

Information and Support to Victims of Youth Crime and Young Victims of Crime

This paper has been produced by the Improving Life Chances Implementation Group on behalf of the [Youth Justice Improvement Board](#).

This is intended for practitioners within organisations working with victims of youth crime, especially young victims, as well as policy makers who are seeking to make improvements to current arrangements. It brings together information on arrangements for sharing information about offences and the support available to victims of youth crime and signposts to the relevant legislation, standards and protocols in respect of victims of crime.

This information is important because at every stage of their journey through the justice system, victims of crime need access to information and support on the criminal justice system in general and more specifically in terms of how their case is progressing. Young people consistently tell us that having someone who can explain information to them and who then can talk this through with them is important, as well as often being in itself supportive. It is crucial that all children have access to adults who can help them in this way and that these adults have access to up-to-date and accurate information.

The paper has been produced by the Improving Life Chances Implementation Group on behalf of the Youth Justice Improvement Board. Under the current Scottish Government Youth Justice Strategy [Preventing Offending Getting it right for children and young people](#), victims and community confidence is an area of strategic focus within the priority of improving life chances. This work seeks to build on the work previously completed by the Victims and Community Confidence Group under past Strategies. A review of progress and provision was carried out, involving contact with [Police Scotland](#), [Scottish Children's Reporters Administration \(SCRA\)](#), [Crown Office and Procurator Fiscal Service \(COPFS\)](#), local authorities, [Education Scotland](#), [Scottish Government](#) and third sector agencies. This information has been differentiated based on the possible courses of action following the committal of an offence by a child or young person, which are that the offence is:

Not reported:

[Information sharing provisions in place? No but could be sought by the victim](#)

[Support provided? No but could be sought by the victim](#)

Reported to the police:

[Information sharing provisions in place? Yes](#)

[Support provided? Signposting support](#)

Dealt with via Early and Effective Intervention (EEI) or equivalent processes:

[Information sharing provisions in place? Varies](#)

[Support provided? Varies](#)

Dealt with via the Children's Hearings System:

[Information sharing provisions in place? Yes](#)

[Support provided? Signposting support](#)

Dealt with through court:

[Information sharing provisions in place? Yes](#)

[Support provided? Yes](#)

A brief overview of relevant legislation, standards and protocols

[The Victims and Witnesses \(Scotland\) Act 2014](#) enshrines the following principles:

- (a) that a victim or witness should be able to obtain information about what is happening in the investigation or proceedings,
- (b) that the safety of a victim or witness should be ensured during and after the investigation and proceedings,
- (c) that a victim or witness should have access to appropriate support during and after the investigation and proceedings,
- (d) that, in so far as it would be appropriate to do so, a victim or witness should be able to participate effectively in the investigation and proceedings.

As per the Victims and Witnesses (Scotland) Act 2014, Police Scotland, the COPFS, the Scottish Courts and Tribunals Service, the Scottish Prison Service and the Parole Board for Scotland have developed the [Standards of Service for Victims and Witnesses](#). The document contains a useful victims' map which details what victims should be able to expect from each organisation. The [Victims' Rights \(Scotland\) Regulations 2015](#), [Victims Code for Scotland](#), and [Working Together for Victims and Witnesses](#) protocol all enshrine and aim to support good practice and the provision of the best possible information and support. An easy-read version of the Victim's Code is currently under development to provide easier access to the information for younger people as well as those with communications needs.

Information sharing (both generic and case specific information)

The provision of information to victims, both in general about systems and processes and specific to the individual case or offence, is crucial. The Standards of Service for Victims and Witnesses specify:

- That a victim or witness should be able to obtain information about what is happening in the investigation or proceedings;
- Victims should have access to relevant information at an early stage and at appropriate points in the process. This should include information on procedures, the victim's role in them (if any), reports on progress (giving an explanation of any delays) and outcomes of criminal proceedings, and where, if possible, they can get further information and assistance;

- Victims should be able to understand the information that is given. The language should be easy to understand and the information should be available in alternative languages or formats if required; and
- Victims should be told who to contact if they want to discuss the information that has been provided and anything they do not understand will be explained.

