

Victim Notification Scheme (VNS)

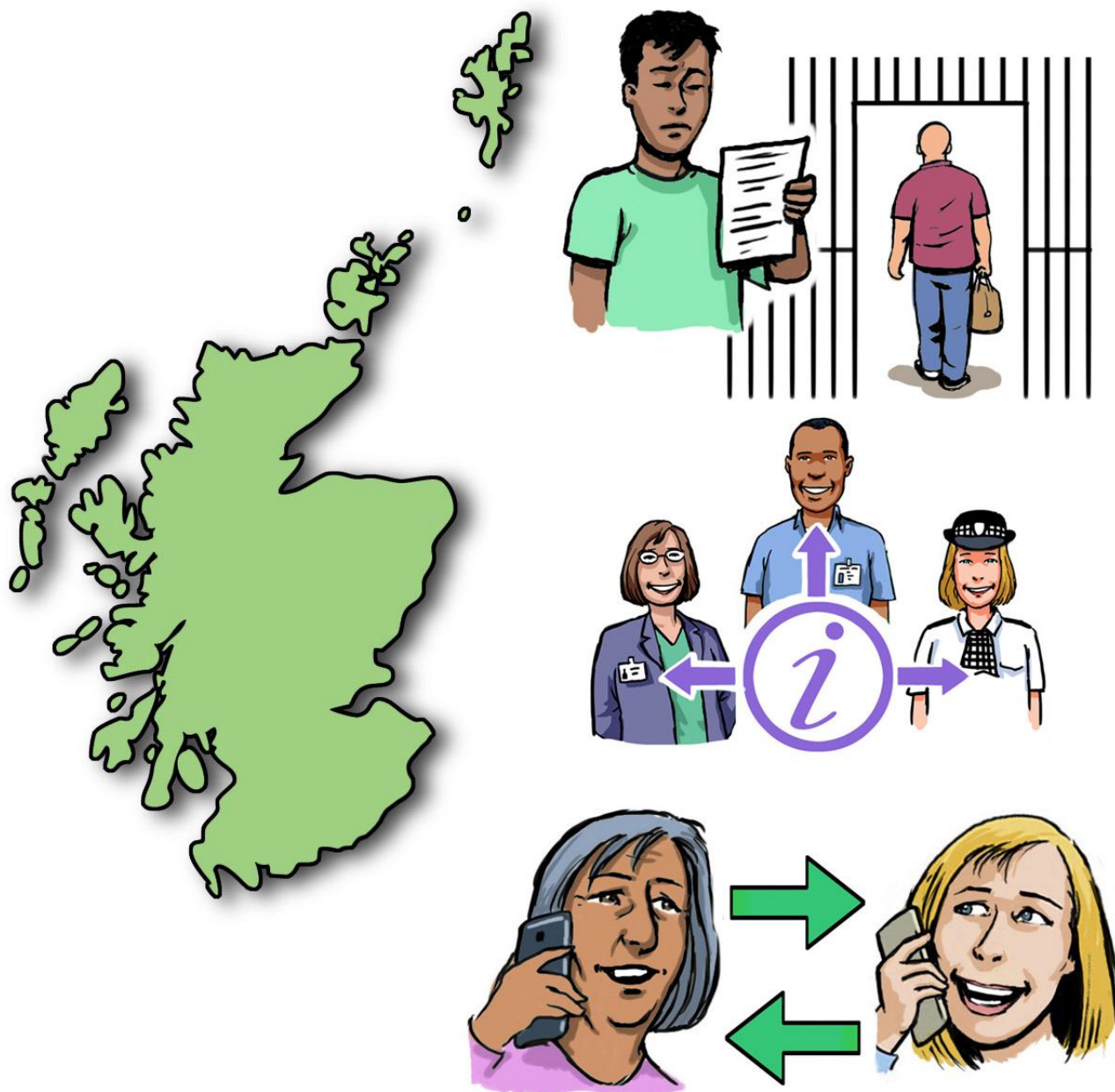
Independent Review

Easy Read Version

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

Victim Notification Scheme (VNS)

Independent Review



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What is this report about?



