

VICTIMS' CODE FOR SCOTLAND

If you are a victim of crime you have a number of rights. This Victims' Code for Scotland sets out these rights, how you can exercise these rights and the relevant authorities to contact should you need further help and advice about these rights.



**The Scottish
Government**
Riaghaltas na h-Alba

INTRODUCTION

We believe that victims should have confidence that their voices will be heard.

We recognise the need to provide the right help, information and support to victims of crime as this plays a key part in ensuring our justice system is fair, accessible and efficient for all.

This Victims' Code for Scotland clearly and simply sets out the rights of victims in one place.

By ensuring victims' interests remain at the heart of our criminal justice system, victims should feel supported and informed at every stage of the process.



RIGHT TO MINIMUM STANDARDS OF SERVICE

STANDARDS OF SERVICE OF CRIMINAL JUSTICE AGENCIES (RELEVANT AUTHORITIES)

The Standards of Service of criminal justice agencies will:

- Ensure you have fair and equal access to services throughout, and are treated with dignity and respect at all times regardless of background, age, disability, gender, gender reassignment, race, nationality, religion, belief or sexual orientation. Where required, additional support will be provided and any reasonable adjustments made to ensure that you have access to information and support services.

The criminal justice agencies will work together, and in partnership with victim and witness support organisations, to ensure you are provided with the best service possible.

Additionally, when you come into contact with criminal justice agencies you should:

- Be treated in a respectful, sensitive, tailored, professional and non-discriminatory manner;
- Be able to obtain information about what is happening in the investigation or proceedings, where it is appropriate and relevant;
- Be able to understand information you are given and be understood in any information you provide;
- Have your needs taken into consideration;
- Where appropriate, be able to participate effectively in the investigation and proceedings;
- Have access to appropriate support during and after the investigation and proceedings;
- If you are a victim under the age of 18 years, have your best interests considered, taking into account your age, maturity, views, needs and concerns; and
- Be protected from further victimisation, intimidation and retaliation during and after the investigation and proceedings.

RIGHT TO INFORMATION

REPORTING A CRIME

If you decide to report a crime to the police, they will provide you with a victim care card. This will acknowledge your complaint in writing and provide you with other useful information.

Further information about how your report will be taken forward can be found in the Standards of Service for Victims and Witnesses. A copy of this document is available from any of the relevant authorities.

The relevant authorities are: Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Courts and Tribunals Service, the Scottish Prison Service and the Parole Board for Scotland. Contact details for the relevant authorities are listed under “Who to Contact” at the back of this booklet.

REQUESTING CASE-SPECIFIC INFORMATION

You have the right to request certain case-specific information from the following authorities, and can make a formal application for this information if this has not been provided to you:

- **From Police Scotland - information about a decision not to proceed with a criminal investigation and any reasons for it, and a decision to end a criminal investigation and any reasons for it.**
- **From the Crown Office and Procurator Fiscal Service - if your case is not prosecuted, you have the right to be told the reasons why and to request a review of this decision.**
- **From the Scottish Courts and Tribunals Service - the dates of any court hearings, the final decision of a court in a trial or any appeal arising from a trial, and any reasons for it.**

INFORMATION ON THE RELEASE OF THE OFFENDER (VICTIM NOTIFICATION SCHEME)

If the offender has been sentenced to 18 months or more in prison, you can choose whether or not to register with the Victim Notification Scheme. If you choose to register, and are eligible, contact the Crown Office and Procurator Fiscal Service who will give you a form to complete and an envelope to send it to the Scottish Prison Service.

The scheme allows you to receive information from the Scottish Prison Service about the offender's release, date of death within prison, transfer outwith Scotland, eligibility for temporary release, escape and return to prison.

If the offender has been sentenced to less than 18 months in prison, you can write to the Scottish Prison Service and ask them to inform you when the offender is released, or in the event that the offender escapes. Further information on how to do this is available from the Scottish Prison Service.

