. The numbers of young offenders in custody or secure care are very small (as of 03/03/23, there were 8 young people in HM YOI Polmont [seven of whom were on remand] and 2 young offenders in Secure Care serving a custodial sentence) and there were no victims registered for the VNS in respect of these offenders).

### **Recommendation 9. Young offenders. Section 22.**

A process should be devised to extend the VNS to include young offenders in secure care, as well as young mentally disordered offenders.

## Section 23: Victim notification across jurisdictions

We were made aware of a lack of process around victim notification where patients or prisoners may transfer to another jurisdiction, e.g., from England to Scotland or vice-versa, as well as other questions around notifying victims living outside the jurisdiction of the place of custody. The Scottish Prison Service has no locus once a prisoner is transferred out of its estate. (See Appendix H).

With regard to foreign national offenders, the Home Office has informed us that where victims of foreign national offenders approach them, they then liaise with GDPR colleagues and Home Office Legal Advisers regarding disclosure in order to be able to provide basic information. The Home Office may also contact individual Social Work teams or the Scottish Prison Service, depending on the stage of the case, but they have confirmed that no formal protocol or process, such as exists in England and Wales<sup>6</sup>, exists with regard to Scotland and it would be helpful to establish such.

Foreign national prisoners may also be transferred to Immigration Detention on completion of a penal sentence, pending their deportation from the UK. The Immigration Detention Estate is managed on a UK wide basis. In this case, notification is not covered by the current provisions of the VNS in Scotland; the victim would need to approach the Home Office regarding confirmation of the offender's removal from the UK. We also note that in England and Wales, a victim is entitled to notification if an offender is recommended for deportation by a court for an offence against that victim.

The Scottish Prison Service have advised us that if they were approached by the Home Office, they would not be in a position automatically to share information regarding registered victims because of data protection restrictions and there is no legislative provision to permit this. Currently their process is confined to sending the correspondence as in Appendix F. Whilst they are not aware of any such cases, they advised us that they could advise the victim of the Home Office's approach to the SPS for their contact details and seek consent from the victim to disclose them. We consider that notification arrangements should be formalised.

### **Recommendation 10. Transfers around UK and immigration cases. Section 23**

We recommend that victim notification procedures for victims in Scotland regarding prisoners and patients who may be transferred around the United Kingdom be reviewed with a view to establishing appropriate protocols, supported by legislation if required. This review should also consider the notification of disclosable information concerning the deportation of foreign nationals.

---

<sup>6</sup> [Gov.uk information for victims of crimes committed by non-British citizens \(foreign nationals\)](#)

## Section 24: Eligibility

The Scheme has set out eligibility criteria as follows: (COPFS website):

If you are one of the following, you are eligible to receive information under the VNS:

- all victims, aged 12 years and over
- the parent, guardian or carer of a child victim, aged under 12 years
- the carer of an incapacitated victim
- the four highest listed nearest relatives of a deceased person (see below)

The eligible nearest relatives listed in order of highest first

- (a) spouse or civil partner
- (b) cohabitee
- (c) son or daughter or any person that the victim had parental rights or responsibilities for
- (d) father or mother or any person who had parental rights or responsibilities for the victim
- (e) brother or sister
- (f) grandparent
- (g) grandchild
- (h) uncle or aunt
- (i) nephew or niece

and the elder of any two persons described in items (a) to (i) above is to be taken as the higher listed person, regardless of sex.

We received feedback from several respondents that the hierarchy above has presented difficulties in practical terms, where relationships do not fit the table above. Where children as victims sit within the VNS presents issues of its own and is considered below. Family relationships are not as sequential as this table lays out; in particular modern family relationships have changed over recent years, such as with 'blended' families and the criteria should be revisited to reflect this. Beyond administrative convenience, we did not establish any particular reason why eligibility is restricted to the four highest listed relatives. We consider the nature of a relationship, rather than a family tree should be a guiding factor. Victims and support organisations have told us that the application of the scheme eligibility criteria can cause them considerable anxiety and stress. We consider that Scotland should adopt a model in use elsewhere and permit a victim to nominate a person formally to receive information on their behalf.

We are concerned that the strict guidance on eligible relationships in the case of a family bereaved by crime, may cause unnecessary distress to loved ones or their relatives. It is understandable that, for example, it may be expedient, for example, to limit the number of victim impact statements that are considered, but things should not be so rigid in terms of managing the emotional impact on a victim's family.



**Recommendation 11. Eligibility and discretion. Section 24**

We recommend that the considered exercise of discretion be extended to the table above, to reflect the reality of relationships on a case-by-case basis. This should not be taken as suggesting a wide relaxation of the criteria. There should be a general aim of limiting the victim's eligibility to up to four relatives, but there is a need to allow discretion to reflect real circumstances rather than a traditional family tree hierarchy. Doing so would also support a trauma-informed and personalised approach. Once a genuine interest has been established, rejecting an application on grounds of the application of eligibility rules should only occur in the most exceptional circumstances

**Recommendation 12. Nomination. Section 24**

We recommend that victims are allowed to formally nominate one person to receive information on their behalf.

We understand Scottish Ministers may amend the criteria under Sections 16 and 18B of the 2003 Act.

## Section 25: Children and Young Persons

With regard to children, we are concerned that the age of 12 is the threshold for a person to be treated as an eligible victim to register for the VNS in their own right and the parent, guardian or carer is excluded after that date. There is no provision under the current VNS for a child or young person over 12 to authorise an adult to share information or represent them. We were told of an instance where a child was not even aware they had been a victim or that they had been adopted, but there was now a risk of disclosure of both facts, according to this rule.

We can see no strong justification for treating a victim in this way without any qualification with regard to support or capacity. There may be discretion under current legislation to allow the child to appoint an adult to receive information on their behalf. That there should be is our view and this is supported by the Children and Young Persons Commissioner for Scotland.

We consulted the office of the Children and Young People's Commissioner for Scotland. Their response is attached to this report in Appendix D. Our attention was drawn to the CYPCS response to the Scottish Government's June 2022 consultation of the Children's Care and Justice Bill, where it was stated a single point of contact for children was important. We also noted the Commissioner's response to the August 2022 Scottish Government Consultation on Improving Victims' Experiences of the Justice System, following the publication of Lady Dorrian's report.

In the CYPCS response to us, it was stated that the UN Convention requires States to provide children with the right to express their views and due weight to be given according to their age and maturity. States should presume all children have the capacity to form their own views, the right to express them and they should not have to prove they have capacity. Understanding may vary between similarly aged children and as such children's views should be considered on a case-by-case basis in the context of their evolving capacities.

Child victims have the right to access support and information (UNCRC Article 39 – the right to physical and psychological recovery and social reintegration) and the right to an effective remedy. The UNCRC also lays down that States should presume that all children have the capacity to form their own views and the right to express them and that they do not first have to prove they have capacity.

In summary, age itself should not be an absolute determining factor. An evidence-based approach must be taken to the assessment of each individual child. Any role for parental, guardian or carer advice must be framed in a manner supportive of children's rights in line with their evolving capacities.

Under Scots Law, the Information Commissioner's Office recognises that all children and young people over the age of 12 have sufficient understanding. Information may be shared with parents where the child does not understand, the child authorises the adult or it is evident it is in the child's best interests.

**Recommendation 13. Children’s rights. Section 25**

Any proposed reforms to the VNS with regard to children should be accompanied by a children’s rights impact assessment.

**Recommendation 14. Age of registration. Section 25**

We have concluded that children over the age of 12 should have the ability to authorise an adult to act on their behalf in the light of the UNCRC and ICO considerations above, that children over the age of 12 should be treated on a case-by-case basis according to their capacity and choice where appropriate. We recommend that there should be a clearly laid-out process for establishing how a young person over the age of 12 should register, including how, where and when appropriate advice may be given, and safeguards to confirm any decision is proportionate and well-informed.<sup>7</sup>

---

<sup>7</sup> The Scottish Ministers may by order amend this section by substituting for—  
(a) the person for the time being specified in any part of this section to whom information may be made available such other person as they think fit,  
(b) the age for the time being specified in any part of this section such other age as they think fit.

## Section 26: Events which trigger notifications under the VNS

Section 6 of this report outlines the criteria laid down whereby a victim is entitled to notification. The 2015 amendment introduced a process of entitlement to limited information for offenders sentenced to under 18 months. In considering rights and entitlements, we must also be mindful of the rights of an offender and the privacy and safety of all concerned must be a prime consideration. There is no case for victims to have unrestricted disclosure of information about an offender, whilst we recognise that withholding some details, such as a release address, will cause victims anxiety and frustration.

Having looked at other models where notification entitlements are wider, we have reviewed the scope of events which might trigger notification. We do not propose to change the fundamentals of the scheme, i.e. we agree that the scheme should only apply post-conviction and only to custodial sentences. We have considered the 18 month custody threshold, under which notification entitlement is restricted to release or escape. We do not propose to change the qualifying period, but we do propose that notification be extended to death in custody pre-release and in the case of a transfer outwith Scotland.

We have outlined a number of instances where the provisions around mental health notifications need amendment. We also consider that the rule on the first instance of temporary release should not be restricted to the first instance only.

We recommend that a victim should be notified if any instance of temporary release might bring the offender into close proximity with their victim.

Issues such as day release as part of a rehabilitation process do not need to be notified routinely on each occasion; we suggest that the creation of a liaison team to explain that in person to a victim would be able to allay victim fears in this regard.

### **Recommendation 15. Criteria under 18 months and release. Section 26**

We recommend that for sentences under 18 months, notification criteria be extended to include death in custody and transfer outwith Scotland.

We recommend that in any instance of temporary release, where the offender might come into close proximity with the victim, that notification be made and that the 'first release only' provision be amended.

## Section 27: Safety

It was evident to us that the prime consideration of victims is their safety. We received strong representations from the victim support organisations that victims are often unclear about how safety planning is or should be undertaken, who has what particular responsibility and they are sometimes caught off-guard by short timescales, either by a misunderstanding of sentencing about when a release might happen or by unexpected events or decisions.

There are a number of partnerships and processes in place to safeguard victims and the wider public but these will not necessarily engage with those registered with the VNS.

### MAPPA (MULTI AGENCY PUBLIC PROTECTION ARRANGEMENTS)

The purpose of MAPPA is public protection and the reduction of serious harm. In Scotland MAPPA brings together the Police, Scottish Prison Service (SPS), Health Boards and the Local Authorities, in partnership as the Responsible Authorities, to assess and manage the risk posed for certain categories of offender:

- Sex offenders who are subject to notification requirements under the Sexual Offences Act 2003.
- Mentally disordered restricted patients; and
- Other individuals who by reason of their conviction are assessed by the Responsible Authorities as posing a risk of serious harm to the public.

A number of other agencies are under a 'Duty to Cooperate' (DTC) with the Responsible Authorities including, housing providers, the voluntary sector, Social Security Scotland and the Children's Reporter.

### MARAC (MULTI-AGENCY RISK ASSESSMENT CONFERENCE)

The MARAC is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, health, child protection, housing practitioners, Independent Domestic Violence Advisors (IDVAs), probation and other specialists from the statutory and voluntary sectors. After sharing all relevant information they have about a victim, the representatives discuss options for increasing the safety of the victim and turn these into a co-ordinated action plan. The primary focus of the MARAC is to safeguard the adult victim. The MARAC will also make links with other fora to safeguard children and manage the behaviour of the perpetrator.

The victim does not attend the meeting but is represented by an Independent Domestic Abuse Advocate (IDAA) - who supports victims (through risk assessment, safety planning and institutional advocacy) and makes sure their views are heard, that agencies are held to account and that victims are kept informed after the meeting. There is an assumption that no single agency or individual can see the complete picture of the life of a victim, but all may have insights that are crucial to their safety. MARAC, with its focus on working collaboratively to ensure the safety of

domestic abuse victims and their children, allows partners involved to share those insights and develop robust and effective safety plans. There is no statutory obligation to hold MARACs.

We have not found that all victims understand these processes or how planning around their safety is done.

We have been told that MAPPA partners will be aware if there is a registered victim under the VNS, and a flag will appear on the SPS PR2 system. It is less clear what action would be taken by the MAPPA partners, as the flag does not go further in identifying that particular victim or if that victim would be entitled to specific information.

We have been informed that the SPS position is that the VNS is a confidential scheme and the legislation does not permit SPS to disclose information regarding a registered victim to MAPPA partners. Most SPS staff do not have access to information in relation to registered victims - only those who operate the scheme are aware who the registered victim is. The PR2 marking is there just to alert staff that there is registered VNS interest.

Given this position, it is hard to identify what benefit the flag actually has. MAPPA practitioners have told us they find this frustrating. It does not make sense to protect a victim from disclosure of their information to the very authorities who exist to protect them and the public. If indeed there is a legal impediment, there should be a consent mechanism to join this up properly.

From talking to victims themselves, it came across strongly that there is misunderstanding about risk management and safety planning in connection with the release of offenders into the community. Victims may believe that there are shortfalls, when in fact a detailed risk assessment may have taken place of which they may be unaware. A proper explanation of what the risk management plan is (and is not) would go a long way to avoiding misunderstandings and offer victims a chance to ask questions and consider their own part in safety planning. The forthcoming Bail and Release from Custody (Scotland) Bill introduced to Parliament in 2022 proposes enabling victim support organisations to receive information as well as or on behalf of victims. This proposal also aligns with our recommendations in relation to various aspects of the VNS that victims should be able to nominate someone to receive information on their behalf, or as well as the victim.