We were asked by the Scottish Government to independently review the Victim Notification Scheme (VNS). This was because some people were concerned about how well it helps victims of crime and everyone wants it to work well.



We have done research, looked at data, and spoken to a lot of people about the VNS. These include victims, Victim Support Organisations (VSOs), and the organisations that help run the scheme.



Most people agree on what the issues are and how they can be solved. The VNS is an important process but it is complicated, which makes it hard for victims to understand.



In this report, we recommend setting up a new support team to explain the process to victims, and better information. We have also recommended changes on child victims, mental health cases, and information about safety planning.

Background



The VNS was made part of the law in 2004 and it has changed a lot since that time. It allows victims to get information about an offender's release from prison or to give their views about release.



The scheme has been expanded since 2004 to allow more types of victims to register on the scheme. If an offender is sentenced to under 18 months, only limited information is available.



There is also a separate VNS for victims of mentally disordered offenders who have been given a Compulsion Order and Restriction Order. Victims on this scheme can get certain information and give their views as well.



There is a Victims' Code for Scotland which sets out victims' rights. We think that the VNS should be changed so that it fits better with the Victims' Code.

There have been several reviews about information for victims since 2004. In our work we found some similarities with previous reviews:



- Victims find the criminal justice system and the VNS hard to understand so they don't feel in control



- Victims want more support



- Safety is very important



- We need a better way of working together for victims and this should include using IT better.

Standards and reporting



The law says there must be standards of service for criminal justice agencies including Police Scotland, Scottish Courts and the Scottish Prison Service. These agencies report every year on how they have performed.



All the organisations give different types of information. There are no shared goals, and the report does not tell us how well the VNS is actually working.



There is not much detailed information about how the VNS is used. So, we have not been able to find out why people choose to be part of it or not.

In the year 2020-2021, 306 people registered for the scheme.



Our idea: Careful thought is needed on the goals of the VNS. Targets should be shared and there should be a focus on making things better and checking that people are happy with the scheme. Mental health cases should also be included in reports. Information is needed so the scheme can be checked and improved. This data, and user feedback, should be included in the annual reports.



Current criminal justice work



We have looked at other criminal justice work to do with the VNS. This includes just one point for victims to contact. Also, improving ways of communicating with victims which are more sensitive to their feelings and an IT project called the Witness Portal.



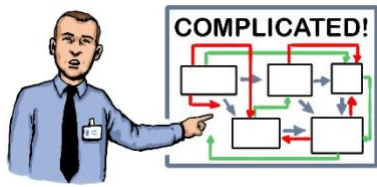
Our idea: Some existing criminal justice work projects, including the Witness Portal, should enable victims to access the VNS.

What did users of the VNS tell us?

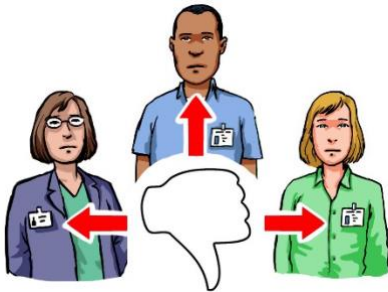


Some victims volunteered to talk to us about their experiences using the VNS. They told us about problems they had understanding the VNS and parts of the criminal justice system. They also said it is hard to complain, they don't feel in control or they feel their rights are not given enough consideration.

What did support agencies tell us?



Organisations that support victims told us that the VNS and parts of the criminal justice system are difficult to understand and that more support is needed. The letters that people get can cause problems, and safety planning is hard to understand as well.



Only some people can join the VNS, and this can create problems. It is not clear to everyone what the VNS is trying to do, and the organisations involved in it could work better together.



