



OFFICIAL REPORT  
AITHISG OIFIGEIL

DRAFT

# Criminal Justice Committee

Wednesday 11 December 2024

Session 6



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**Wednesday 11 December 2024**

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**CRIMINAL JUSTICE COMMITTEE**

**39<sup>th</sup> Meeting 2024, Session 6**

**CONVENER**

\*Audrey Nicoll (Aberdeen South and North Kincardine) (SNP)

**DEPUTY CONVENER**

\*Liam Kerr (North East Scotland) (Con)

**COMMITTEE MEMBERS**

\*Katy Clark (West Scotland) (Lab)

\*Sharon Dowey (South Scotland) (Con)

\*Fulton MacGregor (Coatbridge and Chryston) (SNP)

Rona Mackay (Strathkelvin and Bearsden) (SNP)

\*Ben Macpherson (Edinburgh Northern and Leith) (SNP)

\*Pauline McNeill (Glasgow) (Lab)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Mari Bremner (Scottish Government)

Siobhian Brown (Minister for Victims and Community Safety)

Lucy Smith (Scottish Government)

**CLERK TO THE COMMITTEE**

Stephen Imrie

**LOCATION**

The David Livingstone Room (CR6)



# Scottish Parliament

## Criminal Justice Committee

Wednesday 11 December 2024

*[The Convener opened the meeting at 10:00]*

### Victims, Witnesses, and Justice Reform (Scotland) Bill: Stage 2

**The Convener (Audrey Nicoll):** Good morning, and welcome to the 39th meeting in 2024 of the Criminal Justice Committee. We have apologies from Rona Mackay.

Our main item of business is to take evidence from the Minister for Victims and Community Safety on the Scottish Government's plans for amendments to the Victims, Witnesses, and Justice Reform (Scotland) Bill in relation to the victim notification scheme.

We have agreed to hold this evidence session because the Scottish Government is proposing to include important new provisions in the bill. As a reminder, today's meeting will focus only on proposed amendments relating to the victim notification scheme. We will invite the Cabinet Secretary for Justice and Home Affairs to a future meeting to give evidence on the Government's intentions for stage 2 in relation to the rest of the bill.

Siobhian Brown, the Minister for Victims and Community Safety, is accompanied by Lucy Smith from the victims and witnesses unit, Mari Bremner from the forensic mental health team and Jasmin Hepburn from the Scottish Government legal directorate. Welcome to you all.

I refer members to papers 1 and 2. I intend to allow around 60 minutes for this panel of witnesses. Before we get into questions, I invite the minister to make some opening remarks.

**The Minister for Victims and Community Safety (Siobhian Brown):** Thank you for inviting me to attend this meeting to discuss the Government's commitment to reforming the victim notification scheme—the VNS. I am aware that the committee took evidence last week on our intention to use the Victims, Witnesses, and Justice Reform (Scotland) Bill to deliver the reforms to the VNS that require primary legislation, and I am also aware of the real interest and desire to ensure that victims' needs are being met.

As the committee will be aware, through our engagement with the victims task force, the Government heard concerns from stakeholders that reflected the views of victims themselves that

the VNS was not operating effectively, which is why we commissioned an independent review to ensure that the scheme was fit for purpose and that it could serve victims more effectively.

During the review, the chair, Alastair MacDonald, and the vice-chair, Fiona Young, undertook a considerable amount of engagement with justice partners, victim support organisations and victims. They also considered international examples of victim notification. The review report was published in May last year, and it contained 22 recommendations, some of which comprise several sub-parts, that were rooted in that substantial engagement.

The VNS is complex, and it covers three separate schemes. Two of those relate to the criminal justice system, both of which are effectively identified by the length of the offender's sentence. The third scheme is for victims of mentally disordered offenders, which is the term that is used in the review. The review recommendations cover all three schemes.

Scottish Government officials engaged with justice partners and victim support organisations to discuss in detail the recommendations to inform and develop our response to the review, which was published in October. The Government agreed either fully or in principle with the majority of the recommendations, including the central proposal for creating a victim contact team.

Some of the review's recommendations are aimed specifically at justice partners, some are for the Government and others are for the Government to lead in collaboration with partners. Taken together, we anticipate that the recommendations will require a mix of legislative and administrative changes.

At the time of publishing our response to the review, I made it clear that progressing the reforms is a priority for the Government, and that we would use the opportunity of the Victims, Witnesses, and Justice Reform (Scotland) Bill to ensure that the reforms that are needed to be taken forward through primary legislation could be done at pace. However, I acknowledge that that will be a new part of the bill, so I intend to limit the number of amendments to those that we consider to be essential for the legal underpinning of VNS reform.

I need to be clear that we are at the very early stages of reforming the system, building on the extensive consultation that took place with justice partners and victim support organisations after the review's report was published, which informed our response.