We are aware that the Criminal Justice Committee's Stage 1 Report on the Bail and Release from Custody (Scotland) Bill recommends that the VNS Review takes into account evidence from survivors of crime about their concerns with the current victim notification arrangements. The Committee has heard evidence of numerous deficiencies with current victim engagement, in particular for bail decisions and reports that victims were having to police bail conditions themselves. The Committee wishes the Scottish Government to consider whether further information can be provided to victims to give them confidence that bail conditions are being policed and where necessary action taken in the case of a reported breach.

We determined at an early stage of our Review that we would confine our enquiries to victim notification post-sentence as the current legislation stands. In this Review, we have considered licence conditions and temporary release, particularly with regard to victim safety and what information victims should receive. We noted that there are already victim information arrangements pre-sentence, such as Family Liaison Officers and the Victim Information and Advice service in Crown Office and Procurator Fiscal Service. We judged at an early stage that to broaden our remit across the whole criminal justice system would prove too broad a task and dilute our focus on finding practical and implementable solutions for victims under the current Victim Notification Scheme. We suggest that issues across the wider criminal justice system would be better addressed within the Victim Centred Approach workstream which is a priority for the Victims Taskforce.

## Section 28: Police Scotland - Public Interest Disclosure

The process for disclosing sensitive personal information about an identifiable individual when disclosure is deemed necessary in the public interest, and there is a degree of urgency because no other options are applicable or there are no specific statutory powers available, is known as "Public Interest Disclosure". It had been suggested to us that Public Interest Disclosure might be a tool to notify victims where there was some urgency.

This procedure is designed for disclosing sensitive personal information about an individual to a body, agency, employer or person in a position to mitigate the risks arising from that person's behaviour.

We have been told that this process is used only very rarely and it would be unlikely to be used, other than in exceptional circumstances. There are a number of considerations and safeguards around the exercise of this power and this is not understood by victims.

Feedback from victims has been that they are concerned about their safety when offenders are released, but they do not clearly understand what safety planning has been done by the agencies involved, or how much responsibility they need to take themselves. Where voluntary support organisations are involved, this will assist, but they may not be involved in every case.

Our enquiries established that risk management arrangements are intended to be proportionate to the risk assessed. An action plan will depend on which agency has the lead, Justice Social Work or Police Scotland, for example. We learned that the SPS database, PR2, will flag to MAPPAs partners that there is a VNS registration, but it goes no further and does not identify if there is one or multiple victims and what information they may have requested. We were told this limitation is perceived by MAPPAs partners as a hindrance. We have commented on the shortcomings of this above.

We were told that unless there are specific licence conditions, an offender may not be made to reside in a specific place. Where an Environmental Risk Assessment is carried out, proximity to known victims is a consideration and may lead to an address being rejected.

With respect to information given to registered victims, we were not persuaded that there is a clear set of guidelines which link VNS notification to MAPPAs or MARACs and this apparent gap should be addressed. If there were an expert victim contact team member managing information to the victim, much of this confusion could be avoided. The liaison person could also explain what the safety plans cover and what they do not. There would need to be an agreement or protocol between a victim contact team and these partnerships for this to be enabled.



**Recommendation 16. VNS Flag. Section 28**

We recommend that, where there is a VNS flag in respect of an offender, the VNS agencies and the MAPPA policy team should work together to address the anomaly of non-disclosure of relevant information to the safety planning partnerships.

## Section 29: Registration

As outlined earlier in this review, victims are identified by COPFS, which sends out an information pack inviting a victim to register with one or both parts of the VNS. The enclosed forms then need to be sent back to a different organisation, the SPS. Information about the number of forms sent out was not available for the Review, but we have replies to Parliamentary Questions from 2021 and 2023 about how many forms were sent out.<sup>8</sup> Even with this information, it is difficult to understand why there seems to be a low take-up of the scheme.

We have been told some victims do not recall having been informed of the scheme. The forms are sent shortly after sentencing, which is generally agreed to be a time of extreme emotional turmoil for the victim. The scheme is paper-based and postal for the most part. We have not found any obvious consistency in how agencies make contact; some will telephone and email whilst others will not. We have identified concerns around GDPR as a reason for hesitance around some communications. The paperwork itself and the statutory options are confusing and the victims, whilst signposted to support organisations, may need to navigate all this themselves.

In terms of lost contact, SPS does record how many forms have been returned to them undelivered. As at March 2022, just over 3% of letters were returned (53). By comparison, in March 2021, 117, by March 2020, 113 and by March 2019, 98.

We have identified a number of additional complexities with registration such as an issue where an offender transferring to a hospital under a Hospital Direction (HD) will not come within the ambit of the VNS, unless the victim is also registered with the mainstream VNS; that for victims to receive full notification around mental health, a specific request is needed; and there are some limitations to participation in the parole process, unless a victim has registered their preferences in detail at the outset. Again, here our recommendation of automatic referral and an early conversation with a contact team about the scheme should resolve this issue.

We took evidence that some victims may not wish to engage with the process or 'move on' or they may change their position as time goes by. We only have anecdotal information that some victims contact SPS to deregister. More telling was evidence from victims that their traumatic experience never really goes away.

There are a number of choices here:

- (a) as now in Scotland, a system to which victims 'opt in'
- (b) one which automatically includes all victims of qualifying offenders ('opt out')

---

<sup>8</sup> COPFS VNS Packs issued:

2018-19	1880
2019-20	1788
2020-21	1158
2021-22	1674
2022 to 16 January 2023	1788

(c) a hybrid system, depending on the nature of the offence, with automatic referral and enrolment for victims of violent or sexual crime, the remainder to have a choice of opting in as now

(d) automatic referral to a suitably qualified victim information team for all eligible victims, to facilitate informed choice to 'opt in' (or not).

**(a) 'Opt in'**

The problems with the current opt-in system have been outlined above. We do not recommend the status quo.

**(b) 'Opt-out'**

The majority of respondents suggested the system should be an 'opt-out' scheme, easy to opt out at a later stage if desired. However, if all victims were automatically included in an 'opt-out' scheme there is some potential to overburden the system with volume. In addition, we consider that automatic enrolment would not in itself address the issues around navigating a complex system or make the experience more trauma-informed.

**(c) A hybrid system**

We have seen a model in Catalonia whereby victims of domestic abuse and gender violence are automatically enrolled, if made the subject of a Court Protection Order. Even in these circumstances, the victim will be asked later to sign a form to indicate they wish to receive information. Concerns were expressed about the limitations of the 'opt-in' arrangements for those not subject to a Court Protection Order.

**(d) Automatic referral**

The automatic referral schemes we have seen, such as in England and Wales and Northern Ireland, seem to us to provide a more comprehensive and inclusive service without differentiation. Moreover, the schemes feature personal contact with victims to explain the scheme and provide advice about information and other entitlements, helping them to make an informed choice about registering. This is our preferred option, as it provides for clear consent and informed choice – see Recommendation 17 below.

We considered the current model whereby the Scheme has Parts 1 and 2, with different provisions for each part, as well as an additional process for sentences under 18 months, to be complex considerations for a victim to understand and no other country system we looked at makes these kinds of distinctions. From a victim's point of view, the key issue is the personal impact on themselves rather than the legal category an event falls into. We believe the system should be based on choice and consent on registration, and this would encompass choices around information and participation in the parole process. While there may be administrative reasons for distinguishing information entitlements and participation in the parole process, it could be presented in a more accessible and cohesive way.

If there were an expert single point of contact available to explain and inform, much confusion and misunderstanding on the victim's part could be avoided. Early personal contact by a qualified person to explain sentencing, offender management, victim safety planning and entitlement to information would mean it was not left to the victim to work out how the scheme operates and what they should do. Well informed

decision-making by a victim might also reduce the administrative burden overall, reducing enquiries, incorrect applications, missed opportunities and stress on the victim.

The most recent Scottish crime statistics can provide some insight into potential volumes, but these figures have been distorted by the Covid pandemic, which sharply reduced court activity.

In order to estimate the likely size of any caseload under an automatic referral system, we have looked at crime figures for Scotland.

The most recent figures show the total people convicted in Scotland in 2020-2021 numbered 42,532, of which 17% received custodial sentences (Pre-pandemic 2019-2020 the total was 75,670 - 15%). Of the total convictions, 1,504 were for a main charge of non-sexual violence (including 383 under the Domestic Abuse (Scotland) Act 2018) and 817 for sexual crime. It might be safe to assume that a notional future non Covid-affected estimate might be double the 2020-2021 figures. This might lead us to estimating a possible total of violence, domestic and sexual abuse convictions to be at around 2,700 cases, which might be encompassed if all were referred automatically to a victim liaison/information team.

We looked at comparative VNS caseloads for our neighbours. We were informed England & Wales have around 42,000 live registered cases, Northern Ireland 500 and the Republic of Ireland 449 live cases.

At any given time, a workload would be a mix of active and passive cases. Some cases may not require action for a considerable period of time. Whilst some models we examined appeared to be labouring under pressure of the number of cases, where we found the system was working effectively in terms of caseload, such as in England and Wales and Northern Ireland, an approximate caseload per liaison team member stood at around 180-200.

### **Recommendation 17. Automatic referral. Section 29**

Having carefully considered the arguments, we have concluded that a solution to many of the currently perceived shortfalls of the process could best be addressed by the adoption of a system of automatic referral of all eligible victims. All victims meeting the current criteria for registration with the VNS should be systematically identified and their details passed to a suitably qualified team of contact officers within a prescribed time limit. Having received these details, the team would make personal contact with the victim (again within a prescribed time limit to ensure timely engagement) to explain the process, invite registration or, if the victim chooses not to do so, set a time to make further contact with the victim later to check the victim's wishes or needs had not altered. This allows for the personal communication with the victim, opportunities to answer questions or explain, to offer choice to the victim relating to their needs and wishes and, above all, flexibility.

## Section 30: Communication

A key aspect of any victim notification scheme is how and when victims are contacted. There is a strategic intention in the criminal justice system to make dealings with victims trauma-informed. This review does not propose to rehearse the definitions and the benefits of adopting such an approach; Lady Dorrian's recent report covers this comprehensively. We have seen evidence that this is an approach desired by leaders across the Scottish criminal justice system. There has been criticism from victim support organisations that the Scheme is not trauma-informed. When we interviewed stakeholders, particularly service delivery organisations, we made this a specific topic of discussion in order to gauge their understanding and commitment.

All the delivery organisations were familiar with it and could tell us its principles. Some had engaged with Dr Caroline Bruce's programme, commissioned by the Victims Taskforce and with a programme called First Word, which was overhauling official written communication in a bid to make it more sensitive to the recipient's needs. It is fair to say that there were varying degrees of progress and it cannot be said that there is much evidence of significant change yet, but some victims did tell us they had noticed an improvement in written content, such as not displaying the offender's details boldly at the top of the missive or labelling letters 'Official', as well as softening the language.

We found no consistency in how victims receive communications. The initial communication from COPFS is a covering letter and a number of leaflets. Notifications are mostly in writing (and probably should be so for legal reasons) but delivery varied in terms of timing, method of delivery (some by courier, others by normal mail) and sometimes by telephone. There was a reluctance to use email for data protection reasons around personal details. Whilst we were told some organisations do email victims, we were also told by some victims that their emails to CJ agencies had been unanswered or they had been directed to an unmonitored mailbox. We did find evidence where officials had tried to telephone victims, particularly if something had come up at short notice, and SPS officials did engage on the telephone with victims who called them as a response to having received a letter. We were told victims often call SPS in a great state of distress and they may even threaten self-harm, in response to which, the SPS contact the police and ask them to make a 'welfare check'. When speaking to SPS officials, they told us they did their best to respond personally to enquiries from distressed victims, but this is really beyond their brief and the strain of trying to respond sympathetically to a highly distraught victim takes a toll on officials as well. They are not trained to handle these situations. It is important to remind ourselves that the VNS's purpose is to provide information, not to provide a support service, but having said that, there must be a straightforward way to access support for those who need it.

Not all information about an offender can or should be disclosed to a victim, and there are good reasons for this to be the case. Victims complain and feel frustrated when they are denied information to which they think they should be entitled. In such cases, where it is not appropriate or lawful to disclose particular information to a victim, it is essential that the reasons why are fully explained from the outset; we are

of the opinion that much of the tension around lack of information perceived by victims could be avoided with better, timely, regular and personally delivered communication.

Several communications do include the contact details for Victim Support Scotland, but we were told that VSS did not suit everybody. There are several support organisations offering a spectrum of support. The question is, how able is an anxious victim to navigate this landscape? We heard from many support organisations, and at the workshop, that links to support provision for victims were not enough and more should be done. If there were a single, supportive personalised information service, able to direct victims informatively to the full range of support available, this could be significantly more effective and take the navigational burden off the victim.

The current system is essentially based on agencies imparting information to victims at certain stages, rather than a two-way dialogue. The system as it stands can overload an anxious victim at the start, and then have no communication at all for perhaps a number of years. It can have a traumatic effect when a victim is notified of a major event without warning. We noted that under the Mental Health Tribunal System, as some detentions are without a time limit, there is a built-in two-year review process, but this is not the case with the criminal justice VNS.

In the meantime, there are issues around keeping current victims' contact numbers, email and home addresses up to date. We were also reminded by the support organisations that some victims may have chaotic lifestyles, unstable accommodation and variable access to phones/IT. This makes a system which is essentially passive, rather than proactive, prone to communication gaps and helps defeat the purpose of the VNS.