These organisations suggested some ways to make the system better. These include:



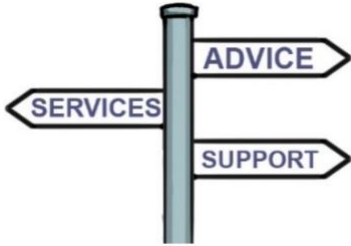
- a single person or agency to contact



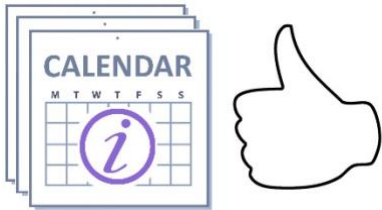
- choice of communication method and better communication



- setting up a specialist team to contact victims



- automatic referral
- easy access to support



- regular updates even if things have not changed

Crown Office and Procurator Fiscal Service (COPFS) & Scottish Courts and Tribunals Service (SCTS)



The COPFS contacts eligible victims and sends them information and forms to fill out. Sometimes this process causes confusion. The COPFS does not check who signs up to the VNS and they do not go back later to victims to ask again if they would like to register, if they have not registered immediately.



SCTS has limited involvement with the VNS. They sometimes answer questions from the Scottish Prison Service about who can register. We do not think this should be necessary because the COPFS should be able to provide that information.



Our idea: SCTS and COPFS should work together on how checks are done on who can register on the VNS, including if someone has been sent to prison for less than 18 months.

The Scottish Prison Service and the VNS



The Scottish Prison Service works with the SCTS to check who is able to sign up and checks the forms sent to them from victims. Sometimes SPS needs to check a victim's information with the COPFS. There should be an easier way to check that a victim can register with information sharing.



Sometimes distressed victims contact SPS, but SPS cannot help and have to send the victim somewhere else. This is not good for victims. SPS are there to provide information and it is not their job to provide victim support.



Information for victims in letters and official websites is confusing for victims. The letters are getting better but more can be done.

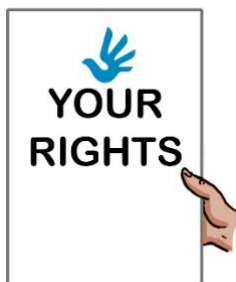
Parole Board for Scotland



The Parole Board is very important to the VNS. It has set up a victims unit to improve victim support. The Parole Board wants to make sure all its staff know how to communicate with victims well. They said victims should be able to join the scheme automatically and that a secure portal for online access could be helpful.



Some victims have the right to be at hearings, but only 7 have done this already. Most victims give their views to the Parole Board in writing, although they can also do so in person.



From April 2023, there will be some changes on who has the right to be at hearings. This is new, so we think this should be monitored to see if victims want any changes in the future.

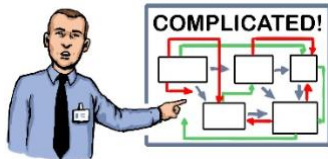


If a victim wants to be at a hearing but the Parole Board decides they cannot, no reason is given. We think reasons should be given, unless there are very strong reasons not to.



Our idea: If a victim's application is rejected, they should be told the reasons why (unless there are very strong reasons for not telling them).

Scottish Government Mental Health Directorate



The Scottish Government Mental Health Directorate is responsible for all laws around mental health. They deal with around 5 new cases per year. They say there are problems with the law and how it works with the VNS. We want these issues to be fixed. Automatic referrals would help remove some of these problems.



Our idea: The Scottish Government Mental Health Directorate told us about problems with the law and how it works with the VNS. These problems should be fixed.

The Mental Health Tribunal for Scotland (MHTS)



The MHTS has a victim liaison officer. The MHTS is in contact with 50 victims involving about 27 patients.

Orders that are placed on offenders are looked at every 2 years. When this happens, the MHTS contacts the victim.

Victims can attend hearings if they want to. The rules about who can do this are the same as for the criminal justice VNS. There is a complaints process but no feedback process.