RIGHT TO PARTICIPATION

RIGHT TO UNDERSTAND AND BE UNDERSTOOD

You have the right to understand what is happening and be understood. Where appropriate, you can be supported by a person of your choice, while the police obtain your statement. Everything should be explained to you in simple language.

RIGHT TO INTERPRETATION AND TRANSLATION

If you have difficulty understanding or speaking English, you can request an interpreter to help you:

- Understand any questions you are being asked;
- Understand any information you are being given;
- Give answers and provide information; and
- Otherwise communicate effectively.

You may also request translation of a document if it is provided to you by law, or if it is essential to your participation in the investigation or proceedings.

SPECIFYING THE GENDER OF THE INTERVIEWING OFFICER

If you are a victim of a sexual offence, domestic abuse, human trafficking or stalking, you have the right to request that the police interviewing officer is of a specific gender. Police Scotland will comply with your request wherever possible; however, there may be occasions when this will not be possible. If that is the case, the reason why your request is not being met will be explained to you.

VICTIM STATEMENTS

For some more serious crimes you have the right to provide a victim statement to the court. Your victim statement will normally be given to the court if the accused either pleads guilty, or is found guilty of the relevant offence after a trial but before a sentence is passed.

A victim statement is a written statement that gives you the chance to tell the court, in your own words, how the crime has affected you physically, emotionally or financially. A victim statement is different from any statement you may have already given separately to the police, Procurator Fiscal or defence agent.

If you are eligible to provide a victim statement you will be contacted by the Crown Office and Procurator Fiscal Service.

GIVING VIEWS ON RELEASE DECISIONS (VICTIM NOTIFICATION SCHEME)

Through the Victim Notification Scheme you can provide views to the Scottish Prison Service, the Parole Board for Scotland or Scottish Ministers when the offender is being considered for temporary release, release on licence or on Home Detention Curfew.

You have the right to make oral and written representations to the Parole Board where the convicted person is serving a sentence of life imprisonment and becomes eligible for release on licence. All other representations through the Victim Notification Scheme to the Parole Board for Scotland, the Scottish Prison Service or Scottish Ministers must be in written form.

RIGHT TO PROTECTION

RIGHT TO PROTECTION AND PROTECTION OF PRIVACY

When you report a crime the police will take steps to support you and protect you from repeat victimisation, intimidation or retaliation. In terms of support these steps may include:

- **Only interviewing you when necessary;**
- **Ensuring interviews are kept to a minimum; and**
- **Using specialised facilities for interview.**

The court can, in certain circumstances, impose media reporting restrictions on the case you are involved in. The court may also impose special bail conditions for accused persons, when appropriate. Further information on protection measures can be obtained from Police Scotland or the Crown Office and Procurator Fiscal Service.

CIVIL PROTECTION MEASURES

Civil protection measures, such as an interdict or a non-harassment order, are also available. A solicitor will be able to give you more information and advice on whether one of these measures would be appropriate.

LEGAL ADVICE AND ASSISTANCE

If you need legal advice and assistance you should contact a solicitor. If you are on benefits or a low income you may be able to get Legal Aid to help pay the costs. More information on this is available from the Scottish Legal Aid Board.

RIGHTS OF VICTIMS OF OFFENCES COMMITTED IN ANOTHER EU MEMBER STATE

Even if the offence was not committed in Scotland you may still be entitled to protection when living in Scotland, using measures like the European Protection Order (EPO). The EPO allows an order made by a court anywhere in the EU (for example, prohibiting a particular individual from approaching you) to be recognised and enforced in Scotland.

Further information about the EPO can be obtained from the Scottish Courts and Tribunals Service or their website.

RIGHT TO SUPPORT

ACCESS TO SUPPORT SERVICES

You have the right to use victim support services even if the crime has not been reported to the police.

Victim Support Scotland provides emotional support, practical help and essential information to victims, witnesses and others affected by crime. The services provided by Victim Support Scotland are free and confidential.