At 31 March 2022, there were 53 victims SPS reported they were unable to contact (3.1% of letters issued)

#### Letters returned

March 2019	98
March 2020	113
March 2021	117

### **Recommendation 18. Communication. Section 30.**

For any system to be truly trauma-informed, the victim should be offered a readily accessible menu of means of staying in touch, so they choose what is best for them and they can alter their choice when they need to. Victims' needs will change over time and the system should reflect this.

We recommend delivery partners each clarify their GDPR procedures to ensure that restrictions are not applied unnecessarily with regard to use of email, records retention policies and sharing information with relevant partners.

There are also occasions when notifications arrive on anniversaries, such as a birthday or the date of the sentence. This causes particular distress. We noted that in New Zealand and other international jurisdictions, efforts are made specifically to

avoid this unnecessary distress and this should also be adopted by the Scottish system.

**Recommendation 19. Rationalise online information. Section 30.**

We recommend that a review be undertaken of all the official websites giving details of the VNS, to rationalise VNS information into one common format in clear, concise, consistent and accessible language. Ideally, there should be one single website and one phone number/email address for victims to contact. Information should not be confined to script. We recommend also that visual information is available on one main website, containing videos and graphics for example, be produced alongside for those who prefer visual media. Mainstream platforms, such as YouTube, could also be considered.

## Section 31: Feedback and Complaints

We examined to what extent the Scheme already has feedback and effective complaints processes. Whilst the delivery organisations each have complaints processes, we found limited evidence of uptake, low levels of satisfaction amongst users and little indication that management saw complaints as a valuable source of information to drive improvements. There are some informal feedback processes to be found and officials were individually responsive, but there is no obvious culture of using systematic feedback as a positive tool. We heard from the former England and Wales Victims Commissioner that this issue had been considered by her office and a move to take feedback surveys away from the delivery organisations into the Victims Commissioner's realm had improved confidence and uptake.

We are aware of a substantiated complaint against COPFS, which had been escalated to the Scottish Public Services Ombudsman in November 2022, which indicated the distance still to go to achieve a trauma aware culture. We believe our proposal to create a new contact team should help improve the communications and service victims receive.

We were concerned to learn that data held on the SPS system is immediately deleted upon completion of a sentence or the death of an offender. This was explained to us as a data protection requirement. Whilst this may be so, it has the unfortunate effect of deleting any historical data which might be needed in a complaint investigation subsequently. This seems short-sighted and could even impede a later enquiry, which, beyond determining accountability, might also help lead to system improvements. We are aware of other parts of the system, the VNS for mental health, where information is retained for a limited period, with supporting rationale.

We considered how a new Victims Commissioner for Scotland might play a role in user feedback, but we have concluded that, whilst the role is as yet unestablished, it would not be appropriate now to nominate that position as having any delivery responsibility for the efficient operation of the VNS. This was also the view of the workshop delegates.



## Section 32: Victim Notification Models in other countries

In order to gain a wider perspective of other models, we contacted representatives of victim notification schemes which operate abroad. We did not conduct a formal research survey, but simply looked for:

- Examples of victim notification schemes in other countries, particularly with similar adversarial judicial systems
- Learning what works well and what does not
- How the needs of victims are catered for in the processes. How victim-centred are they?

We were assisted by Victim Support Europe, who passed on our request to EuroPris - the European Organisation of Prison and Correctional Services - and CEP, the Confederation of European Probation. We received a good response from 10 European countries, who provided written information and/or took part in an interview. Contacts outside of Europe included Canada, New Zealand and Australia and written material on the USA was considered. In addition, we consulted officials and the Victims Commissioners for both England and Wales and Northern Ireland. Information is included in a supplement to this report.

We were keen to understand not just the main features of the schemes being delivered in other jurisdictions but what our international colleagues considered to be their relative strengths and weaknesses and their plans to develop their arrangements. We sought to identify schemes, or aspects of schemes, that had the potential to address the key issues that had been highlighted with the VNS in Scotland.

To that end, we particularly focussed on:

- Eligibility criteria
- Enrolment processes
- How and by whom the scheme was operated
- Information entitlements
- Participation in the parole process
- How victims receive information
- Access to support
- How complaints and feedback are handled
- Improvement plans

The key points we noted were:

### Eligibility

- was normally for a direct victim or close family members, if the victim was deceased. Some models allowed for discretion over the number and relationship of registrants to the victim and several allow a victim to nominate a person to receive information on their behalf. There was an example of a jurisdiction that allows a third party with a legitimate interest to register (Switzerland).

- Most schemes were confined to post conviction and custodial sentences, mainly with no qualifying length, though some did have one. In England and Wales, the threshold is a custodial sentence of over 12 months. In Northern Ireland, it is a custodial sentence of over 6 months. There were examples of schemes that extended to community sentences and home detention.
- We received only limited information about children and young people. Generally, victims were able to receive information themselves from the age of 18. Under that age, most schemes provided for a parent or guardian to receive information on their behalf.

#### Enrolment

- The majority of the schemes we examined were 'opt-in', although we were informed that some, such as Canada and New Zealand are looking to move to an 'opt-out' system to improve take-up. In the devolved jurisdiction of Catalonia, where a court issues a Protection Order for victims of domestic and gender violence, they are automatically enrolled, whereas victims of other offences are 'opt-in'. Others, including Sweden and the Slovak Republic prioritise domestic abuse. Croatia has a system of automatic enrolment.
- The Netherlands, which has a positive victim support culture, has a fully 'opt-out' system.
- Victim notification in England and Wales has a system of automatic referral to a Victim Liaison Officer. Northern Ireland also has a system of automatic referral, to enable the victim then to decide to opt in or not.

#### Who Operates

- Most schemes were operated by 'Corrections' (prisons and probation services). We noted that some victim contact schemes were run by highly skilled teams, such as experienced social workers and psychologists (Croatia, Catalonia in Spain). There were examples of multi-agency teams and also of NGOs operating under the auspices of the Ministry of Justice (Croatia). In The Netherlands, victim notification has been transferred from the prosecuting authorities to the Ministry of Justice Central Fine Collection Agency, who have responsibility for court and criminal compensation orders. This change will result in increased staffing and training for staff.
- There were 2 examples of teams that also had an involvement in delivering restorative justice (Northern Ireland and Catalonia).

#### Information entitlement

- The type of information provided was fairly uniform: Full release, escape, death and some forms of temporary release. Some schemes go further than the scheme in Scotland currently. In Manitoba, Canada any temporary release may be notified. Croatia may also inform the victim of all instances of temporary release. Some provide regular touchpoints rather than relying solely on trigger events.
- Several examples emphasised safety considerations, particularly if domestic abuse is concerned.

### Participation in Parole processes

- Only Sweden indicated that they do not have provision to participate in some way in parole hearings. The opportunity exists in several of the countries consulted to provide victim impact statements and be provided with information about parole decisions and the outcome of appeals.

### Communication

- Methods included telephoning, writing to and emailing victims as standard procedure, and also included face to face meetings and digital options, such as automated notifications and portals.
- The Netherlands introduced an on-line portal in 2020. All information provided by Police, Prosecution, Victim Support Netherlands, the Central Fine Collection Agency and the Criminal Injuries Compensation Fund can be accessed on-line in a single central location, '*My Case as a Victim*'. This provides a timeline of case progression and victims can retrieve messages from various organisations, information on their rights and what assistance is available, and also frequently asked questions. They log in using their DigiD. They have also produced videos to provide accessible information.
- There were examples of the police being involved in contacting victims if there was a time imperative (e.g. Croatia).
- Norway has national guidelines about how notifications should be made and about checking receipt.
- In some schemes, initial contact is made by telephone or letter and once the victim has made a decision about registration, they can decide on their preferred means of communication (Catalonia, England and Wales, Northern Ireland).

### Support

- A number of jurisdictions described providing victims with information about support services and referring victims to services. In British Columbia, Canada a support worker can be requested.
- Examples were also given about national call centres and specific links to NGOs.

### Complaints and Feedback

- A number of schemes routinely seek feedback from victims but a number acknowledge that response rates are low.
- Victoria, Australia strengthened complaints processes and accountability mechanisms following a review in 2014.
- In Canada, Victims Bill of Rights ensures a formal complaints process for victims. In Manitoba, complaints may be made to the Director of Victim Services.
- Some refer to the complaints procedures in each of the CJ agencies.
- A number of jurisdictions administer a victims' survey.

### Improvement Plans

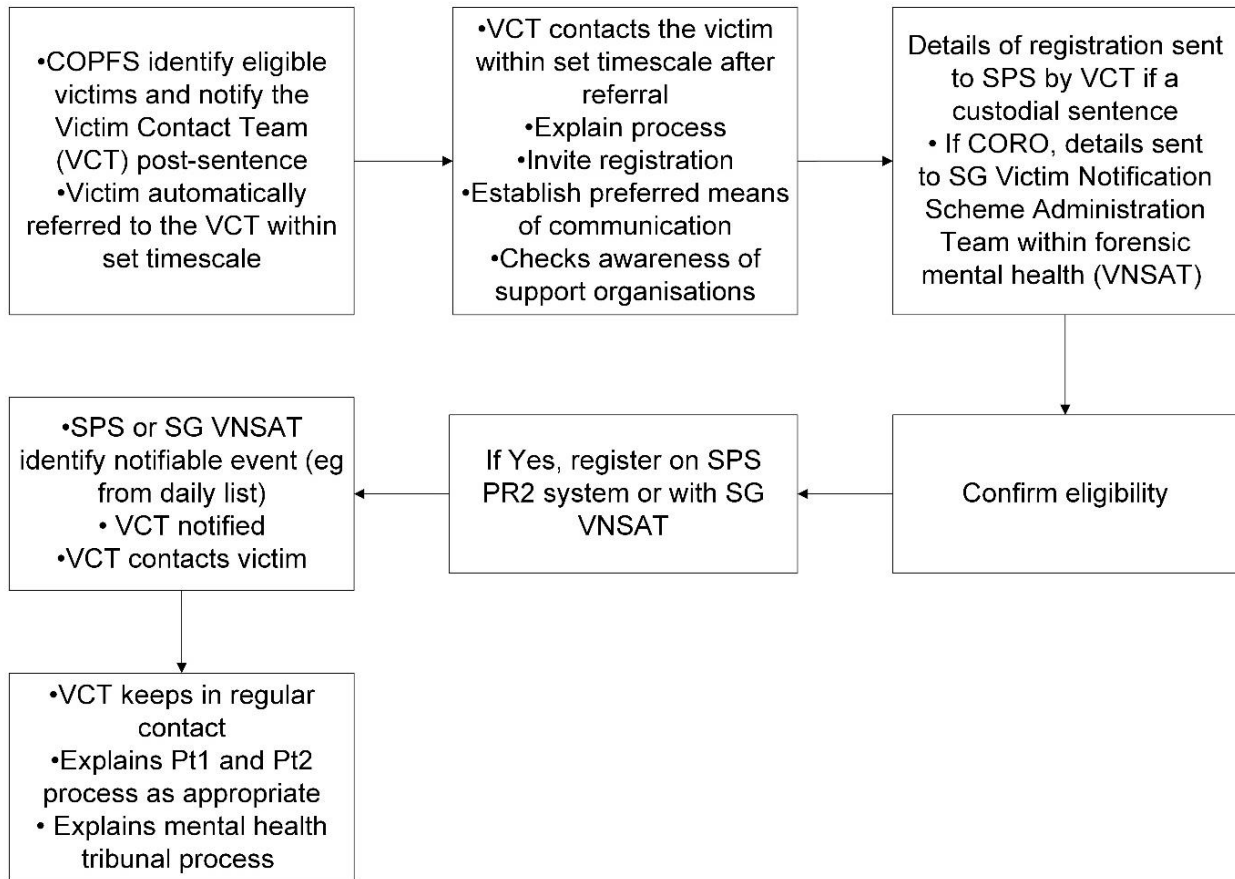
- New Zealand reviewed victims policy in 2019 and have a number of improvement ambitions set out in their 'Reframe' programme. They have a 'lessons learnt' database.

- Canada is considering improvement recommendations arising from a review (2020) of their Victims Bill of Rights Act and a report from the Federal Ombudsman for Victims of Crime about information rights (2021).
- Norway and Sweden are looking currently at potential improvements.
- Croatia has new legislation being introduced soon and The Netherlands updated their Victims Rights Act in 2022.
- Northern Ireland and New Zealand are considering improvement to the data they collect about victims and benchmarking.

We are grateful to colleagues from around the world for providing information and taking the time to speak with us, sharing their knowledge about the delivery of information schemes and related services for victims. Their input has been extremely useful in helping us to consider the potential future shape of the VNS in Scotland.

## Section 33: What could a new service look like?

### VICTIM NOTIFICATION SCHEME: CRIMINAL JUSTICE AND FORENSIC MENTAL HEALTH: PROPOSED “TO BE” PROCESS MAP



We have identified an overwhelming view amongst stakeholders that there should be a single point of contact for victims with the following characteristics:

- There should be one specialist skilled trauma-informed victim contact team to handle all communications with victims
- Team members should be selected on the basis of aptitude to communicate with distressed victims, be well-trained and be suitably qualified. We noted that in some international models, the skill level was at professional psychologist or experienced social worker level
- Victims should be contacted personally at a suitable time after sentencing and offered a conversation by phone, in addition to the official notices
- The contact team member should explain the system, what the sentence means and offer choices around means of communication and easy ways to deregister/ re-register if desired
- There should be one main Victim Notification Scheme website for ready access to information. This could be developed as a tool to communicate victims' wishes

- Communications should have built-in touchpoints, so victims are not left alone for long periods
- Victims should ideally have a named contact in the team, where possible, and one phone number to call or email address
- The team should have effective data-sharing protocols and shared access to relevant data systems for all the holders of relevant critical information
- The team should have strong links with the support organisations to ensure effective and prompt signposting
- Looking ahead, there may be a role for such a team to act as a gateway to Restorative Justice processes

## HOW SHOULD SUCH A SERVICE BE MANAGED?

The number of different official organisations involved in delivering the Scheme from government and criminal justice make for a crowded and complex landscape. The process starts with COPFS, moves to SPS, back to SCTS, back to SPS and then PBS. If Hospital Directions or COROs are involved, then a Scottish Government section and the MHTS become involved. We have suggested that Secure Care should also be included. We have also suggested the Scheme be extended to certain Immigration cases. From the victim's perspective, over possibly an extended period of time, they are required to understand and navigate different systems for sentences under and over 18 months, Parts 1 and 2, a variety of temporary release circumstances, movements to and from hospital and a separate process for mentally disordered offenders, if applicable. They might also need to be aware of the deportation process.