In addition, section 6 of the Victims and Witnesses (Scotland) Act 2014 relates to the disclosure of information about criminal proceedings.

If the offence is not reported

Young people may not be aware they are a victim of crime and therefore may not report this. In this situation, no agency would be able to share information. The victim could approach [Victim Support Scotland](#) for information but they may not identify as requiring this service, know this is available or feel confident to proactively approach such services for support.

If the offence is reported to the police

When an alleged crime is reported, as per the Standards of Service for Victims and Witnesses, Police Scotland will:

- Discuss with the victim how they will be kept informed of progress in the case; explain how they will deal with this and what they may ask the victim to do to help them;
- Where a person has given a statement in relation to a crime as a victim or a witness or is a family member of a victim who has died as a result of a crime, they can make a request for information including on any decision not to proceed with a criminal investigation or to end an investigation and the reasons for this. When Police Scotland receive this application, they will respond within 40 days;
- For victims of certain crimes, there may be the option to request a male or female officer to undertake any interviews. Police Scotland will try to meet this request wherever possible; and
- Police Scotland will consider the victim's particular needs to decide whether they are a vulnerable witness. They will then, with their partners, try to ensure these needs are met.

As per the Victims' Rights (Scotland) Regulations 2015, when a constable identifies a person as a potential victim, they should inform the person that they can request a copy of the Victims' Code for Scotland and information relating to the rights of victims. This is done via the provision of a Victim's Care Card which provides the details of the enquiry officer, the crime reported and information on how to access victim support and the Scottish Government's Victim's Code. For children, the decision to share information should be informed by consideration of whether this is in the child's best interests, the child and parent's view, and if this should be shared with the child's parents or another adult. Victims and witnesses are a priority under Police Scotland's [Children and Young People 2016/20 - Our Approach](#), with generic information also available on the Police Scotland website.

If the offence is dealt with via Early and Effective Intervention (EEI) or equivalent processes

Early and Effective intervention (or equivalent processes) are a key element of the Whole System Approach (WSA), the aim of which is to enable timely and proportionate responses to offending behaviour by children and young people that places this behaviour in the wider context of their world, without entry into formal systems. The 2015 [EEI: Framework of Core Elements](#) (Scottish Government, 2015, p.9) specifies that the “outcome of EEI process should be reported to the victim unless the provision of the information would be detrimental to the best interests of the child concerned in, or any other child connected with the case”. It would appear that in practice who provides information to victims (police, social work, education etc.), what information is provided (letter with generic information on EEI processes, offer of involvement in restorative justice, Victim Support contact details etc.) and how routinely this is done, varies. Case specific information can also impact on the action taken in each individual situation (e.g. if the child was at the same school as the victim, whether sharing information would escalate or re-ignite a situation, what supports were already in place and so on).

If the offence is dealt with via the Children's Hearings System

The age of criminal responsibility in Scotland is currently eight and the age of criminal prosecution is 12. Where a child aged under eight is referred to the CHS due to harmful behaviour or a child is referred on non-offence grounds, the victim would not be eligible to receive information. With the planned increase of the age of criminal responsibility to 12, the Scottish Government are considering the impact of such legislative change on the victims of children's harmful behaviour and have committed to ensuring the needs of victims continue to be met, which will include considering the scope for sharing information as to what action has been taken to address that behaviour.

Currently, where a child aged over eight years is referred to the CHS on offence grounds, a “Victims of Youth Crime” leaflet (generic information on CHS) and initial letter is sent to individual victims and there is a victim section on the [SCRA website](#). Where the victim is a child, depending on their age, SCRA would communicate with the child and their parent. The victim is given the choice of opting in to receive information and where they do so, they may be advised of all stages of the process i.e. the reporter's decision, the hearing decision, whether it goes to court for proof and what that decision is via the Victim Information Service. Follow-up queries are dealt with and the Victim Information Coordinator would link with the victim by phone, email, letter or a combination. There are limitations in what information is shared, in particular around personal information which may have influenced any decision.

