

Victims Taskforce
09 September 2020 - WebEx Videoconference
Minute of Meeting

Attendees

Cabinet Secretary for Justice, Humza Yousaf (Co-Chair)
Solicitor General, Alison Di Rollo QC (Co-Chair)
Andrew Alexander, Law Society of Scotland
Sandy Brindley, Rape Crisis Scotland
Oona Brooks, Scottish Centre for Crime and Justice Research
Linda Brown, Criminal Injuries Compensation Authority
Lynn Burns, Victims Representative
Bill Fitzpatrick, Community Justice Scotland
Mary Glasgow, Children 1st
David Harvie, COPFS
Kathryn Lindsay, Social Work Scotland
DCS Samantha McCluskey, Police Scotland
Fiona McMullen, ASSIST
Tom McNamara, SG Children and Families
Eric McQueen, SCTS
Teresa Medhurst, SPS
Pauline Proudfoot, SCRA
Iris Quar, Abused Men in Scotland
Neil Rennick, Scottish Government: Justice
Ronnie Renucci QC, Faculty of Advocates
Marsha Scott, Scottish Women's Aid
Kate Wallace, Victim Support Scotland
John Watt, Parole Board Scotland
Amy Wilson, Scottish Government: Justice Analytical Services

Apologies

Michael Chalmers, Director of Children and Families, SG
Mike Callaghan, COSLA
Angela Grahame QC, Faculty of Advocates
Lorna Jack, Law Society of Scotland
Karyn McCluskey, Community Justice Scotland
Margaret Malloch, Scottish Centre for Crime and Justice Research
Duncan Sloane, ACC Crime and Protection, Police Scotland
James Wolffe QC, Lord Advocate (Co-Chair)

Secretariat – Scottish Government/COPFS

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

1. Welcome from the Cabinet Secretary

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

The Cabinet Secretary highlighted that there were three meetings of the Taskforce before the end of the parliamentary session. He was keen to capture members' thoughts on the best way to capture the progress the Taskforce has made to date, set in the context of the current pandemic, and set out what next steps will be.

2. Victims' Voices

Lynn Burns reminded members of her very personal reasons for being part of the Victims Taskforce and encouraged members to consider the current opportunity for the Taskforce to take stock and assess what has been achieved and what remains to be done to improve the experience of victims in Scotland.

Lynn reiterated a required focus on restorative justice, the need to ensure individuals and families feel safer in their communities and that victims of crime should be given the opportunity to lead the way in determining how we learn from their experiences. The need for tangible, collaborative change was also emphasised, as was the importance of feeding back to victims and ensuring they were updated.

Lynn gave a very powerful presentation on behalf of victims, sharing their stories and experiences of the justice system and the impact of COVID, particularly around practical, emotional and financial support for people affected by domestic abuse during lockdown and how court delays feel from a victim's perspective. Additional key issues included lengthy and multiple adjournments, uncertainty over arrangements such as location to give remote evidence, difficulties in arranging in-court support and special measures, sentencing, community payback orders and urgent financial needs during the pandemic. Two videos were also shared of children and young people's experiences; '[You are not alone](#)' and '[If homes not safe](#)' and it was noted that the impact on children cannot be underestimated.

ASSIST mentioned the concerning levels of attrition and questioned what the system was doing to remedy this. Scottish Women's Aid agreed that they were finding women withdrawing from the criminal justice system as a result of court delays and suggested a bold and rapid response was required to avoid the risk of losing progress made over recent decades.

SCTS noted that the challenges faced by individuals were understood and recognised. Various methods for increasing capacity were being considered, as were opportunities to resolve cases at as early a stage as possible, allowing priority to be given to those remaining cases which can only be resolved at trial. It was highlighted that there were likely to be substantial delays for a significant period of time, with it potentially taking a number of years to reach the operating timescales in place prior to the pandemic.

Challenges relating to the impacts of the public health requirements on facilities for evidence by commissioner and the giving of evidence remotely were also discussed, as were the impacts on capacity within court buildings for victims and witnesses. SWA and VSS noted that in some cases supporters had been unable to access court buildings to carry out their role as granted through special measures. There were also concerns that victims and witnesses and their families may encounter the accused in queues outside court.

ACTION: Members to contact SCTS with any issues surrounding access to court buildings.

SCTS discussed solemn trials and remote jury centres that were planned to be in place in Edinburgh by the end of September and Glasgow by mid-October, with an aim to bring High Court capacity back to pre-Covid levels by November. It was noted that similar plans were being considered for sheriff and jury cases, and that there was also a significant issue in summary courts.

One of the areas that SCTS were trying to accelerate was virtual summary trials. It was hoped to move to a position where the majority of domestic abuse cases could move into the virtual trial environment, although it was noted that volumes were currently very low and a number of aspects remained to be tested.

VSS noted that there was a need for further discussion about which cases are suitable for virtual trial in order to increase the volume and also highlighted that the VSOs should be involved in these discussions to enable them to plan their resources accordingly, and to ensure their perspective was being taken into account as part of a joined-up, whole-system approach to recovery.