There is no clear ownership of this area or one straightforward point of contact for victims. Issues with particular points in the process have to be taken up with the unit where the issue has arisen. Whilst organisations do signpost victims if they have approached somewhere incorrectly, this is an unreasonable burden on the victim.

As the scheme has developed, a common Standards of Service document has been produced with annual reporting by each constituent organisation. This document, as the Thrive Report also noted, collates several organisational annual reports in different formats, with very little data, (other than from SPS), and conveys the impression of a patchwork publication with no evidence of overview or coordinated and measured performance improvement.

We should observe at this stage that we have found the identification of performance data throughout the entire VNS to be difficult to identify and obtain. This in itself testifies to the fragmentation of the Scheme and the need for it to be more coherently performance-managed with objectives, systematic measures to improve performance and holding to account.

We have concluded the management and oversight of the victim contact team we are proposing would lie best outside the existing delivery organisations, in order to have a holistic overview. We propose that the new team be either managed directly by, or be closely accountable to, the Scottish Government Justice Directorate. The

Cabinet Secretary for Justice and Veterans and the Scottish Government ultimately have responsibility for the justice system, criminal law procedure and victims and witnesses. We believe the resource cost of the establishment of such a team could be largely met by the redistribution of opportunity costs from elsewhere in the current VNS.

In making our recommendation for the establishment of a new team to provide personalised victim contact, we have not entered into a detailed costing exercise for this review. We wish to give the Scottish Government some leeway in determining where this team might sit and how it might be managed and constituted, as there are a number of ways in which this might be achieved.

**Recommendation 20. A new victim contact team. Section 33.**

We recommend that a new victim contact team, managed by or accountable to the Justice Directorate, be established, to sit outside the delivery organisations but work closely with them and the victim support organisations, to provide a personalised service for victims.

**Recommendation 21. Contact team function. Section 33.**

This team should receive automatic referrals from COPFS for victims, where there has been a custodial sentence or Compulsion Order and Restriction Order, within a target period and make personal contact with the victim within another specified target period. The team should offer victims enrolment within the VNS, provide information on the process and their rights and entitlements. They should offer a choice of future communication, including how to opt out of any information not desired and the right to re-enrol at any time of their choice. The team should be managed centrally by or accountable to the Justice Directorate of the Scottish Government and be made up of suitably trained and skilled operatives and be able to operate across all the interested delivery agencies with appropriate data sharing protocols.

## Section 34: Diversity

We recognise some groups may face particular disadvantage in accessing the scheme in terms of, for example, culture and language. We have made observations on how we believe the position of children with regard to VNS should be revisited.

We were told that there have been no requests for VNS documentation in other languages, but we do not take this as there not being any issue with this; indeed, this may suggest the Scheme is not readily accessible to minority groups. We have not found evidence that diversity and accessibility is actively monitored within the VNS.

We have not found evidence of catering for the sight-impaired, neurodiverse or other characteristics. VNS information appears on a number of official websites in varying formats and content. There is a clear need for greater consistency as well as common use of accessible language and communications options that meet diverse needs.

### **Recommendation 22. Diversity. Section 34.**

Diversity monitoring should be adopted to check on accessibility and progress. Where information given is likely to cause anxiety, confusion or an emotional response, we recommend that such information be given orally where possible. We have further recommended that information be available in a variety of accessible forms, including the visual (Recommendation 19).



## Section 35: Conclusion

Our brief recognised that victims and victim support organisations had concerns about the current operation of the scheme in that it was seen as bureaucratic, difficult to navigate, disjointed and confusing. Concerns had been expressed about the level of take-up and that some victims may be failing to engage for reasons which were not entirely clear.

The Scottish Government commissioned this independent review to ensure the scheme be fit for purpose and serving victims effectively. The review was to form part of the commitment to transform how justice services are delivered, which included putting the voices of victims and a trauma-informed approach at the heart of Scottish Justice.

Following a review of earlier work in this field, we set about talking to the widest possible number of stakeholders (of whom there are many) and also felt it important to look at international models, which had not been done before. We were also anxious to hear from victims themselves; we were unsure if any would come forward, but a number did, and what they told us has been a main driver in our considerations.

It has been noticeable that there is a great deal of consensus amongst stakeholders about what the shortcomings of the current process are and also what the solutions are to improve things. This includes those who operate the system from within the delivery organisations. It was encouraging to see the deliverers to be open to change and everyone demonstrated a desire to help victims.

All agreed the notification scheme serves an important function. We found a great number of similar schemes in operation around the World, many facing the same challenges as Scotland. If we are to genuinely try to be as trauma informed as we can be, the system must have a human touch, be sensitive and responsive, be flexible and offer choices. Despite work towards improvements, it still falls short in this regard as things stand now, but it is not enormously difficult to rectify this.

Our principal recommendation is the establishment of a new team to provide responsive and personalised information for victims, to inform fully and avoid misunderstandings, as well as refer effectively to support. We have also made a number of recommendations around processes and procedures, where we have identified anomalies or a need for change. We also suggest there is a need for more recognition that feedback from users is the best way to identify problems and improve.

We set out to devise recommendations which would be practical, achievable and affordable. We believe our recommendations do that. We have observed that change in the criminal justice system can be very slow, but we see no reason why our recommendations could not be implemented quickly; they mostly avoid the need for legislation. Looking ahead, we also think the new team could be a valuable vehicle to support the development of restorative justice as it unfolds.

We hope our recommendations will result ultimately in a scheme which is indeed fit for purpose; a human, trauma-informed and personalised process, which can go some way to help victims in their difficult situation.

## Section 36: Recommendations

### **Recommendation 1. Objectives and targets. Section 9 (All VNS)**

Considerable attention should be given to devising meaningful objectives and targets across the delivery of the VNS, which clearly relate to its purpose. There should be a common currency for targets, to include a focus on improvement, user satisfaction and well-being.

### **Recommendation 2. Objectives and targets. Section 9 (CORO VNS only)**

We recommend that, whilst volumes are small, mental health cases are part of the landscape and should come within the ambit of performance reporting in order to provide a full picture. We recommend the inclusion of reporting data on the handling of mental health cases in the Performance Report.

### **Recommendation 3. Key data. Section 11. (All VNS)**

We recommend that work be done to identify the key data for the VNS, to identify overall how efficient and effective VNS performance is and to ensure it is readily available to managers of the Scheme to continuously improve it and ensure it genuinely meets its purpose and serves victims as intended. User feedback should be included. This should be the key information in the published performance report by each of the agencies involved.

### **Recommendation 4. Single point of contact. Section 12. (All VNS)**

We recommend the Witness Portal work and Single Point of Contact work arising from the Victims Taskforce VCA Workstream include provision for straightforward access to the VNS for victims.

### **Recommendation 5. Confirmation streamlining. Section 17. (Criminal Justice VNS only)**

We do not see a need for this additional layer and recommend that SPS and COPFS jointly look at how this procedure might be streamlined.

### **Recommendation 6. Eligibility check. Section 18 (Criminal Justice VNS only)**

In the case of victims of offenders sentenced to under 18 months, we would hope this could be done centrally via a COPFS database, rather than an SPS official needing to contact an individual sentencing court.

**Recommendation 7. Explanation for rejection – Parole. Section 19. (Criminal Justice VNS only)**

We recommend that unless there are exceptionally overriding circumstances, any rejection of a victim's application should be explained to them.

**Recommendation 8. Mental health procedures. Section 20. (CORO VNS only)**

We recommend that the 10 amendments to mental health procedures (outlined in Section 20 of this report 8(a) to 8(i)) be adopted.

**Recommendation 9. Young offenders. Section 22. (Criminal Justice VNS only)**

A process should be devised to extend the VNS to include young offenders in secure care, as well as young mentally disordered offenders.

**Recommendation 10. Transfers around UK and immigration cases. Section 23 (All VNS)**

We recommend that victim notification procedures for victims in Scotland regarding prisoners and patients who may be transferred around the United Kingdom be reviewed, with a view to establishing appropriate protocols, supported by legislation if required. This review should also consider the notification of disclosable information concerning the deportation of foreign nationals.

**Recommendation 11. Eligibility and discretion. Section 24 (All VNS)**

We recommend that the considered exercise of discretion be extended to the table above, to reflect the reality of relationships on a case-by-case basis. This should not be taken as suggesting a wide relaxation of the criteria. There should be a general aim of limiting the victim's eligibility to up to four relatives, but there is a need to allow discretion to reflect real circumstances rather than a traditional family tree hierarchy. Doing so would also support a trauma-informed and personalised approach. Once a genuine interest has been established, rejecting an application on grounds of the application of eligibility rules should only occur in the most exceptional circumstances.

**Recommendation 12. Nomination. Section 24 (All VNS)**

We recommend that victims are allowed to formally nominate one person to receive information on their behalf.

We understand Scottish Ministers may amend the criteria under Sections 16 and 18B of the 2003 Act.<sup>9</sup>

---

### **Recommendation 13. Children’s rights. Section 25 (All VNS)**

Any proposed reforms to the VNS with regard to children should be accompanied by a children’s rights impact assessment.

### **Recommendation 14. Age of registration. Section 25 (All VNS)**

We have concluded that children over the age of 12 should have the ability to authorise an adult to act on their behalf in the light of the UNCRC and ICO considerations above, that children over the age of 12 should be treated on a case-by-case basis according to their capacity and choice where appropriate. We recommend that there should be a clearly laid-out process for establishing how a young person over the age of 12 should register, including how, where and when appropriate advice may be given, and safeguards to confirm any decision is proportionate and well-informed.<sup>10</sup>

### **Recommendation 15. Criteria under 18 months and release. Section 26 (Criminal Justice VNS only)**

We recommend that for sentences under 18 months, notification criteria be extended to include death in custody and transfer outwith Scotland.

We recommend that in any instance of temporary release, where the offender might come into close proximity with the victim, that notification be made and that the ‘first release only’ provision be amended.

### **Recommendation 16. VNS Flag. Section 28 (All VNS)**

We recommend that, where there is a VNS flag in respect of an offender, the VNS agencies and the MAPPA policy team should work together to address the anomaly of non-disclosure of relevant information to the safety planning partnerships.

### **Recommendation 17. Automatic referral. Section 29 (All VNS)**

Having carefully considered the arguments, we have concluded that a solution to many of the currently perceived shortfalls of the process could best be addressed by the adoption of a system of **automatic referral of all eligible victims**. All victims meeting the current criteria for registration with the VNS should be systematically identified and their details passed to a suitably qualified team of contact officers within a prescribed time limit. Having received these details, the team would make personal contact with the victim (again within a prescribed time limit to ensure timely engagement) to explain the process, invite registration or, if the victim chooses not to do so, set a time to make further contact with the victim later to check the victim’s wishes or needs had not altered. This allows for the personal communication with the victim, opportunities to answer questions or explain, to offer choice to the victim relating to their needs and wishes and, above all, flexibility.

---

### **Recommendation 18. Communication. Section 30. (All VNS)**

For any system to be truly trauma-informed, the victim should be offered a readily accessible menu of means of staying in touch, so they choose what is best for them and they can alter their choice when they need to. Victims' needs will change over time and the system should reflect this.

We recommend delivery partners each clarify their GDPR procedures to ensure that restrictions are not applied unnecessarily with regard to use of email, records retention policies and sharing information with relevant partners.

There are also occasions when notifications arrive on anniversaries, such as a birthday or the date of the sentence. This causes particular distress. We noted that in New Zealand and other international jurisdictions, efforts are made specifically to avoid this unnecessary distress and this should also be adopted by the Scottish system.

### **Recommendation 19. Rationalise online information. Section 30. (All VNS)**

We recommend that a review be undertaken of all the official websites giving details of the VNS, to rationalise VNS information into one common format in clear, concise, consistent and accessible language. Ideally, there should be one single website and one phone number/email address for victims to contact. Information should not be confined to script. We recommend also that visual information is available on one main website, containing videos and graphics for example, be produced alongside for those who prefer visual media. Mainstream platforms, such as YouTube, could also be considered.

### **Recommendation 20. A new victim contact team. Section 33. (All VNS)**

We recommend that a new victim contact team, managed by or accountable to the Justice Directorate, be established, to sit outside the delivery organisations but work closely with them and the victim support organisations, to provide a personalised service for victims.

### **Recommendation 21. Contact team function. Section 33. (All VNS)**

This team should receive automatic referrals from COPFS for victims, where there has been a custodial sentence or Compulsion Order and Restriction Order, within a target period and make personal contact with the victim within another specified target period. The team should offer enrolment within the VNS, provide information on the process and their rights and entitlements. They should offer victims a choice of future communication, including how to opt out of any information not desired and the right to re-enrol at any time of their choice. The team should be managed centrally by or accountable to the Justice Directorate of the Scottish Government and be made up of suitably trained and skilled operatives and be able to operate across all the interested delivery agencies with appropriate data sharing protocols.

