

Victims Taskforce
10 June 2020
WebEx Videoconference
Minute of Meeting

Attendees

Cabinet Secretary for Justice, Humza Yousaf (Co-Chair)
Lord Advocate, James Wolffe QC (Co-Chair)
Sandy Brindley, Rape Crisis Scotland
Oona Brooks, Scottish Centre for Crime and Justice Research
Linda Brown, Criminal Injuries Compensation Authority
Lynn Burns, Victims Representative
Mike Callaghan, COSLA
Margaret Dekker, SCID
Bill Fitzpatrick, Community Justice Scotland
Mary Glasgow, Children 1st
David Harvie, COPFS
Lorna Jack, Law Society of Scotland
Kathryn Lindsay, Social Work Scotland
DCS Samantha McCluskey, Police Scotland
Fiona McMullen, ASSIST
Eric McQueen, SCTS
Teresa Medhurst, SPS
Pauline Proudfoot, SCRA
Neil Rennick, Scottish Government: Justice
Ronnie Renucci QC, Faculty of Advocates
Marsha Scott, Scottish Women's Aid
Colin Spivey, Parole Board Scotland
Kate Wallace, Victim Support Scotland
Amy Wilson, Scottish Government: Justice Analytical Services

Apologies

Michael Chalmers, Director of Children and Families, SG
Angela Grahame QC, Faculty of Advocates
Karyn McCluskey, Community Justice Scotland
Margaret Malloch, Scottish Centre for Crime and Justice Research
Duncan Sloane, ACC Crime and Protection, Police Scotland
John Watt, Parole Board

Secretariat – Scottish Government/COPFS

Willie Cowan
Anna Donald
Anne Marie Hicks
Lynsay Ross
Zak Tuck
Ria Phillips
Sarah Smith
Blair Robertson
John Wallace

1. Welcome from the Cabinet Secretary

The Cabinet Secretary welcomed attendees to the sixth meeting of the Victims Taskforce, and noted apologies from members.

2. Victims' Voices During COVID-19

Kate Wallace, Victim Support Scotland, introduced Paper 1 Victims' Voices during COVID-19. Together with input from Rape Crisis Scotland, Scottish Woman's Aid, ASSIST and Lynn Burns they provided a frank and powerful update of victims' experiences of the justice system since the pandemic emerged.

The key issues raised by victim support organisations (VSOs):

- Services highlight that safeguarding incidents, including expressions of intentions to commit suicide, have rapidly risen over the lockdown period. For some clients, deterioration in their mental health during lockdown has resulted in individuals affected by domestic abuse feeling they need the perpetrator for support;
- Organisations reported that some families have been left without financial or practical help and considerable difficulties getting hold of public agencies in their area to provide alternative crisis help;
- Inability of VSOs to properly safety plan with victims without adequate information sharing eg by Scottish Prison Service (SPS);
- Disappointment expressed about the Government's lack of support for exploring the option of judge-only jury trials and comments made about the impact of delays and uncertainty upon complainers;
- Perceived lack of support services for young people at this time, and apparent increase of young people self-harming and abusing alcohol, and witnessing violence in the home;
- Services reporting that children living with domestic abuse have had their safe spaces – in schools, nurseries, sports, after-school clubs – all taken away and that children have not consistently been offered spaces in schools by local authorities;
- Impact on victims mental health as they are having more time to think about their situation and are experiencing higher anxiety and stress due to isolation at home;
- Victims affected by domestic abuse are widely reporting that anxiety has increased and they are anxious inside and outside the home, outside because of the virus and inside because of the perpetrator;
- Services reported concerns that have been raised by individuals working within organisations about types of crime that might be happening yet going unreported or unrecognised during COVID-19;
- Family Liaison Officers are still supporting relatives of homicide victims however there are concerns around lack of access to additional support from family and friends;
- The impact on victims of the postponement of criminal trials and the perception amongst complainers that perpetrators are not being held accountable for their actions;
- Changes in court delays have also meant changes in dates, which victims have found unsettling and impacts the ability for the child or adult who is the victim to start their recovery;

- Services saying survivors of sexual violence involved with the criminal justice system often describe feeling 'stuck' by the process and unable to move on until the process is complete;
- People affected by crime are having more time to think about their situation and are saying they are experiencing higher anxiety and stress due to isolation at home;
- Some victims fundamentally questioning the point of engaging with the justice system;
- A warning that the impact of the pandemic on summary trials could undo decades worth of progress of victims' confidence in the justice system;
- Perpetrators using lockdown and COVID restrictions against victims and the impact of lockdown on victims of domestic abuse;
- Remand and breaches of bail during lockdown. Some victims feeling that their rights and safety are being deprioritised in favour of the needs of the justice system due to COVID-19;
- Services voiced their concern around the appropriate involvement and input of victim support organisations in the recovery planning of the criminal justice system and consultation on transforming processes.

COPFS updated members that after a 3-4 week dip, the volume of reports received by them has returned to pre-pandemic levels. Approximately 90% of COPFS staff are working from home. COPFS acknowledged and shared the concerns expressed by VSOs around impact of court delays and uncertainty and stated they continue to prepare, review and mark cases, and, at summary level, continue to serve new complaints. In relation to solemn business, while the recent emergency legislation provides time bar extensions, COPFS continue to seek to indict cases to normal timescales.

SCTS stressed their shared concerns with VSOs on issue of court delays. The group was updated on the volume of cases waiting to proceed in the High Court and the steady increase of this volume as the pandemic continues. SCTS reiterated their consideration and deliberation of creative, innovative and radical options to try and get cases being heard more frequently, whilst taking into consideration the restrictions of physical distancing. SCTS are looking at ways to speed up the system, and stated that a virtual summary trial took place in Inverness earlier in the week.