The Recover, Renew & Transform (RRT) work stream looking at virtual summary trials was discussed, and VSS noted initial discussions around potential use of premises for remote evidence giving, including different options for preservation of the court environment in remote facilities.

SWS mentioned it would be helpful to have a clear specification on the sort and size of space required for witnesses to give evidence remotely which would help partners decide if they may be able to make space available.

ACTION: SCTS to circulate building specification to members, as a basis for further discussion.

COPFS reiterated the importance of victim's voices and the VSOs supporting them being heard. The significant amount of effort required across the system to respond to prevailing public health requirements was noted and it was recognised that although progress was being made this was not yet able to address the rising backlog of cases.

The benefits of achieving more certainty at an early stage as to whether summary cases will proceed to trial were highlighted. Also processes whereby currently it is voluntary as to whether a trial is virtual, needed to be revisited. It was noted that there had been a helpful recent workshop on how summary business is scheduled and a system of moving to identified timeslots with back up cases seemed sensible. The importance of clear

collective messaging which could steer decisions to support a reduction in wasted effort and consequently reduce strain on capacity was emphasised.

The Solicitor General and Cabinet Secretary commented in particular on the issues around the risk of attrition and the associated risks of disengagement and a fall-off in reporting. They reiterated that the safety of individuals and communities is key and the urgent need to work together to meet these challenges.

The benefit of the Taskforce in bringing senior leaders together to discuss issues and help progress issues was noted. The need to focus on tangible deliverables and innovative solutions which would demonstrate real change in the remaining meetings of the Taskforce was emphasised, as was the continuing importance of a feedback loop to be clear where changes had been influenced by input from victims (e.g. on parole). The Cabinet Secretary said he could see benefit in continuing Taskforce meetings beyond the election.

3. Minutes and matters arising

Members did not raise any points regarding minutes of the previous meeting.

The Cabinet Secretary referred to the letter that had recently been sent to VSOs as a result of engagement following the previous meeting of the Taskforce and reiterated that he would welcome continuing this engagement and dialogue alongside the Taskforce meetings.

RCS asked for clarity on the issue in the letter about reviewing measures in place to address the solemn backlog. The Cabinet Secretary replied that the situation is under continuing review. He recognised it was important to review how the alternatives being put in place are operating and the impact they are having on the backlog, but indicated that the measures would need to be operating for a period of a few months before they could be meaningfully reviewed.

ACTION: Cabinet Secretary and the Law Officers to have a follow-up discussion with VSOs on the reply to the issues raised in the asks letter.
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4. Update on Recover, Renew and Transform

The Cabinet Secretary mentioned that a lot of RRT work was covered in previous items. He emphasised that it is important to have VSOs represented on relevant work streams.

SWA highlighted the need for proposed solutions to take account of varying local contexts, alongside national consistency, and therefore the importance of decentralised multi-agency problem solving.

It was noted that VSOs had been invited to sit on the Advisory Group for RRT work and there was a discussion about how the sector was best represented. It was explained that the purpose of the Advisory Group is to provide higher-level oversight across the whole programme and was in no way intended to replace the direct involvement of VSOs in individual work streams. The intention was that the membership of the group would include human rights organisations, voluntary organisations working with people with offending backgrounds and a range of others.

Children 1st emphasised the importance of ensuring child victims and witnesses are represented in the RRT work.

ACTION: SG to continue discussions with VSOs regarding membership on the RRT Advisory Group.

5. Work stream Updates

Work stream 1 – Victim Centred Approach

VSS provided an update. A lot of the work had been paused due to the pandemic impacting on meetings of the Governance Group and Operational Group charged with developing and delivering this work stream. However, good progress has been made on the report commissioned from Thrive on ‘Transforming Services for Victims and Witnesses’ (Paper 5).

Kate reminded members that the work stream was very broad with some wide-ranging and challenging actions, and other actions that are more specific and focussed. It was agreed that more focus was required in terms of work plan and there was an ideal opportunity to review the work plan in light of the recommendations in the Thrive report and focussing on what can be addressed during the period to Spring 2021 in terms of tangible benefits and improvements.

ACTION: The Victim Centred Approach Governance Group to consider the ‘Transforming Services for Victims & Witnesses’ report and discuss how the recommendations it makes could complement or potentially replace actions in the current work stream 1 workplan.

Work stream 2 – Training/Trauma-informed workforce

Community Justice Scotland provided an update. Since the last meeting of the Taskforce, a trauma-informed workplace mapping exercise questionnaire had been circulated to all members for completion. Considering the impact of the pandemic, a positive number of responses had been received. Good progress was also being made toward the next stage of collating and analysing responses.

It was reiterated that Taskforce member organisations, in the spirit of collective leadership, had previously indicated an interest in participating in Scottish Trauma Informed Leaders Training and that this would also be considered as part of this work stream moving forward.

Work stream 3 – Sexual offences/gender based violence

RCS provided an update on the number of developments in work on privacy and highlighted that the Equality & Human Rights Commission released a recent report on ‘The Use of Sexual History and Bad Character Evidence in Scottish Sexual Offences Trials and there was also a recent report on independent legal representation.