**Recommendation 22. Diversity. Section 34. (All VNS)**

Diversity monitoring should be adopted to check on accessibility and progress. Where information given is likely to cause anxiety, confusion or an emotional response, we recommend that such information be given orally where possible. We have further recommended that information be available in a variety of accessible forms, including the visual (Recommendation 19).

## Appendix A: Timeline of VNS provisions

NB: the dates below refer to the dates on which the relevant provisions came into force.

- **1 November 2004**  
 The [Criminal Justice \(Scotland\) Act 2003](#) created the Victim Notification Scheme. Section 16 confers the right on victims of certain crimes to receive information regarding the offender's release into the community where they have received a sentence of 4 or more years. This includes those under 18 where they have been sentenced to be detained without limit of time for murder or on conviction on indictment. Section 16 came into force on 1 November 2004 under [The Victim Notification \(Prescribed Offences\)\(Scotland\) Order 2004/411](#).
- **23 April 2007**  
 The 2003 Act provisions are amended by [section 36](#) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 to confer rights to obtain certain information on carers of children under the age of 14 where the victim has died.
- **15 May 2008**  
 The 2003 Act provisions are amended by the [Victim Notification Scheme \(Scotland\) Order 2008/185](#) so that the VNS applies where an offender is sentenced to 18 months or more. The VNS is also extended to include information about the return of an offender to prison or a young offender institution after release or escape to continuing to serve their sentence.
- **1 April 2011**  
 Para. 12 of [Schedule 1](#) to the Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011/211 comes into force. This amends reference to the definition of “person who cares for” to the definition in the Public Services Reform (Scotland) Act 2010 which is “means someone who, being an individual, provides on a regular basis a substantial amount of care for that person, not having contracted to do so and not doing so for payment or in the course of providing a care service”. This definition is relevant in relation to the right to receive information under section 16 of the 2003 Act.
- **13 August 2014**  
 The 2003 Act provisions in relation to qualifying persons are amended by the Victims and Witnesses (Scotland) Act 2014 (“the 2014 Act”). When a person who is entitled to received information has died, if that person is under 12, the person who cares for the child under 12 is entitled to receive information where a victim has died rather than the child. It also enables a victim of any offence to receive information about an offender in in relation to the circumstances in which they leave prison, instead of only victims of prescribed offences. Victims who are registered to the scheme and who have expressed they wish to do so can also make oral representations to the Parole Board



when a prisoner is being considered for release, and to extend the right to make written representations about conditions where an offender is being considered for temporary release (see sections [23](#) and [27 to 29](#)).

- **23 December 2015**

Provisions in [s27A](#) of the 2014 Act come into force that enable information-sharing with a victim where an offender has been sentenced to 18 months or less, and is being released or has escaped.

- **15 September 2017**

Commencement of amendments to the provisions governing the VNS in the 2003 Act to establish the VNS for mentally disordered offenders to include where the offender is in hospital receiving treatment for mental disorder by virtue of a hospital direction or a transfer for treatment direction . The provisions cover the sharing of information regarding release of the offender or when they are unlawfully at large, making representations (either written or oral, depending on the specific situation) where certain decisions are being taken about the offender, and obtaining information after any such decision has been taken. New sections are added to the 2003 Act which make provision regarding victims' rights to receive certain information relating to offenders who are subject to a compulsion order and a restriction order (CORO). These amendments were made by [Part 3](#) of the Mental Health (Scotland) Act 2015.

- **4 May 2020**

The provisions in the 2003 and 2014 Acts governing the VNS are amended by the [Criminal Justice \(Miscellaneous Temporary Modifications\) \(Coronavirus\) \(Scotland\) Regulations 2020/137](#) to include reference to prisoners released by virtue of regulations made under the Coronavirus (Scotland) Act 2020 as circumstances under which an entitlement to receive information can arise. This provision expired on 1 October 2022.

- **8 June 2022**

The [Bail and Release from Custody \(Scotland\) Bill](#) has been introduced to the Scottish Parliament and is currently at Stage 1<sup>11</sup>. Section 11 of the Bill as currently drafted makes provision so that a victim can nominate a supporter which can include a victim support organisation to receive information on their behalf, or in addition to receiving it themselves. This applies both in relation to the information available about the release etc of an offender, or the information provided to a victim to facilitate representations to the Parole Board.

- **1 April 2023**

The [Parole Board \(Scotland\) Rules 2022](#) are due to come into force on this date. Rule 30 makes a minor change to the provision relating to victims observing parole hearings: it permits observation only by those victims who have registered with Part 2 of the VNS (those who have indicated they wish to be afforded the opportunity to make representations in respect of decisions to

---

<sup>11</sup> Correct at the timing of writing the timeline.

release a convicted person on licence or have intimated they wish to receive information under that section). They must also have written to the Board to be authorised to attend. This excludes Part 1 registered VNS victims. These victims, in registering for Part 1 of the scheme, have indicated that they wish only to receive information about the release of an offender.

Secretariat to the independent review of the Victim Notification Scheme  
8 February 2023

## Appendix B: Preceding reports

In 2007, a **Scottish Government Social Research Analysis of the Victim Notification Scheme** commented:

“The VNS is a multi-agency scheme managed by four agency stakeholders. Where problems arise for the management of the scheme these largely concern issues such as victims understanding of sentencing and the practical management of actions...

Throughout our contact with victims, it was also clear that some confusion existed about how the scheme operates and consideration should be given to how victims interpret the material relating to joining the scheme and their comprehension about how it works.”

In 2017, some ten years later, **The Review of Victim Care in the Justice Sector in Scotland** chaired by Dr Lesley Thompson QC suggested that the fragmentation of the whole criminal justice system caused navigational obstacles for victims and their families:

“3.19 There is a perspective reported by victims that the system provides for the accused, but victims can be passed from authority, to agency, to service, with little in the way of continuity or consistency. I heard heartfelt pleas for there to be made available a routine service involving a ‘case companion’ or advocacy worker who is professional, knowledgeable, and available to steer victims and families through the web of criminal justice agencies and other arms of the state with whom they may need to engage, particularly in the aftermath of a death.”

Again, complexity was identified as an obstacle:

“If a system is to be truly victim and outcome focussed, an effective document would be one which does not require victims of crime to refer to other documents, to multiple agencies and to multiple support providers.”

The evidence we took from those with personal experience of the Scheme repeatedly referred to feelings of loss of control. The Thomson Report said:

### “Providing Choice

Disempowerment is a strong theme which has emerged from this Review. That, and the sense that the harm done by a crime should not be compounded by contact with the criminal justice system. I heard repeatedly that where possible, choice should be built into a service response. This is respectful to the individual and their experience, but it can also assist in reducing harm / secondary victimisation and can form part of recovery.

An important aspect of the VIA service, from inception, has been that information is provided to victims, witnesses and next of kin pro-actively with information and updates being provided, regardless of whether or not the victim maintains contact with VIA. Procurators Fiscal refer victims to VIA in

appropriate cases and thereafter, the service is provided unless, or until, a victim “opts out”.

The Report also appreciated the positive impact and importance of the inclusion of a human element in communications with victims:

“I am clear, however, that the role of VIA can be of most value to victims and witnesses where individual VIA officers have the capacity to develop, and sustain, close liaison with victims throughout their case. Excellent examples of this can be found in prosecutions at all levels but it is most evident in serious cases in which VIA officers have the opportunity to be engaged closely with victims and with other support organisations, playing a pivotal role in co-ordinating sometimes complex arrangements and relationships to ensure that victims’ concerns are allayed and their needs met.

The second aspect of the VIA role is victim-led. Rather than being focussed on the victim’s rights or the prosecutor’s obligations, it is focussed on the individual needs of the victim.

It relies on meaningful engagement with the victim by people who are skilled and experienced in victim engagement and, crucially, who have an intimate understanding of the criminal justice system. The role requires empathy, sensitivity and patience. It requires a professional approach, not only because it demands specialist knowledge, skill and experience but also in the sense that it requires the exercise of judgement and discretion in deciding how to approach matters, the level of information to provide and, crucially, when to raise issues with other criminal justice partners.”

A plea was also made for the criminal justice system to be accessible to victims in an easy and approachable manner, that victims should not have to repeat their story to every new arm of officialdom and that safety should be recognised as a prime consideration:

“Thirdly, a victim-led role is one which cannot be undertaken in isolation. It requires extensive engagement across the criminal justice agencies and with the third sector if the experience of the victim is to be seamless and so there must be consideration as to what approach allows us to maximise the scope for much closer collaboration between VIA and other partners. were a number of general themes which came through from consultation: -

- things should happen without the need to ask.
- that information be accurate, consistent and from someone in a position of knowledge.
- that needs be identified once, at the outset, without the need to repeat accounts or information.
- recognition that individual needs are often wider than issues connected with the giving of evidence.
- that safety – one of the main considerations – could involve housing / access to children and related civil proceedings.
- that access to ongoing counselling and therapeutic interventions needs to be improved.”

The Report makes clear that the overriding wish from respondents was that there should be one single point of contact for victims:

“However, by far the most common theme which we heard over and over was that victims wanted one point of contact - a single source which could co-ordinate a response to all of their individual needs for practical assistance, support, information and explanation.

Victims can encounter a complex network of organisations and services, each with their own remits and boundaries which are supplemented with myriad protocols, service agreements and codes across agencies. This is a landscape which can frustrate and confuse the uninitiated as they search for support, advice and information. It manifests, too, in the multiplicity of leaflets, DVDs and web pages created by individual agencies. This has led to calls for a ‘single point of contact’ and /or a dedicated case worker to steer victims through the system.”

**In 2020, there was a further report ‘Thrive’  
Transforming Services for Victims and Witnesses July 2020**

Transforming Service for Victims and Witnesses was commissioned jointly by Scottish Government, Crown Office Procurator Fiscal Service (COPFS) and Victim Support Scotland (VSS). The intention was to understand the gaps in support for a victim or witness’ journey through the criminal justice system by taking a user-centred, service design approach.

This Report, produced three years after the Thomson Report, recognised that the problems had been largely identified and that steps were underway to address them, but there is still a way to go on this journey. In 2020 they noted:

“The nature of a complex system, such as the criminal justice system, is that there are many different perspectives on both problems and solutions. However, the nature of this system, with separation of duties, distinct statutory obligations, and a stretching agenda for legal reform, can lead to individual agencies ‘just getting on with it’, according to their individual priorities, and as a result, missing potential opportunities for more robust, cross cutting solutions that would improve the efficiency and resilience of the whole system, and the experience of victims and witnesses. There is no doubt that there has been considerable reform in the criminal justice system and the creation of the Victims’ Task Force has provided transparency and visibility in relation to the wide range of initiatives underway. However, it can appear that there is an ever-increasing industry of those providing ‘oversight’ with the unintended consequence that there is less capacity within the system to get things done. The Victims’ Taskforce has raised awareness of initiatives across the sector and as such, the potential for greater collaboration. However, it appears that the tools, methods, capabilities and practices of user-centred, collaborative problem solving are not yet well embedded.”

Whilst the delivery agencies now published a joint performance report annually, the authors criticised the content and questioned its impact:

“Much of the content in the Standards of Service annual report is in narrative form, with no indication of whether progress is on, behind or ahead of target. The Standard of Service document offers assurances that the agencies ‘need to do more, and can do more, and ... are committed to doing more but it is difficult to connect the rhetoric to objective measures of progress. It seems unlikely that victims and witnesses would be aware of this document and, if they were, it would not provide a useful basis upon which to hold agencies to account.

Individual agencies do gather information relating to victims’ and witnesses’ interactions with them but in the main, this information relates to whether agencies have discharged their statutory duties rather than whether victims and witnesses were satisfied with the service they received. Each agency has its own complaints process, with victims and witnesses first having to identify which agency was responsible for the interaction and then contact them with a formal complaint. Agencies then review the complaint determine whether statutory duties were met, in which case the complaint is rejected, or not, in which case it is upheld.”

The Report considered how IT might enable a smoother experience for victims. It considered this is not an insurmountable challenge but noted that proposals for a ‘Witness Portal’ seemed to prioritise witness engagement up to trial, rather than provide any facility for victims post sentence. It urged a more joined-up approach and a more agile service for victims in terms of a ‘customer journey’ approach.

“However, it is important to highlight that significant improvement is not reliant on innovative technology. The technology required to enable an end-to-end service for victims and witnesses is tested and available.

At its simplest, provision of consistent, accurate, well communicated information, online, would make a difference to victims’ and witnesses’ experiences. This is cheap and easy, with the application of the appropriate capabilities. The witness portal being taken forward by COPFS will improve access to witness statements, court scheduling and allow witnesses to indicate their availability and claim expenses. However, it does not currently link witnesses to sources of support; similarly, the Victim Notification Scheme does not link victims to sources of support; data sharing protocols between police and local authorities enable sharing of information relating to prisoners who may be released within 12 weeks but information in relation to victims’ safety plans is not shared.

Truly transforming services for victims and witnesses requires a ‘whole system’ approach with greater collaboration between agencies and a shared perspective on the end to end customer journey.

