

Victims Taskforce

6 March 2019

Parliament House

Minute of Meeting

Attendees

Cabinet Secretary of Justice – Humza Yousaf (Co-Chair)
Neil Rennick – Director of Justice, Scottish Government
Michael Chalmers, Director of Children and Families, Scottish Government
David Harvie, Crown Agent, COPFS
Eric McQueen, Chief Executive, SCTS
Colin McConnell, Chief Executive, Scottish Prisons Service
John Watt, Chair, Parole Board for Scotland
Pauline Proudfoot, Operational Development Manager, SCRA
Kathryn Lindsay, Head of Children, Families & Justice Angus, Social Work Scotland
Kate Wallace, Chief Executive, Victims Support Scotland
Marsha Scott, Chief Executive, Scottish Women's Aid
Sandy Brindley, Chief Executive, Rape Crisis Scotland
Mhairi McGowan, Head of ASSIST and Domestic Abuse services
Margaret Dekker S.C.I.D (Rotating VOCFS seat)
Anna O'Reilly, Assistant Director, Children 1st
Lorna Jack, Chief Executive, Law Society of Scotland
Angela Grahame. Vice-Dean, Faculty of Advocates
Margaret Malloch, Scottish Centre for Crime and Justice Research
Linda Brown, Criminal Injuries Compensation Authority
Lynn Burns

Replacement representatives

Stuart Houston, Detective Superintendent, Police Scotland
Laura Hoskins, Community Justice Scotland

Apologies

Lord Advocate, James Wolffe QC (Co-Chair)
Mike Callaghan, COSLA

Secretariat (Scottish Government/COPFS)

Willie Cowan
Anna Donald
Zak Tuck
Andrew Scott
Anne Marie Hicks
Kate Anderson

1. Cabinet Secretary Welcome

The Cabinet Secretary welcomed all attendees to the second meeting of the Victims Taskforce, and shared his thanks to the Scottish Courts and Tribunals Service for hosting. COSLA and the Criminal Injuries Compensation Authority were invited following recommendations made in the Taskforce's first meeting, and the Cabinet Secretary welcomed CICA's Linda Brown. COSLA's apologies were noted.

2. Welcome from Sheriff Duff to the Judicial Institute

Sheriff Duff welcomed members to the Judicial Institute and covered housekeeping arrangements for the day.

3. Minutes and matters arising

The Cabinet Secretary invited members to agree the Terms of Reference developed by the Secretariat following the inaugural meeting of the Taskforce, and welcomed comments on them. There was nothing to report and members were content for the Terms of Reference to be signed off.

4. Lessons learned from development of the Homicide Service – Kate Wallace (Victim Support Scotland) and Lynn Wardle (Thrive)

Lynne Wardle opened this agenda item with a presentation on designing a new service to support families bereaved through crime. Noting the shift from previous references to this as the 'Homicide Service' set a tone for how the system might look at more compassionate means of providing information and support to those at their most vulnerable.

The presentation recognised that there is a gap between narrative and experience for victims. It identified willingness for change as a key component of service design, and touched on several key issues within the current system. It was made clear that the experience that victims have is an emotional process, not a justice process, and that the level of trauma experienced has to be recognised and responded to in designing the service that can help families move from crisis towards recovery. Consequently, the level of attention to detail, e.g. the language and colours used, is vital to improving the experience of victims.

It was also raised that the shared vision might more realistically be described as ensuring victims have confidence in the justice process. The need to consider the ethics of engagement, particularly in setting realistic expectations and being prepared to make changes as a result, was emphasised.

A number of questions were also raised over the course of the presentation:

- How might we make environments less intimidating for victims?
- Why are we not compassionately separating out information for people who require it, when they require it?
- What do the objects we are handing out say about how compassionate the system is?

- What are we doing to provide support equitably across the whole system?

In discussion following the presentation the following points were raised:

- The importance of having a caseworker to help guide the family through the emotional journey in a trauma-informed capacity
- The need for support to be tailored to the family's specific needs and phase of their emotional journey
- Considering how to meet the support needs of people with poor literacy skills
- The need to consider support networks for staff working in the new service

VSS acknowledged that the service design approach had been challenging but extremely beneficial in the context of their ongoing change programme. There was a particular emphasis on involving victims in defining the support, and the need for honest conversations about what is not working and how it could be improved.

It was noted that much of the learning from the development of the service was likely to be applicable across the justice system and that the Taskforce could play a role in ensuring momentum for change.

5. Discussion of draft work plan

The Cabinet Secretary reflected on the productive nature of work plan discussions in the first meeting, and stressed the importance of remaining focused on the key work streams the Taskforce should be looking to address. In addition, there was a recognition of the power of a collaborative approach, alongside the effectiveness of having the expertise in the room to lead on the work streams.