A planned round table to discuss privacy issues has been postponed until judgement is received in a case RCS have intervened in on the issue of privacy and whether a

complainer has a right to be heard when defence or prosecution seek to bring up sexual history. RCS understood that there was a consultation/evaluation being funded in respect of sexual history and character evidence in Scottish trials which will help to inform future work in this area.

SWA updated that work on access to justice for women and children living with domestic abuse, which SWA had received funding for, had been paused due to the pandemic. SWA also flagged that in general, the landscape had changed so significantly in terms of GBV during the pandemic that the main priority is to help get cases moving again before turning attention back to actions in the work plan.

Work stream 4 – Research

JAS highlighted that they provided a suite of evidence for the 6th Taskforce meeting on impact of Covid on victims and they are continuing to develop this evidence base. JAS were also pulling together a second paper on experience of domestic abuse which was due to publish w/b 13 September; considering stages 1-3 of lockdown, up until children went back to school. JAS have also published papers on the international experience of policing of domestic abuse, emerging concerns about victims of child sexual exploitation and the potential for children and young people to become victims of crime/ serious organised crime.

JAS updated that the successful proposals received under the current grant call have been awarded and further information can be provided to members if of interest. JAS also highlighted that the Scottish Crime and Justice Survey could not be carried out in the usual way due to current restrictions, but had recently been redesigned to be carried out as a telephone survey. Results should be available at the start of next year.

JAS highlighted that they were hoping to do some work on considering where the gaps are in the evidence bases for victims, which had been paused due to Covid. This should include consideration of issues raised at this meeting and consideration of what a good system looks like for victims and how this could be measured.

SCCJR mentioned a resource list of gender-based violence research publications in Scotland was published the week prior to the Taskforce, and undertook to send a link to the Secretariat to be circulated with the minutes.

SWA asked about the Scottish Crime and Justice Survey in relation to capturing inputs from women and children facing domestic abuse via a telephone survey and also whether SWA had been involved in discussions about this approach. JAS responded that they

were mindful of previous feedback around over-burdening frontline services with data requests at this time.

RCS asked about JAS work on mapping of violence interventions in Scotland and whether it had looked at RCS prevention programme around consent with young people. JAS committed to check this and get back to RCS with details.

ACTION: JAS to share further detail on information being collected through domestic abuse telephone survey and follow up with SWA on any specific issues.

ACTION: JAS to review RCS prevention programme regarding consent with young people on work under violence intervention mapping and confirm with RCS.

Work stream 5 – Specific projects

Scottish Government updated members on the work undertaken around Victims Commissioner since last meeting. Officials have had discussions with the offices of the Victims Commissioner in England and Wales, the Victims Commissioner for London and the UK Domestic Abuse Commissioner. Between now and December meeting, officials will be reaching out to members to encourage and seek input on the work to consider the case for a Commissioner in Scotland in order to have a tangible discussion on this at the December meeting.

ACTION: Secretariat to contact members in advance of December meeting regarding Victims Commissioner.

6. AOB

RCS raised a concern around the terminology used in the Thrive report of “customer” and how a rape complainer might perceive that description when reading it.

The Cabinet Secretary suggested it may be helpful for smaller groups to meet before the next Taskforce meeting in December to talk over any issues, particularly given the changing circumstances we find ourselves in.

The Cabinet Secretary also reflected that he was still forming a view on the impact local Covid restrictions may be having on victims and that there was work for SG to do to measure these impacts and consider how we try and mitigate them. VSS raised the issue of local restrictions which can lead to confusion due to different restrictions in different areas. It would be helpful to have a clarity on this and as early notification as possible on local changes to help VSOs with their own planning and messaging to victims. SWA also voiced thoughts on clearer messages for victims on local restrictions, for example, what they meant for leaving home due to domestic abuse or childcare arrangements for example if having to attend court. VSS asked whether it would be possible to have a separate Q&A

for VSOs given the volume of questions that are being asked if someone is a victims of crime.

The Cabinet Secretary said that he and officials would consider these points.

7. Summary of actions

Action	Owner
Members to contact SCTS with any issues surrounding access to court buildings.	Taskforce Members
SCTS to circulate building specification to members, as a basis for further discussion.	SCTS
Cabinet Secretary and the Law Officers to have a follow-up discussion with VSOs on the reply to the issues raised in the asks letter.	CSJ/LA
SG to continue discussions with VSOs regarding membership on the RRT Advisory Group.	SG/VSO
The Victim Centred Approach Governance Group to consider the 'Transforming Services for Victims & Witnesses' report and discuss how the recommendations it makes could complement or potentially replace actions in the current work stream 1 work plan	Victim Centred Approach Governance Group
JAS to share further detail on information being collected through domestic abuse telephone survey and follow up with SWA on any specific issues	JAS
JAS to review RCS prevention programme regarding consent with young people on work under violence intervention mapping and confirm with RCS.	JAS
Secretariat to contact members in advance of December meeting regarding Victims Commissioner	Secretariat

8. Date of Next Meeting

9 December 2020