Police Scotland noted the number of domestic abuse reports have increased, however there is uncertainty if this is due to more reporting, or more incidences. Family Liaison Officers (FLOs) are being deployed in homicide cases with more adaptive strategies adopted given the requirement for PPE and physical distancing rules. Risk assessments in relation to deployment of FLOs are under regular review.

SPS updated that across the three tranches of early release, 445 individuals were eligible. 348 were released early, 63 had their release prevented by the Governor in Charge's veto, and 34 were released for other reasons. They also updated that virtual visits were due to start in three prisons on 15th June, with rollout to all prisons planned for the end of June.

The Lord Advocate reflected that there was awareness by all those responsible for the justice system on the impact of the effective shutdown of the courts. There's also an awareness of impact on victims of crime – both impact on individuals and the risk of setting back progress on victim's trust and engagement with the system.

The Lord Advocate discussed the Crown's use of technology and the extent to which the Crown had been able to equip itself to continue working remotely, receiving reports, preparing cases, marking cases and serving indictments and complaints; and that the critical constraints are those on court hearings. In relation to communication, he noted that work has been done by the Victim Information and Advice (VIA) service at COPFS to maintain communication with victims and witnesses. The Lord Advocate noted the comments made in relation to communication not being made as effectively as in the past and hoped to address those concerns. Finally he noted the need to address the backlog in all parts of the system, solemn and summary.

The Cabinet Secretary reflected on the discussion, acknowledging that there was clear anger from some victims, that he was concerned by the statement about loss of progress and victims' confidence and that we need to think of innovative solutions in dealing with the issues highlighted. He noted the strong support from the victims organisations for judge-only trials and reiterated that this proposal was originally included in the first COVID-19 Bill, however ultimately parliamentary backing was required if a legislative solution to recommencing solemn trials was sought. The Cabinet Secretary indicated he would be happy to discuss further with individual members some of the issues raised and that he and the Lord Advocate would reflect further on members' comments and how victims voices are heard and how support organisations can be engaged in the process.

ACTION: The Cabinet Secretary and Lord Advocate to meet to reflect on the concerns raised by victims and VSOs on the impact of COVID-19 and discuss how to ensure VSOs' input and victims' voices are central to progress.

3. Evidence Relating to Victims and the Effect of COVID-19

Owing to the in-depth discussion at item two, the Cabinet Secretary suggested that item three should be tabled at a future meeting.

4. Justice System – Recover, Renew and Transform

The Lord Advocate provided some background on the Recover, Renew and Transform (RRT) work that is being developed. It was acknowledged that victims' voices and the input of VSOs needed to be a key factor in this process.

The Lord Advocate reiterated the urgency of getting the criminal justice system back up and moving again and that recovery work is critical and is moving at pace. The Lord Advocate voiced the importance that we do not lose sight of what the system is trying to achieve. He sought views on anything the Taskforce could specifically do to assist this work.

ACTION: The Taskforce members were asked to reflect on the Lord Advocate's point about the recover, renew and transform work and what more the Taskforce could do to assist in this process. Any comments from members should be sent to the Secretariat.

Willie Cowan discussed the work being done to assist in the recovery of the justice system from the COVID-19 pandemic. Some work is already underway but this item was a

particular opportunity to discuss the RRT strategy and understand how victims' voices are reflected as we move forward.

Strong concerns were raised by VSS and others that there is a perception that discussions are taking place on the RRT work that are not including VSOs and they should be treated as equal partners in this process who can help co-design processes with the victims' needs at the centre. It is felt by VSOs that joined up working would be beneficial but VSOs are unaware of all the work that is underway.

Sandy Brindley raised an issue regarding the evidence and research for some of the approaches to recovery planning and stressed the importance of monitoring as we would not want unintended consequences. The Cabinet Secretary agreed to reflect on this point.

The Cabinet Secretary suggested a meeting may be required before the next Taskforce meeting in September to discuss issues raised at the meeting today and ensure VSOs and victims' voices are closely involved in the RRT work. This meeting may involve a sub-grouping of Taskforce members, rather than the full membership.

ACTION: Secretariat to collate information on the various pieces of work underway and in development to recover, renew and transform the justice system and share this with members.

ACTION: The Cabinet Secretary to reflect on what further meetings may be required of the Taskforce members between now and the next meeting in September to discuss issues raised at the meeting and ensure VSOs and victims' voices are closely involved in the RRT work.

5. AOB

Sandy Brindley brought to the attention of members the MacDonald appeal case recently announced and the treatment of a sexual offence complainer and raised that up to date research is required on use of evidence of character and sexual history in sexual offence cases.

The Lord Advocate stated that the judgement was hard-hitting and instructive. Lessons learned from this case have been communicated across the whole Service, along with updated guidance that sets out clear expectations of how COPFS should approach these types of cases.

The Faculty of Advocates stated that it was difficult to understand how so many mistakes could be made in one trial. FoA have ongoing training on how to proceed for complainers under the Victims and Witnesses Act in future.

Kate Wallace from VSS shared that they are looking at information sharing around the release of prisoners, for safety planning in respect of victims and that discussions were taking place on making improvements to the Victim Notification Scheme, with a view to providing more trauma-informed and compassionate support to victims in addition to the contact they received regarding prisoner release.

ACTION: The Cabinet Secretary asked SG officials and SPS to discuss further VSS's points about information sharing on prisoner release to enable safety planning and on potential improvements to the Victim Notification Scheme.

6. Summary of actions

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7. Date of Next Meeting

9 September 2020