Comments from members included:

- An acknowledgement of the amount of work that had gone into developing the draft work plan and in producing a compendium of all the relevant work being undertaken by the SG and Taskforce members.
- The Taskforce should focus effort on what they alone can achieve.
- There must be a means of prioritising – what are the most critical things for victims? Who are the most vulnerable groups whose needs haven't been met for a long time?
- It was suggested that an Equality Impact Assessment for the work plan should be carried out.
- The challenge for the Taskforce is arriving at outcomes and actions with such a broad remit. A number of members had not submitted priorities and may wish to do so following the meeting.
- It was noted that a Judicial Led Review on Managing Sexual Offence Cases is scheduled to take place in April. Once the remit of that group is confirmed the Taskforce can be clearer on whether any of the proposed actions in the sexual offences work stream will require to be progressed by the Taskforce.
- It was noted that the seniority of Taskforce members will act as an enabler for change.

- The Taskforce has a responsibility to put pressure on existing work streams, rather than to duplicate that work. Where the Taskforce can add unique value will need to be identified.
- The Law Society indicated a willingness to lend efforts to anything the Taskforce saw fit for them to be involved in and suggested there may need to be an action on historical sexual abuse.
- Social Work Scotland noted actions 2A and 3D in the work plan as areas they would want to be involved in.
- The prioritisation of trauma-informed training was raised. We need to make sure that those coming into contact with victims are trained first.
- Community Justice Scotland are working as part of a broader SG NHS Trauma Framework. They pledged to bring learning from that group back to the Taskforce.
- It was acknowledged that GDPR is mentioned in the work plan and that this will be an important area that impacts on most Taskforce members.
- It was noted that the action at 1G on Advocacy related specifically to the Rape Crisis Scotland model, but could cover other work (including previous conversations which had halted due to a lack of consensus)
- Could the Taskforce look at 'pinch points', for example, it was suggested that there are points in the system where RJ may not be welcome, but this is not reflected in the Programme for Government commitment in the work plan.
- Issues around the age of responsibility and the children's hearings system were raised, with young victims reporting that they were not offered any support. It was suggested children's rights to legal advice and how these are realised should be considered in the context of the UNCRC.
- Concerns were raised about victims of domestic abuse not being able to access legal services. How to ensure what's written in law is effective in practice?
- Thoughts were aired on reporting and updates – how do we have detailed discussions about complex priority areas? How to we maximise members' time at meetings to focus on the challenging and difficult discussions?
- Research must have a strong relationship with the other work streams.
- Noted that the Criminal Injuries Compensation Scheme was being reviewed, with potential opportunities to consider the scheme from a user perspective
- It was suggested that children's interests could be considered as part of each work stream.
- Submission around hate crime bill, whether elderly abuse should be a specific consideration. More insight might come out of EQIA work.

Taskforce members were broadly content with the headline work streams and the suggested work stream leads. It was acknowledged that further work is required to ensure actions were not already happening elsewhere; any missing actions were identified and added and actions were prioritised within each work stream, informed by research and engagement with victims, where appropriate.

It was also suggested that an update on each work stream should be provided at each Taskforce meeting (e.g. through updating the written work plan) and that key issues or decision points were flagged up to the Taskforce, with a deep dive into one particular work stream on the agenda for each meeting.

ACTION: Secretariat to explore the possibility of producing an Equality Impact Assessment

ACTION: Members who still wish to submit priorities to forward these to the Secretariat.

ACTION: Secretariat to engage with proposed work stream leads to discuss how to progress each work stream and to refine and prioritise actions

6. **Update on proposals for victim engagement** – Paper 4 - Sandy Brindley (Rape Crisis Scotland) and Kate Wallace (Victims Support Scotland)

This paper invited members to consider how the Taskforce might practically approach engagement with victims and their families in order to hear their voices and inform its work. The main points of discussion were:

- The first principle must be to cause no harm, and the value of each engagement would need to be assessed
- This will require a combination of different approaches and would need to be adequately resourced.
- This might include an overarching sounding board with supporting mechanisms and structures in place, which would link into both prioritisation and focus.
- Sexual offences should have a stand-alone reference group which would feed into the Taskforce when appropriate.
- There is a lot of really valuable information out there, and most victims feel as if they have not been heard.
- Harder to reach places, e.g. the Scottish islands need to be engaged and should not simply be a bolt-on.
- Where possible, existing feedback loops and engagement mechanisms for specific issues should be used rather than creating new mechanisms.
- The Assist bulletin has direct quotes from victims about their experience which agencies react to.
- The wealth of experience gathered as part of the 'Everyday Heroes' programme was raised as an invaluable asset that's legacy cannot be lost.
- The paper should refer to both the civil and criminal justice systems.

Following the discussion it was agreed that Victim Support Scotland and Rape Crisis Scotland would reflect comments and update the paper before circulating to the Taskforce for further feedback. Scottish Women's Aid also offered to be involved in this work.

ACTION: Secretariat to circulate updated VSS & RCS paper to members for further comments.

7. **Judicial Training and & Sentencing** – Lady Dorrian and Sheriff Duff

Sheriff Duff and Lady Dorrian delivered presentations to the Taskforce on Judicial Training and Sentencing respectively. Members discussed the following points:

- The input of representative groups/victims into judicial training/sentencing guidelines
- The open nature of justice; stating reasons for decisions; and the role of the Appeal Court in holding the judiciary to account

8. AOB

9. Date of next meeting

12th June 2019.