There are a number of other organisations, including specialist services, that are able to provide free and confidential emotional support, practical help and essential information to victims, witnesses and others affected by crime. Further information about the types of support available can be obtained from the victim support organisations listed at the back of this booklet.

SUPPORT FOR VULNERABLE INDIVIDUALS IN COURT (SPECIAL MEASURES)

Some individuals may be particularly vulnerable or at risk because of their circumstances or the nature of the evidence they may be asked to give to the court. There are different options available to help a vulnerable witness give their evidence in court, such as through live TV links or from behind a screen so that you cannot see the accused person. These are called “special measures”.

Further information about special measures can be obtained from the Crown Office and Procurator Fiscal Service and the Scottish Courts and Tribunals Service. The relevant authorities should also ask you whether you would have any concerns about giving evidence, and can help you with options in giving evidence.

All children (aged under 18 years) are, by law, classed as vulnerable and, alongside alleged victims of domestic abuse, sexual crimes, human trafficking and stalking, are automatically entitled to the use of certain standard special measures.

A witness who has a mental disorder, learning disability or is suffering fear and distress at the prospect of giving evidence might also be considered vulnerable. An assessment to establish vulnerability will be carried out by the Crown Office and Procurator Fiscal Service.

The Scottish Courts and Tribunals Service will also ensure that victims have separate waiting areas from defence witnesses when waiting to give evidence in court.

RIGHT TO COMPENSATION AND EXPENSES

PAYMENT OF EXPENSES

If you attend court to give evidence, you have the right to claim certain reasonable expenses from the Crown Office and Procurator Fiscal Service. In some circumstances, you may be able to claim expenses if, as a witness, you are told at the last minute not to come to court and give evidence.

Using the form on the back of your witness citation, you can claim expenses for travelling to and from the court and an allowance for meals. Cash payments are only made in cases of genuine hardship or emergency. Exceptional costs such as taxi fares, air travel and overnight accommodation must be approved by the Crown Office and Procurator Fiscal Service in advance.

Claims can be made for loss of earnings, up to a limit, if you are employed or self-employed. As there are no childcare facilities at court buildings, you can claim expenses for additional childcare and babysitting at fixed rates. If you need to organise care cover in your absence, you will be reimbursed at a fixed rate.

Further information about expenses can be obtained from the Crown Office and Procurator Fiscal Service or their website.

COURT COMPENSATION

If the accused pleads or is found guilty, the court may order the accused to pay you compensation. The court will contact you if a compensation order is made. If you would not want compensation please inform the Crown Office and Procurator Fiscal Service as soon as possible.

CRIMINAL INJURIES COMPENSATION

If you have been physically or mentally injured because you were the victim of a violent crime, you may be entitled to compensation.

The Criminal Injuries Compensation Authority is responsible for administering the Criminal Injuries Compensation Scheme throughout England, Scotland and Wales. They pay compensation to eligible applicants who have been the victim of a violent crime, for example a physical assault or sexual offence. To make a claim, you should contact the Criminal Injuries Compensation Authority.

If you are a victim of an uninsured or untraced driver, you should contact the Motor Insurers' Bureau (MIB).

RETURN OF PROPERTY

When a case has been concluded (this may be after an appeal), if your property was taken for evidence, it will in most cases be returned to you by the police. In some cases you may be asked if you wish it returned, for example if it is damaged. Police Scotland and the Crown Office and Procurator Fiscal Service have published joint guidance about the return of property to victims, and a copy of the guidance can be requested from these authorities or found on their website.