Responsibility for a data strategy and implementation of an integrated information architecture to support service provision and improvement across all justice agencies

- Responsibility for designing and implementing cross sector ‘customer journeys’ through design of effective customer interactions and customer management across all channels – digital, phone, mail and face to face
- Review of responsibilities for ‘enquiries’ services with a view to ensuring efficient and effective customer service across all agencies
- Establishing an appropriate and dynamic performance management system to ensure customer service is monitored and feedback is used to improve across all customer interactions”

The Report considered how governance should be designed to oversee delivery mechanisms:

“Greater distinction between governance tasks and delivery tasks would be helpful in ensuring that whole system capacity is deployed to best effect and attention needs to be given to develop capacity and capability in both functions

Across these change initiatives, digital is a vital enabler, with significant potential to transform service for victims and witnesses. Realising this potential will require leaders across the system to adapt their practices to take a whole system approach.”

## **IMPROVING THE MANAGEMENT OF SEXUAL OFFENCE CASES**

### **Final Report from the Lord Justice Clerk’s Review Group March 2021**

Lady Dorrian’s report again mentions a need for a single point of contact, necessarily trauma informed.

“There is a need for greater and more user-friendly information from one consistent trauma-informed source of contact, from the outset and at relevant key stages of the process, provided by someone with adequate knowledge of the process, the circumstances of the case and of the complainer. (Page 8 Dorrian)

4.18 While it may be the case that at different stages of the process different organisations may be in possession of the necessary information, there seems to be no reason why in principle the information could not be made accessible or at least available for initial collation by one single trauma-informed source of contact who in turn can communicate it to the complainer. Protocols and systems can be put in place to ensure information sharing between agencies. Notwithstanding the restrictions on time and available resources the various justice agencies regularly work together in the provision of joint strategies and documents, the Standards of Services being just one example. A collective approach is needed, and the use of IT may help provide a solution.”

## Appendix C: Stakeholders

### SCOTLAND (INTERVIEWS)

Assist: Ann Fehilly, Fiona McMullen

Children and Young People's Commissioner for Scotland: Anthony McIlvaney and Cameron Wong McDermott

Children 1<sup>st</sup>: Louise Hill and Caroline Kelly

Community Justice Scotland; Karen McCluskey, Rebecca Proctor, Chris McCully, Keith Gardner, Rose McConnachie and Laura Hoskins

Crown Office and Procurator Fiscal Service: Claire Wallace and Shenagh Davidson

Mental Health Tribunal for Scotland: Scott Blythe

MAPPA Local Arrangements: Jennifer Butler, Co-ordinator, Glasgow

Parole Board for Scotland: Colin Spivey, Elizabeth Thomson and Paul Jamie

Petal: Neil Moore

Police Scotland: DCI Graeme McLachlan and Inspector Alexander Marshall

Rape Crisis Scotland: Sandy Brindley

Risk Management Authority: Debbie Campbell, Hayley Warburton and Mark McSherry

SACRO: Yvonne Wilson, Andy Gosling and L Gale

Scottish Courts and Tribunals Service: Elaine Walker

Scottish Government: Cabinet Secretary for Justice and Veterans (supported by Lindsey Henderson)

Scottish Government (Case Related Data Transformation Project): Ruth McCallum and Emily Horgan

Scottish Government (CORO VNS): Nicola Paterson, Mari Bremner and Jennifer Watson

Scottish Government (Future of Custody Team) Jennifer Stoddart, Graham Ackerman, David Doris, Susan Thomson and Andrew Corrigan

Scottish Government (Justice Directorate): Anna Donald

Scottish Government (Multi Agency Public Protection Arrangements [MAPPA] policy): Avril Coats, Jeff Gibbons and Karen Lyon

Scottish Government (Redress) Laura McGeary, Catriona Syme, Lauren Kelly and Carol Lamont

Scottish Government (Secure Care): Alison Melville



Scottish Women's Aid: Louise Johnson, Kathryn Ramsay

Scottish Prison Service: Colin Plunkett, Liz McNamee, Emma Fulton and Emma Murphy

Victims Organisations Collaboration Forum (VOCFS): Linda Thompson; Margaret Dekker; Gillian Urquhart (Moir Anderson Foundation); Louise Hill (Children 1<sup>st</sup>); Katie Anderson (Rape Crisis Scotland); Louise Johnson (Scottish Women's Aid); Debbie Storm, Stevie Tidy (chair) and Emily Jamison (all Victim Support Scotland)

Victims' Taskforce: Victim Centred Approach workstream: Colin Spivey (Parole Board for Scotland) and Catherine Docherty

Victim Support Scotland: Kate Wallace

## INTERNATIONAL CONTACTS (BY INTERVIEW OR CORRESPONDENCE)

WR = Written Submission

I = Interview

Australia - Prosecution Service New South Wales (WS and open source material)

Canada - Office for the Federal Ombudsman for Victims of Crime: Mariam Musse and School of Criminology, Simon Fraser University: Prof. R Bent (WS)

Croatia - Ministry of Justice; Mikica Hamer Vidmar, Martina Bajto, Maida Pamuković (I)

Denmark - Director Generals Office, Danish Prisons and Probation Service:, Lise Garkier Hendriksen (WS)

Ireland - Prison Service: Emer Kelly (I)

Netherlands - Slachtofferhulp Nederlands: Robin Fontijne (I)

New Zealand - Victim Partnerships, Police National Headquarters: Karen Ellis (I)

Norway - Directorate of Norwegian Correctional Services: Per S Vague (WS)

Romania - Chief Commissioner of Penitentiary Police: Dan Halchin (WS)

Slovakia - Department of Inspection of Organisational Legal Activities: Capt. Dominika Gubanova, Senior Officer for International Co-operation (WS)

Spain (Catalonia) - Catalonia Ministry of Justice: Clara Casado Coronas, Lidia Sarratusell Salvado, Laura Roque Sanchez (I)

Sweden - Swedish Prison and Probation Service: Asa Nilsson (WS)

Switzerland - Federal Department of Justice and Police: Aimee Zermatten (WS)

UK (England and Wales) - (1) Victims Commissioner Dame Vera Baird and (2) Ministry of Justice Victim Care Team: Donna Sugarman, Emma Morris, Laura Toze and Nigel Battson (I)

UK (Northern Ireland) – (1) Victims Commissioner, Geraldine Hanna and (2) Probation Board for Northern Ireland, Victims Unit: Jean O’Neill (1)

Victim Support Europe - Levent Altan Sara Savoini (1)

USA - Department of Justice: Open source material

# Appendix D: Submission from Children and Young People's Commissioner Scotland

## Independent Review of the Victim Notification Scheme

### Briefing paper

December 2022



---

Established by the Commissioner for Children and Young People (Scotland) Act 2003, the Commissioner is responsible for promoting and safeguarding the rights of all children and young people in Scotland, giving particular attention to the United Nations Convention on the Rights of the Child (UNCRC). The Commissioner has powers to review law, policy and practice and to take action to promote and protect rights. The Commissioner is fully independent of the Scottish Government.

---

### Introduction

We welcome the opportunity to provide this briefing for the Independent Review of the Victim Notification Scheme, which forms part of the Scottish Government's programme to transform the way in which justice services are delivered. This has the aim of putting the voices of victims and a trauma-informed approach at the heart of Scottish justice.

The Chair of the Independent Review had a provisional meeting with Officers from the Commissioner's Office on 5 October 2022 to discuss the roles of children and young people within the scheme. The Commissioner's Office emphasised the key role of children's rights within the review.

In the terms of reference to the Independent Review, the Scottish Government recognises that victims and victim support organisations have concerns about the current operation of the scheme. The independent review of the VNS will specifically consider the current eligibility criteria, in particular around the age of children and young people and the provisions for other persons to receive information on their behalf.<sup>12</sup>

What follows is a statement of principles setting out some of the key children's rights engaged within the balance of rights process. It is not possible to anticipate all the issues that might arise without sight of the final detailed recommendations which will

---

<sup>12</sup> Independent Review of the Victim Notification Scheme: terms of reference. Available here: <https://www.gov.scot/publications/independent-review-of-the-victim-notification-scheme-terms-of-reference/>

be made by the review. The Commissioner would anticipate commenting further during the formal public consultation process to follow.

We also wish to draw the Chair's attention to our responses to the [Scottish Government's Children's Care and Justice Bill Consultation](#) (which addresses child victim's access to support and information),<sup>13</sup> and the [Improving Victims' Experiences of the Justice System](#) (which addresses children who come into contact with the justice system and their right to services which are child-centred, trauma-informed, and rights-respecting)<sup>14</sup>.

## Human Rights Context

The following rights under the [United Nations Convention of the Rights of the Child \(UNCRC\)](#) are engaged, amongst others:

- Article 1 (definition of child)
- Article 3 (best interests of the child)
- Article 5 (parental guidance and child's evolving capacities)
- Article 12 (views of the child)
- Article 13, 14 and 17 (seek and receive information)
- Article 16 (privacy)
- Article 39 (recovery from trauma)
- Articles 4, 42 and 44, paragraph 6 (general measures of implementation)

### Voice of the child and evolving capacities

Article 12 requires States to provide children with the right to express their views and for due weight to be given to their views in accordance with their age and maturity. This is one of the four general principles of the UNCRC. The importance of this right is echoed by the [The Guidelines of the Committee of Ministers of the Council of Europe on Child Friendly Justice](#) ("CoE Guidelines").

Paragraph 20 of the Committee on the Rights of the Child [General Comment 12](#) makes it clear that States should presume that all children have the capacity to form their own views and the right to express them and that they do not first have to prove they have capacity. General Comment 12 states that "age alone cannot determine the significance of a child's views" as levels of understanding vary even within similarly aged children. As such the views of children must be considered on a case-by-case basis. Due regard should also be considered in the context of the concept of the evolving capacities of the child. Even very young children are capable

<sup>13</sup> Available here: <https://www.cypcs.org.uk/resources/care-and-justice-bill-consultation/>

<sup>14</sup> Available here: <https://www.cypcs.org.uk/resources/victims-consultation/>

of forming and expressing a view and the greater the age and capacity of the child, the more seriously their views should be considered.<sup>15</sup>

### Child victims and witnesses

Children who have been the victims of crime have a right to access support and information. This is reflected in Article 39 of the UNCRC which provides that children who have been the victim of rights violations have a right to physical and psychological recovery and social reintegration.

The right of child victims to an effective remedy is also essential. The UN Committee on the Rights of the Child has formally set out its position on the right to a remedy in [General Comment No. 5 \(2003\)](#) on general measures of implementation of the UNCRC (Articles 4, 42 and 44, paragraph 6). The Committee clarifies that the right to an effective remedy exists under the UNCRC by interpreting that “for rights to have meaning, effective remedies must be available to redress violations” and “this requirement is implicit in the Convention”. The Committee also highlights the need for special consideration for child victims. It states that “children’s special and dependent status creates real difficulties for them in pursuing remedies for breaches of their rights” and recognises the need to ensure “effective, child sensitive procedures available to children and their representatives [...] child-friendly information, advice, advocacy, including support for self-advocacy, and access to independent complaints procedures and to the courts with necessary legal and other assistance”. Finally, the Committee explicitly recognises, as important elements of the right to an effective remedy, the right to “appropriate reparation, including compensation, and, where needed, measures to promote physical and psychological recovery, rehabilitation and reintegration, as required by article 39”.

The CoE Guidelines apply whenever a child engages with any element of the justice system. The Guidelines’ fundamental principles are participation; best interests of the child; dignity; protection from discrimination and rule of law. They identify the following general elements that cover all interaction with the justice system: “information and advice; protection of private and family life; safety (special preventative measures); training of professionals; multidisciplinary approach...”.

### **Children and the Victim Notification Scheme**

The Victim Notification Scheme (VNS) gives effect to the rights introduced by Part 2 of the Criminal Justice (Scotland) Act 2003 as subsequently amended. Eligible

---

<sup>15</sup> Gerison Lansdown, UNICEF Innocenti Insight Centre, The Evolving Capacities of the Child. Available here: <https://www.unicef-irc.org/publications/pdf/evolving-eng.pdf>

victims have rights to be told when the prisoner is considered for parole. It is important to note that the VNS is an “opt-in” scheme.

As it currently stands, we note that where a victim is a child under 12, a parent or carer registers for the VNS on the child’s behalf. A child over the age of 12 registers for the Scheme in their own right. If they do so, the information will be sent directly to them.<sup>16</sup>

We note that the prescribed categories of adults who may opt in on behalf of children is highly restrictive. Under the current scheme, there is no provision for children over the age of 12 to authorise a person of their choosing to receive information on their behalf.

### **Taking a children’s rights approach**

The UNCRC requires that anyone under the age of 18 are considered to be children. This does not however mean that children should be excluded from the VNS. On the contrary, children enjoy participation and an array of decision-making rights prior to turning 18 ([General Comment 12 on the Right of the Child to be Heard](#)).

As set out above, the right of children to be heard under Article 12 UNCRC must be considered in the context of the concept of the evolving capacities of the child. Adolescents in particular exercise increasing levels of agency to take responsibility for their rights ([General Comment No. 20 on the Rights of the Child in adolescence](#)).

This does not mean that the VNS should operate in a manner which would be harmful to children. The State has an obligation to protect children’s wellbeing. However, such protections cannot be allowed to operate in such a manner as would effectively exclude participation wholesale. Any blanket approach to the assumption of harm must therefore be avoided. Instead, the threshold adopted must be more than trivial and an evidence-based approach must be taken to the assessment of those criteria for each individual child.<sup>17</sup> This extends to the any guidance issued to staff pertinent to the operation of the scheme.

Harm can never be assumed. It is often important for children to know about legal processes involving their abusers for their mental wellbeing and health. It is also sometimes important for children to be aware of risks to allow them to protect themselves. Any breach of the child’s rights must be proportionate to the risk being managed. Sometimes the risk to a child’s mental health will be real, but in many cases it is important to recognise the resilience of the child.