Secure Care



The Scottish Government Secure Care team manages children up to 17 years old who are sentenced to be kept in secure care. There is not a VNS process for this area. The Scottish Prison Service cannot do this because they do not have information about people in secure care.

Our idea: There should be a VNS process for children sentenced to be kept in secure care and young mentally disordered offenders.

Victim notification outside of Scotland



Victim notification does not apply any longer in Scotland if a prisoner or patient is moved to another country or if someone is being deported from the UK.



Sometimes the UK Government can give limited information but there is not a set process for this. It would be good to set one up.



Our idea: How victim notification works when someone is moved outside Scotland or deported should be looked at. Victim notification needs to work better when these things happen.

Who can sign up for the VNS?



Only certain people can get information through the VNS. This includes all victims over 12, the parent, carer or guardian of a victim under 12, the carer of a disabled victim or some relatives if a victim has died.



Some relationships and families do not fit these rules, and this can cause distress to families. There is a list explaining which family members can be told but we think this needs to be more flexible and include other close relationships.



Our idea: The system for deciding who can sign up to the VNS needs to be flexible to reflect how families and relationships work now. Victims should also be able to choose someone to get information from the VNS for them.

Children and young people



A child over 12 can register on the VNS but cannot ask someone to represent them. We are worried about this and do not think there are good reasons for this.



The Children and Young People's Commissioner for Scotland who looks after children's rights in Scotland agrees with us. They told us that a single point of a contact for a child is important. A child has the right to say what they think and to get support and information.



Our idea: Children’s rights and wellbeing should always be considered. We think a child over 12 should be able to choose an adult to get information for them if they want, and that children over 12 should always be treated in an individual way. There should be really clear and safe processes for how a child over 12 can register on the VNS.

When is a victim notified under the VNS?



We have looked at the situations that mean information will be given under the VNS and think some changes should be made.



18 months



Our idea: When someone is going to be in prison for less than 18 months, victims should be told if the person in prison died or is moved outside Scotland. The victim should also be told if someone is going to be released for a short time only and might get close to the victim in that time.

Safety



Safety is the most important thing for victims. Victim support organisations told us that victims often do not understand safety planning. Current systems for protecting victims and the public do not always mean victims would be contacted even if they are registered on the VNS.



A victim who has registered on the VNS does not automatically get the information.



Public interest disclosure is when sensitive information about an individual is made available. This could be a way to give victims information urgently, but this is only done in very special cases. Victims do not understand how this process works.



We think it would be good for everyone involved in safety planning to think about what information victims registered with the VNS should get when an offender is released into the community.

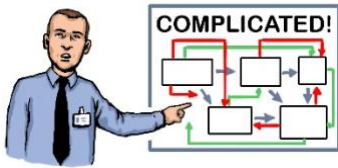


Our idea: People who work on the current systems for protecting victims and the public should think about how victims registered on the VNS are contacted as part of these systems.

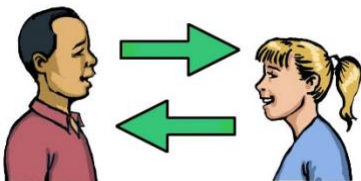
Signing up for the Victim Notification Scheme



We do not know why so few people have signed up for the VNS. We do know that there are problems with how victims get information about the scheme, how it works and that it can be confusing. We also know about some gaps in the VNS if an offender is transferred to a hospital.



We looked at different ways of solving these problems. We think automatic referral would be best because it includes victim consent and informed choice.



This means that a victim would be able to discuss things with an expert before deciding what they want to do. Anything they did not understand could be explained to them.



Our idea: We think that all victims who can register for the VNS should automatically be referred to a contact team. The contact team would discuss options with victims and support them to make the best choice, based on their needs.