If the offence is dealt with through court

As per the Standards of Service, the COPFS ensures individuals have access to the relevant and appropriate information that victims are entitled to and in situations where this cannot be shared, that explanations are provided. As per the Victim's Code, victims can make a formal application for case specific information if this has not been provided, including if the case is not prosecuted and the reasons for this, and can request a review of this decision.

The Victim Information and Advice (VIA) service is an opt-in service that offers help to child victims and victims of crime in cases of domestic abuse, hate crime, sexual crime or where it is likely that a trial will involve a jury. VIA can provide both generic information about the criminal justice system and case specific information such as dates of hearings, decisions about bail, verdicts and sentences.

Support available/offered to victims of youth offending following an offence

The Standards of Service state all victims should:

- Have fair and equal access to services throughout and be 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 victims have access to information and support services;
- Organisations will work together and in partnership with victim and witness support organisations to ensure victims are provided with the best service possible; and
- Ensure that each agency who are part of the Standards comply with Complaints Policies.

If an offence is not reported

No agency would offer support as they would not know an offence had been committed but victims have a right to access support from organisations such as Victim Support Scotland; Abused Men in Scotland; ChildLine; Children 1st/Parentline; Criminal Injuries Compensation Authority; National Stalking Helpline; Action Against Stalking; PETAL Support; Rape Crisis Scotland; Sacro; Scottish Legal Aid Board; Scottish Women's Aid; and TARA. Details of most of these organisations are listed in the Victims Code for Scotland. It is however acknowledged the young person may not identify themselves as a victim or face issues in accessing such services, as detailed above.

If the offence is reported to the police

As per the Victims' Rights (Scotland) Regulations 2015, when a constable identifies a person as a potential victim, they should inform the person that they can request a referral to providers of victim support services from any competent authority and may contact providers of victim support services directly without referral, as well as possible next steps in dealing with their case. For children, the decision to do so should be informed by consideration of whether this is in the child's best interests, the child and parent's view, and whether this information should be shared with the child's parents or another adult. Information on support services is available on the Police Scotland website.

If the offence is dealt with via EEI or equivalent processes

Again it would appear the support provided to victims varies. This may include signposting to other agencies such as Victim Support Scotland, the offer of involvement in restorative justice, and school-based support.

If the offence is dealt with via the Children's Hearings System

Formal support is not offered to victims but information on Victim Support Scotland is detailed on the leaflet sent to all victims.

If the offence is dealt with through court

The VIA Service can help victims get in touch with organisations that can offer practical and emotional support; discuss any additional support that might help a victim, for example, if they have to give evidence; and aid the victim to tell the judge about the impact of the crime on the victim and any injury, loss or damage suffered, which could result in payment of compensation. Contact details for support organisations are on the victims section of the COPFS website. A range of support is available to victims and witnesses who need to give evidence in court, including vulnerable witnesses such as children. This includes the Witness Service, operated by Victim Support Scotland, which provides advice and support to witnesses prior to and during criminal proceedings. Further information and support can also be made available when the disposal is certain types of prison sentence, via the Victim Notification Scheme.

School-based activities

Schools as a universal service have a vital role in supporting young people who have been victims in the wider sense (e.g. of loss, bereavement, trauma, bullying). We were not able to identify any activities that were specifically directed towards victims of crime but various strands of relevant work were evident. These are listed below and include some where the focus was on building children and young people's capacity to resolve issues:

- **Restorative approaches:** Many schools across Scotland have successfully introduced a range of restorative approaches and report improvements in school relationships and behaviour following this. This was reflected in research recently carried out by Glasgow and Edinburgh Universities which reported on the effectiveness of restorative approaches in three Scottish Local Authorities.
- **Nurturing approaches:** Based on the theory of attachment and using the 6 Nurturing Principles, a Nurture Group for example is intended to create a bridge between home and school and providing adults who model with many of the basic skills which may have been missed in early childhood.
- **Solution oriented approaches:** Such approaches had been previously used in schools to support day-to-day practice and whole school strategic change, as well as more recently to actively support positive relationships and culture at the classroom level with a growing evidence-base for its use at this level.
- **Seasons for Growth:** This programme is widely used in schools across Scotland to support children and young people suffering from loss and grief. The core element of the programme is the promotion of social and emotional wellbeing and the development of resilience for children and young people; the programme is educational in nature and does not provide therapy.
- **Place2Be:** A charity delivering school-based mental health services, supporting children and young people with wide-ranging and often complex social issues. This service is currently delivered in schools in Edinburgh, Glasgow and is expanding into North Ayrshire.

- Support from education staff to promote positive mental wellbeing and to recognise potential risks/crisis, provide support and being able to signpost/refer to other services, including CAMHS as necessary.

Other activities in schools are intended to reduce the likelihood of offending and therefore potential future victims:

- **Mentors in Violence Prevention (MVP):** MVP is a leadership programme in which young people are given the opportunity to explore and challenge the attitudes, beliefs and cultural norms that underpin gender-based violence, bullying, harassment, sexting and other forms of violence. Senior pupils are trained to become young leaders who support and mentor younger pupils and the bystander approach is utilised. MVP is most effective when part of a whole school approach and can play a key role in helping young people stay safe and support each other and in encouraging positive healthy relationships amongst peers. In January 2016 MVP was being run in 54 schools in nine local authorities.
- **No Knives Better Lives (NKBL):** A primary prevention programme targeting young people aged 11-18 years, on the cusp of picking up a knife. The programme specifically addresses the issue of knife carrying but is informed by and complimentary to wider youth diversionary interventions and activities that aim to prevent anti-social behaviour and offending. This combines social marketing (using advertising and marketing methods to communicate the risks and consequences of carrying a knife to young people) and face to face learning opportunities using a youth work approach. The NKBL approach is supported by the findings of the literature review [Knife Crime Intervention: "what works?"](#) (SSCJR, 2013).
- **Medics against Violence (MAV):** Aims to prevent violence through education and run an award winning secondary school programme. MAV volunteers, who are all NHS professionals, work with local schools, going into classrooms and speaking directly to children about how to avoid violent situations and stay safe. To date MAV have reached over 150,000 young people. Incidents of youth crime are thankfully falling but unfortunately Scotland's young people are still being affected by violence, so MAV are working to change attitudes and keep Scots safe.
- Anti-bullying initiatives.

Conclusion

This paper has highlighted that there are a range of methods available for sharing generic and case-specific information with victims of youth crime, however the crime is dealt with. An individualised approach to information sharing is important within which issues of confidentiality and the need to protect both the rights and needs of the child and of the victim can be balanced.

Issues have been identified with young people's identification (or not) as victims, particularly where an offence is not reported, and the impact this can have on the availability, and accessing, of information and support. Similar issues have been highlighted regarding the consistency of information shared and support in cases dealt with via EEI processes.

It has not been possible to comment in this paper on the quality of this information or how understandable victims find this, with previous projects such as Victims Of Youth related CrimE (VOYCE) in Dundee which had in part the remit to support victims to understand the Children's Hearings System no longer being available. Similarly, it has not been possible to comment on young people's experiences of the support available following the committal of an offence.

Given the importance of young people having someone who can provide information when they are a victim of crime and who they can talk this through with, and that no single criminal justice agency has a remit that extends from the beginning to the end of a victim's journey through the justice system, it is essential that all professionals working with young people have a good understanding of the youth and criminal justice system. Resources such as [Youth and Criminal Justice in Scotland: the Young Person's Journey](#) and [Journey through Justice](#) also aim to support professionals in this task.

For further information about the issues raised in this paper, please contact colleagues at the Centre for Youth & Criminal Justice at cycj@strath.ac.uk

October 2017