---

<sup>16</sup> Scottish Government, Victim Notification Scheme: guidance for victims of crime, published 17 August 2018. Available here: <https://www.gov.scot/publications/victim-notification-scheme-guidance-victims-crime/>

<sup>17</sup> See General Comment No. 20 (2016) on the implementation of the rights of the child during adolescence, and in particular Paragraph 20: “In seeking to provide an appropriate balance between respect for the evolving capacities of adolescents and appropriate levels of protection, consideration should be given to a range of factors affecting decision-making, including the level of risk involved, the potential for exploitation, understanding of adolescent development, recognition that competence and understanding do not necessarily develop equally across all fields at the same pace and recognition of individual experience and capacity.”

Where age restrictions potentially curb children's rights (including withholding information that would allow a young person to protect themselves from a potential abuser) minimum ages should be avoided. Where restrictions are necessary for the purposes of protection (to prevent a real risk of serious detriment to mental health for example) they must be framed in a manner proportionate to that purpose and not infringe on children's rights more than is necessary. This cannot be presumed on a blanket basis. The child will often be the best indicator of this.

This does not mean that they must do so alone. Parents, carers and nominees of the young person's choosing will often have a role in supporting children in the exercise of their rights. However, this cannot be exercised in such a way as to deny a child their right to participation nor indeed their right to privacy (protected under Article 16 UNCRC and Article 8 of the European Convention on Human Rights). Therefore, any role for parental guidance under the VNS must be framed in a manner which is supportive of children's rights in line with their evolving capacities.<sup>18</sup>

Finally, taking a human-rights based approach requires children and young people to be involved in any decisions to reform the VNS and how it operates. Any proposals for reform should also be accompanied by a children's rights impact assessment. Our office has worked in partnership with other children's rights organisation to produce a practical guide '[Listen, engage, have fun](#)', which gives practical advice and guidance in involving children in Child Rights Impact Assessment (CRIA) and Child Rights Impact Evaluation (CRIE) for leaders, policy makers, and practitioners.

## Scots Law

It is important to consider the child's individual circumstances, often referred to as their age and stage. Similar schemes in relation the provision of information to children and young people often provide for qualifying provisions in relation to understanding and significant distress:

- Understanding. For example, the regulations governing the provision of information to children involved in children's hearings contains exceptions where a child would not be capable of understanding (see ss 73 & 94 of [Children's Hearings \(Scotland\) Act 2011](#) and rule 18 of the [Rules of Procedure in Children's Hearings Rules 2013](#)).
- Significant distress. Exceptions are also sometimes made in relation to distressing information. However, due to the competing considerations involved a higher threshold is normally applied so that it does not cover information which might be upsetting but never-the-less falls short of placing their "physical, mental or moral welfare at risk" (see sections 73 and 201 of the [Children's Hearings \(Scotland\) Act 2011](#)).

---

<sup>18</sup> See General Comment No. 12, paragraph 91: "The Convention recognizes the rights and responsibilities of parents, or other legal guardians, to provide appropriate direction and guidance to their children (see para. 84 above), but underlines that this is to enable the child to exercise his or her rights and requires that direction and guidance are undertaken in a manner consistent with the evolving capacities of the child."

In relation to capacity and understanding, this is assessed relative to the issue at hand. Understanding may be supported in a manner appropriate to the child's age and stage of development. A question therefore arises for the Chair in relation to the role of parents, carers or other nominees of the young person's choosing.

The Information Commissioner's Office recognises the presumption that all children and young people in Scotland over the age of 12 year old have sufficient understanding (["What rights do children have?" ICO](#)). They provide that the information may also be shared with parents where:

- the child does not understand
- the child authorises for the adult to get this
- it is "evident" it is in the child's best interests

This is no doubt something that the Chair will want to consult the Information Commissioner about and take independent legal advice upon.

### **Child perpetrators**

For the sake of completeness, it is necessary to recognise that the convicted person may also be a child. In those circumstances the balance of rights requires careful consideration of the protection and right to privacy of the children who have been convicted of offences. A balance requires to be struck between this and the rights of the child victim to information and protection. There will be connections here to the Scottish Government's Children's Care and Justice Bill.<sup>19</sup>

Similar schemes which have sought to find the appropriate balance can be found under:

- Sections 179A of the [Children's Hearings \(Scotland\) Act 2011](#)
- Section 17 of [Age of Criminal Responsibility \(Scotland\) Act 2019](#)

### **Concluding remarks**

In understanding the human rights implications, it is key to remember that this is an opt in scheme. Any scheme must include a process for identifying the views of the child on the process to be followed in respect of them. Indeed, children are often the most immediate and direct source of information in relation to what may or may not be harmful to them.

Children must not be prevented from receiving notifications under the VNS if they choose to opt in. Indeed, it is often necessary that children receive information to allow them to protect themselves within the community, as well as for their own emotional wellbeing and mental health.

---

<sup>19</sup> See our response to Question 1 of the Scottish Government's consultation. Available here: <https://www.cypcs.org.uk/wp-content/uploads/2022/06/CYPCS-Response-Childrens-Care-and-Justice-Bill-Consultation-Bill-22.6.2022.pdf>



However, there would appear to be greater scope under the scheme for allowing nominees of the child's choosing to play a role in supporting children in the exercise of their rights. In that regard, the current scheme must be revised to allow young people over 12 to authorise a nominee of their choosing to opt in on their behalf.

If this is to be child rights compliant, it must be executed in a faithful manner, and any provisions under the scheme must operate in a manner that is supportive rather than prohibitive of the child's rights.

## Appendix E: Criminal proceedings statistics

The Review has found the following on page 13 of [Scottish Government report on criminal proceedings in Scotland \(2020-21\)](#).

Figures for 2020-21 show that the numbers in each custodial sentence length category decreased, reflecting the overall substantial drop in the total number of custodial sentences issued due to reduced court activity in the year 2020-21 as a result of COVID-19 lockdowns.

The number of custodial sentence of “up to 3 months” decreased by 32% in the past year, from 2,554 in 2019-20 to 1,745 in 2020-21.

Custodial sentences of “over 3 months to 6 months” decreased by 37% in the past year, from 3,714 to 2,355.

There were 1,338 sentences of “over 6 months to 1 year” in 2020-21 which was a 35% decrease from 2,071 the previous year.

The number of custodial sentences “over 1 year to 2 years” has decreased by 29% over the past year from 1,603 to 1,132.

The number of custodial sentences of “2 years to under 4 years” has decreased by 40% from 628 in 2019-20 to 378 in 2020-21.

“4 years and over” has decreased by 50% over the past year from 486 to 241. With respect to sentences in excess of 18 months (including life sentences), there were 1,019 in 2020-2021, a decrease of 40% from 1,710 in 2019-2020.

### RECORDED CRIME IN SCOTLAND BETWEEN 2020-21 AND 2021-22

Non-sexual crimes of violence increased by 12%, from 61,913 to 69,286. This was driven by a rise in Common assault (also up 12%), which makes up the clear majority (84%) of all Non-sexual crimes of violence recorded in 2021-22.

Sexual crimes increased by 15%, from 13,131 to 15,049. These crimes are now at the highest level seen since 1971, the first year for which comparable groups are available.<sup>20</sup>

### CRIMINAL PROCEEDINGS IN SCOTLAND 2020-2021

Convictions for non-sexual crimes of violence decreased by 30% in the past year, from 2,159 in 2019-20 to 1,504 in 2020-21. The number of people convicted for homicide etc. fell by 41% from 81 in 2019-20 to 48 in 2020-21, and attempted murder and serious assault fell by 48% from 1,305 in 2019-20 to 679 in 2020-21.

<sup>20</sup> [Recorded Crime in Scotland 2021- 2022](#), published 29 June 2022.

The only increase for non-sexual crimes of violence over the past year was for crimes under the Domestic Abuse (Scotland) Act 2018, which came into effect for crimes committed on or after 1st April 2019. In 2020-21, 383 were convicted of these crimes, up by 81% from 212 in 2019-20.

There was a decrease of 33% in the number of convictions for sexual crimes, from 1,217 in 2019-20 to 817 in 2020-21.

The number of convictions for rape and attempted rape decreased by 40% from 130 in 2019-20 to 78 in 2020-21. The number of proceedings for these crimes decreased by 49% from 299 in 2019-20 to 152 in 2020-21. The conviction rate for rape and attempted rape has fluctuated year to year and was 51% in 2020-21.

The total number of convictions fell by 44% to 42,532 in 2020-21 (from 75,670 in 2019-20). Those resulting in a custodial sentence decreased by 35% (from 11,122 in 2019-20 to 7,224 in 2020-21). Custodial sentences represented 17% of sentences imposed for all convictions in 2020-21, higher than the proportion over the past decade, which has ranged between 13% and 16%.

The average length of custodial sentence for all crimes, excluding life sentences and Orders for Lifelong Restrictions, in 2020-21 was 329 days, which is 8% shorter than in 2019-20 (356 days).

The crime type with the longest average sentences (excluding life sentences) in 2020-21 was rape and attempted rape, which decreased slightly from 2,445 days in 2019-20 to 2,435 in 2020-21, which is the lowest since 2014-15.

**Sentences of 3 to 6 months have been the most common sentence length since 2011-12, accounting for 33% of all custodial sentences in 2020-21.**

The numbers of custodial sentences in all sentence length grouping categories decreased in the past year, reflecting the overall substantial drop in the total number of custodial sentences issued due to reduced court activity in the year 2020-21 as a result of COVID-19 lockdowns.

In 2020-21, 23% (9,741) of all convictions resulted in a main penalty of a community sentence. This is a 42% decrease in the number from 16,661 in 2019-20, and the highest proportion of convictions where community sentences were imposed in the past ten years (up from 16% in 2011-12).<sup>21</sup>

---

<sup>21</sup> [Scottish Government report on criminal proceedings in Scotland \(2020-21\)](#)

## Appendix F: Notification the offender is no longer held in SPS custody

Dear TITLE SURNAME,

### **VICTIM NOTIFICATION SCHEME**

As a member of the Victim Notification Scheme, I am writing to inform you that PRISONER\_FORENAME PRISONER\_SURNAME is no longer held within our custody.

There are a number of reasons why a prisoner would no longer be held in our custody: for example, they could have transferred to a prison in another UK jurisdiction, transferred to a psychiatric hospital or, if a foreign national, repatriated to their home country to serve the remainder of the sentence.

You will remain registered on the VNS until the offender has reached the end of the sentence. Should the offender be returned to our custody prior to this date, we will write to you to confirm this.

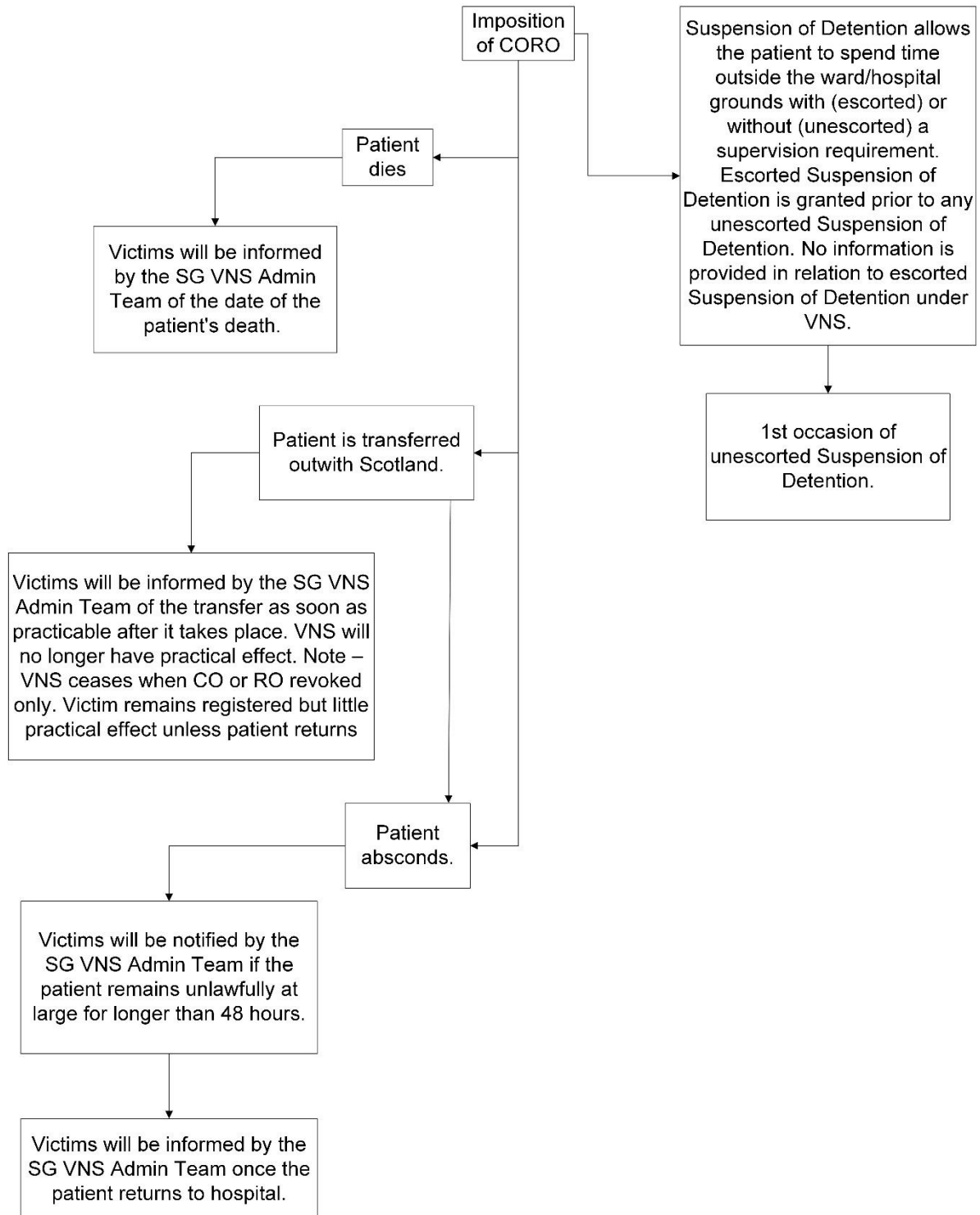
You may find it helpful to discuss this matter with Victim Support Scotland, a national charity that helps victims of crime. Details of the local office can be found in the phone directory under "Victim Support" or you can ring Victim Support Scotland Headquarters on 0800 160 1985.