WHO TO CONTACT AND HOW TO COMPLAIN

If you have any further questions about your rights, please contact the relevant authority:

Police Scotland:

Maintain law and order, protect members of the public and their property, and prevent, detect and investigate crime -

101 (non-emergency), **999** or **112** (emergency)

Crown Office and Procurator Fiscal Service:

Receive reports about crimes from the police and then decide what action to take, including whether to prosecute someone, and cite prosecution witnesses to attend court -

0300 020 3000 _EnquiryPoint@copfs.gsi.gov.uk

Scottish Courts and Tribunals Service:

Provide the people and facilities to support the judges, and enable court cases to be heard -

0131 444 3455 csenquiries@scotcourts.gov.uk

Scottish Prison Service:

Manage offenders and provide victims who are on the Victim Notification Scheme with information, including when an offender is eligible for release. Contact point for release information for offenders sentenced to less than 18 months imprisonment -

0131 330 3500 gaolinfo@sps.pnn.gov.uk

Parole Board:

Assess the risk which an offender will pose in the community if released, and consider victim representations under the Victim Notification Scheme -

0131 244 8373 paroleboardforscotland@gov.uk

If, as a victim of crime, you think any of your rights have been breached, you can complain to the relevant authority by asking for details of their complaints procedure. Their complaints procedures are also published on their websites.

Further information about your rights after a crime can be found at mygov.scot/victim-rights-scotland

NATIONAL SUPPORT CONTACTS, ORGANISATIONS AND OTHER AUTHORITIES

Abused Men in Scotland: Provide support to men affected by domestic abuse - **0808 800 0024** contact@amis.org.uk

ChildLine: Private and confidential service for children and young people - **0800 1111**

Children 1st / Parentline: Help protect vulnerable children and provide practical advice and support to families under stress - **08000 28 22 33** parentlinescotland@children1st.org.uk

Criminal Injuries Compensation Authority: Administer compensation for innocent victims of violent crime - **0300 003 3601**

Motor Insurers' Bureau: Tackle uninsured driving and people affected by this crime - **01908 830 001**

National Stalking Helpline:
0808 802 0300 advice@stalkinghelpline.org

PETAL Support: Support families and friends of murder and suicide victims - **01698 324502** info@petalsupport.com

Rape Crisis Scotland: Offer support, information and advice for victims of rape and sexual abuse - **08088 01 03 02** support@rapecrisisscotland.org.uk

Sacro: Community justice organisation who provide adult and youth restorative justice services - **0131 624 7270**

Scottish Domestic Abuse Helpline:
0800 027 1234 helpline@sdaafh.org.uk

Scottish Legal Aid Board: Provide funding for people who qualify to get legal advice and representation - **0131 226 7061** general@slab.org.uk

Scottish Women's Aid: Ensure women and children who have experienced domestic abuse get the services they need - **0131 226 6606** info@womensaid.scot

Victim Support Scotland: Provide support and information services to victims and witnesses of crime - **0345 603 9213**

NOTES

Further copies of this document are available, on request, in audio and large print formats and in other languages – please contact **0131 244 4227**.

Aby otrzymać niniejszy dokument w innej wersji językowej, na kasecie lub w wersji z powiększonym drukiem, prosimy o kontakt: **0131 244 4227**

اس دستاویز کی مزید کاپیاں آڈیو کیسٹ پر اور بڑے حروف کی چھپائی میں اور کیڈی کی
0131 244 4227 زبانوں میں طلب کیے جانے پر دستیاب ہیں، برائے مہربانی اس پتہ پر رابطہ کریں:

此文件有更多備份，如果需要，語音版本和大字體版
本及少數種族語言版本也可提供，請聯絡：**0131 244 4227**

يمكن أن تطلب النسخ الأخرى من هذا المستند كالتسجيل الصوتي والخط الكبير
ونسخ بلغات أخرى، يرجى الإتصال على: **0131 244 4227**

**Gheibhear lethbhreacan a bharrachd ann an cruth
ris an èistear, ann an clò mòr agus ann an cànan
coimhearsnachd. Cuir fios gu: 0131 244 4227**

© Crown copyright 2018

For further copies please contact:

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

Tel: 0131 244 4227

ISBN: 978-1-78781-307-6

This document is also available at mygov.scot/victims-code-scotland