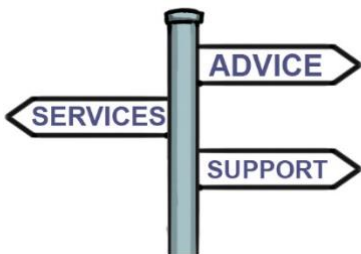
Communication



We know people want the VNS to be better at communicating with victims in a way that considers their feelings. At the moment, communication in the VNS is done in lots of different ways. It uses letters, emails and telephone at different times, but mainly letters.



Sometimes victims do not understand why they cannot be given some information. Victims can be upset and worried and call SPS for help. It is difficult for SPS to handle this, as they are not a support service for victims. We think this should be done better.



There are also difficulties for victims when they try to find and access support. We think more can be done to effectively signpost support for victims.



We also found problems around the timings for communications and contact details for victims can be hard to keep up to date. Because of this, sometimes SPS is not able to contact a victim registered on the VNS.



Our idea: Victims should be able to choose how they are contacted as part of the VNS, and they should be able to change their mind if they want to. Victims should not be contacted on the anniversary of the crime or other important days because this can be upsetting.



Organisations should make sure that they have good data protection processes in place so that information can always be shared where this is lawful.



We also think that information about the VNS that is online should only be in one place. It should be easy to understand by all sorts of people.

Feedback and complaints



We looked at current feedback and complaints processes for the VNS. There is not much evidence that complaints or feedback are used to make the scheme better.

The Scottish Prison Service deletes data straight away when an offender is released or has died, because of data protection laws. We do not think this is helpful for complaints investigations.



We think our idea of a new contact team could help victims get a better service.

Victim notification in other countries



We have looked at how other countries give information to victims. This helped us think about how to solve issues with the Scottish system.

What could a new service look like?

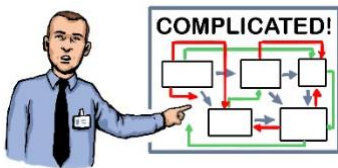


People told us that victims should have a single contact where they can get important information personally in an appropriate way.



There should be good links between criminal justice agencies and support organisations so they can share information properly. We think this would be best done by a specialist contact team.

How to manage the service?



At the moment, lots of organisations are involved in the VNS. This is complicated and creates problems for victims. Also, we have not found information about how the whole system works. We think change is needed.



Our idea: We think there should be a new victim contact team set up by the Government instead of having many agencies contacting victims. We think this could save money because it would cut down on some of the work.



We think victims should be automatically referred to this new team by the COPFS. If the victim wants to register on the VNS the team should help them choose how they want to be contacted and what information they want to get. The team should have really good links to the organisations who help make the VNS work.

Diversity



We know that some people find it hard to access the VNS because of their background. We did not find any evidence that diversity and accessibility is checked within the VNS or that it changes to suit people's needs.



The VNS should be able to communicate well with people in different ways to meet everyone's needs.



Our idea: The VNS should be monitored to make sure it is open to all. If information might be upsetting for a victim, we think a person should tell them personally. We also think information given as part of the VNS should be available in lots of different ways so that it works for everyone.

Conclusion



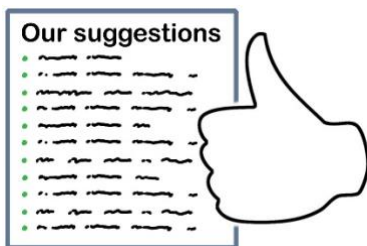
Our work looked at the concerns people have raised about the VNS. We were asked to do this review as part of Government's promise to put victims at the heart of justice in Scotland.



We have noticed that lots of people agreed on the problems of the current system and how it could be better. The VNS needs to be human, sensitive, flexible and provide choice. The current system does not do all of this, but we do not think it will be hard to fix this.



Our main suggestion is that a new victim contact team be created. We have also made suggestions around other aspects of how the scheme should work.



We think our suggestions can be done quickly and might be able to support future changes that help victims of crime. We hope our suggestions will mean a better VNS that helps victims in their difficult situation.



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