If you have any questions, please do not hesitate to contact me by telephone or letter to the above address or via our e-mail address as above. If you wish to discuss any aspect of your case, we will require you to provide your VNS Reference Number (available at the top of this letter). All correspondence is dealt with on a strictly confidential basis.

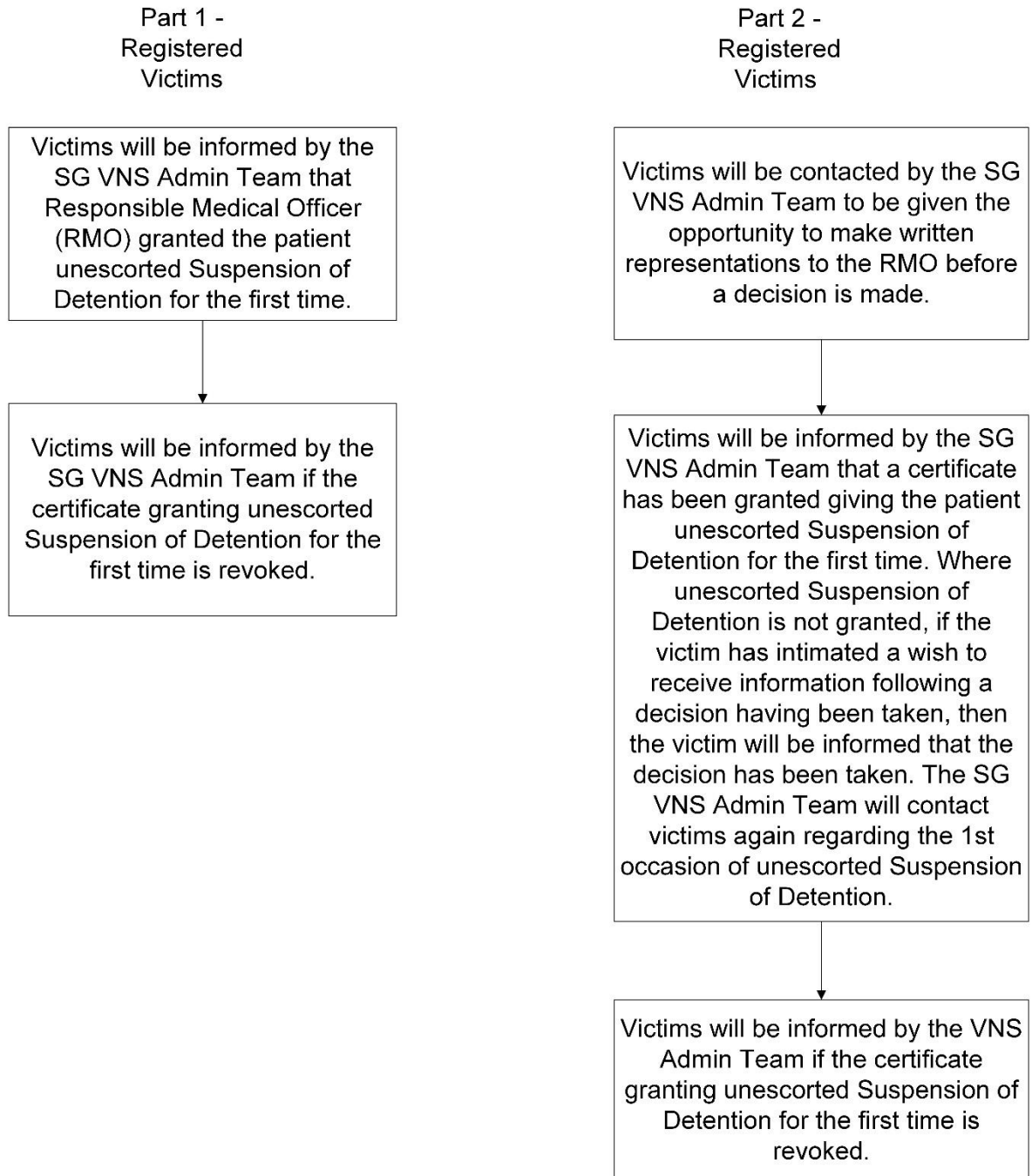
I trust the above information clarifies the position for you.

## Appendix G: Flow charts for CORO VNS

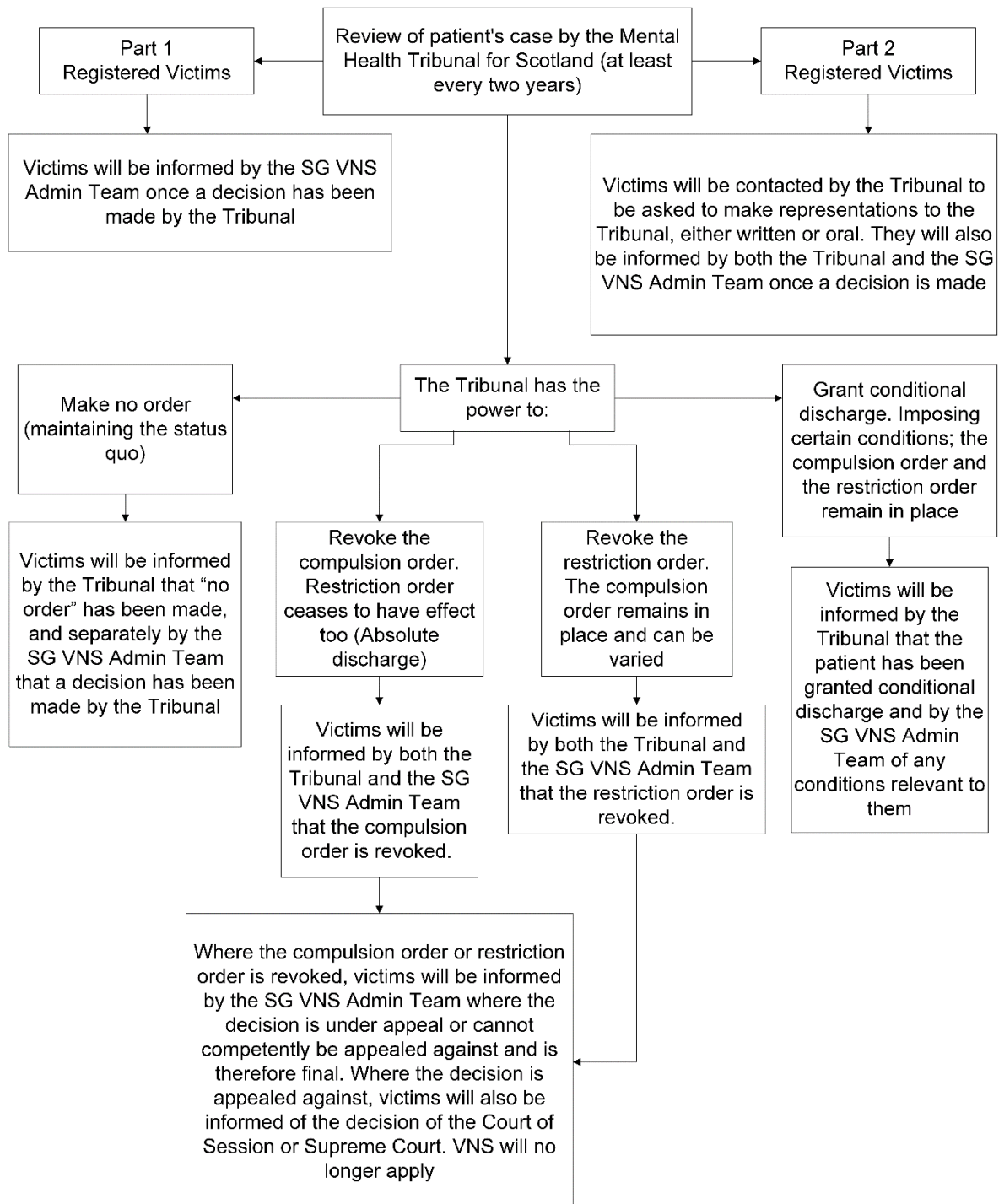
### 1. INITIAL PROCESSES



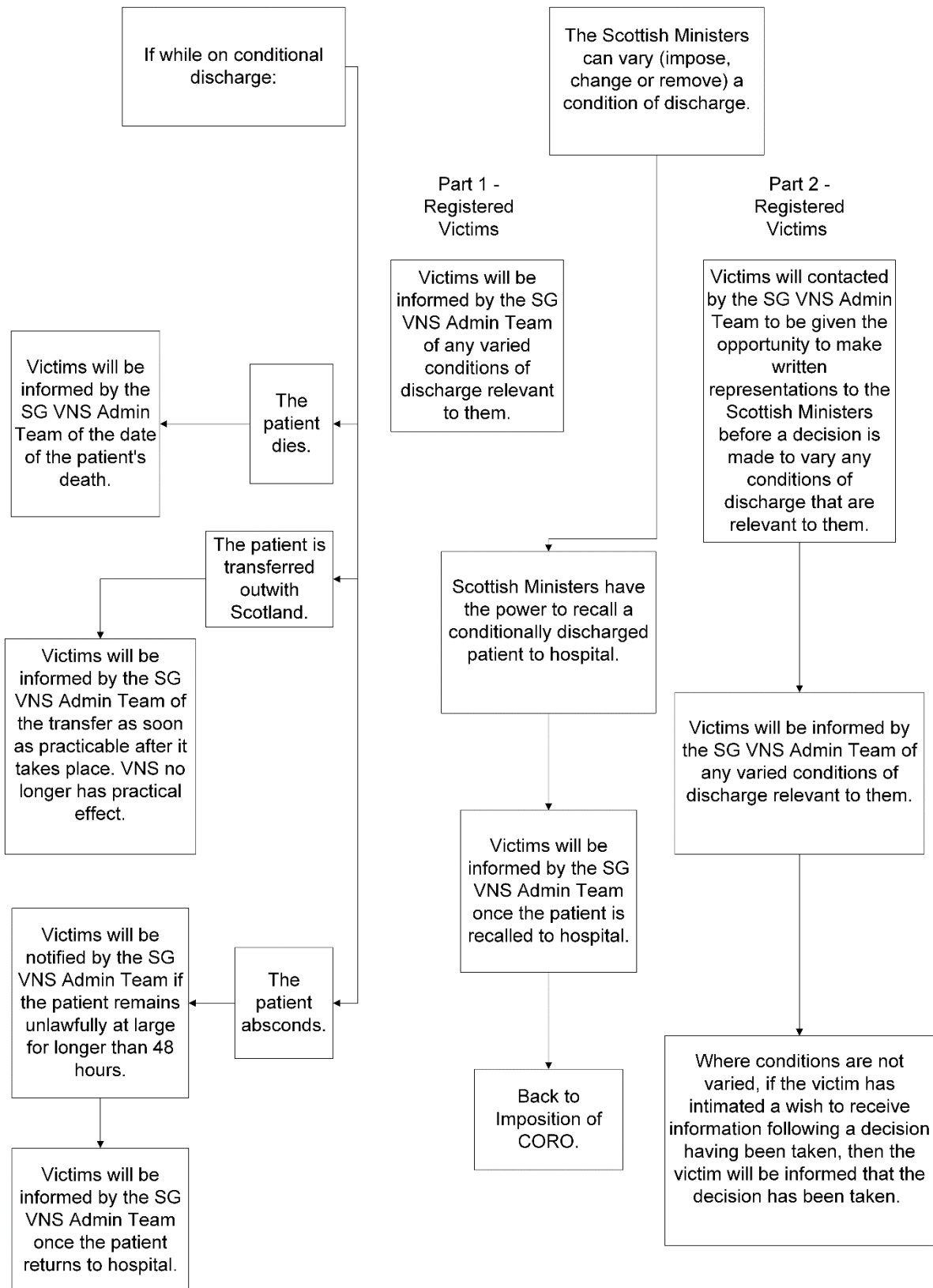
## 2. PARTS 1 AND 2 – NEXT PROCESSES



### 3. PARTS 1 AND 2 – OPERATION ON REVIEW OF CASE BY MHTS



#### 4. PARTS 1 & 2 – PROCESS DURING EVENTS OCCURRING DURING CONDITIONAL DISCHARGE OR VARIATION OF CONDITIONS







© Crown copyright 2023

**OGL**

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [www.gov.scot](http://www.gov.scot)

Any enquiries regarding this publication should be sent to us at

The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-80525-626-7 (web only)

Published by The Scottish Government, May 2023

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS1258542 (05/23)

W W W . g o v . s c o t