Reforming the scheme is about ensuring that it works well for victims, and I am aware that the victim notification scheme can support victims only

to a certain extent. It is not an absolute remedy for traumatic experiences. The concluding sentence of the independent review reflects that. It says:

“a human, trauma-informed and personalised process ... can go some way to help victims”.

Improving the VNS is part of our wider commitment to transforming how justice services are delivered, which includes putting at the heart of the system the voices of victims and a trauma-informed approach. The reforms will put the needs of the victims firmly at the heart of the notification scheme. By increasing the information that is available to victims, improving communication across justice agencies and making the system more accountable, we can ensure that the scheme continues to be as effective and trusted as possible.

Reform is about ensuring that the scheme works well for victims, which is, I think, what we all want to achieve. We share the vision in the conclusion of the review report, which, as I have already mentioned, is to have

“a human, trauma-informed and personalised process, which can go some way to help victims in their difficult situation”,

and we are committed to creating that with our partners.

Convener, I am pleased to be able to work on the bill with the committee and the Cabinet Secretary for Justice and Home Affairs. The bill will improve victims' and witnesses' experiences and strengthen their rights. I look forward to taking your questions.

**The Convener:** Thank you, minister, for setting the scene, which was helpful. I will kick things off with a question on what you see as the more relevant and important conclusions and recommendations of the review. As you alluded to, the review made quite a number of recommendations. You spoke about, I think, the victim contact scheme being central to the direction of the VNS. Will you set out a little more detail on that and on the other key recommendations that you want to develop?

**Siobhian Brown:** The main recommendation was about the victim contact team, which is why the amendments that will come in at stage 2—which are dry and technical—will be for the underpinning of the establishment of such a team; they will not themselves create the actual victim contact team.

There were other recommendations. I cannot share the exact amendments at the moment, but we are looking at including the compulsion order and restriction order victim notification schemes in the standards of service, as set out in recommendation 2 of the review report.

Convener, this is all quite detailed. Would you like me to go through it to give you a bit of an overview before returning to your question?

**The Convener:** Yes, that would be helpful.

**Siobhian Brown:** At the moment, the VNS is formed of three schemes.

The victims of offenders who have been sentenced to more than 18 months of imprisonment have the right to receive information about the release of the offender, and some of those victims have the right to make recommendations when decisions are being made about release. That is referred to as the criminal justice VNS. As of 2 December, there are 3,057 victims on that VNS.

The second scheme involves victims of patients in the forensic mental health system who are subject to a compulsion order and restriction order. Those victims are similarly entitled to rights of information and the making of recommendations. That scheme is referred to as the CORO VNS. As of 2 December, 34 victims are registered on that.

Victims of offenders who are sentenced to fewer than 18 months are entitled, on request, to more limited information about the offender's release. That is known as the victim information scheme—the VIS. Currently, 58 people are registered on that scheme.

A lot of organisations are involved in the VNS. It is complex, so I will give you some background: the Crown Office and Procurator Fiscal Service plays a role at the start of the process by distributing registration packs to victims; the Scottish Prison Service sends written information to victims; the Parole Board for Scotland and the Mental Health Tribunal for Scotland facilitate victim representations; and the Scottish Government sends written information to victims of mentally disordered offenders and also provides release information to the registered victims of offenders detained in secure accommodation. In addition, victim support organisations provide support and assistance to victims registered on the VNS and to victims who can request information under the VIS. Some victim support organisations also now have proxy rights to information.

I hope that that gives you some background in relation to all the organisations that are involved and with which the victim contact team will need to engage.

To go back to your original question, as we move to stage 2, we are not only considering underpinning the victim contact team. We are looking at including the CORO VNS in the standards of service, as set out in recommendation 2 of the review. We are looking

at applying discretion to the list of relatives eligible to register for the scheme, as set out in recommendation 11, with that discretion applying across the three schemes. We are looking at children over the age of 12 being able to authorise an adult to receive information on their behalf, which would be done on a case-by-case basis, according to the child's capacity and choice, as set out in recommendation 14, and that would also apply to all three schemes. We are looking at taking a power to expand the information available under the victim information scheme, as set out in recommendation 15. The power to amend the VIS would bring that scheme more generally into line with what is happening with the VNS. We are also looking at data sharing and a duty to co-operate in order to establish the victim contact team, which covers recommendations 17, 20 and 21 and would apply across all schemes.

**The Convener:** There is a lot in that. I appreciate that you cannot go into detail at the moment about any amendments that are likely to be lodged, but can you give us an idea of what those might look like? In your opening statement, you said that we are at an early stage in developing, and, I hope, improving, the overall scheme. To what extent will the amendments that you lodge get us started on the journey towards having a fully established scheme? I appreciate that some of the amendments will be a bit technical and almost preparatory.

**Siobhian Brown:** The amendments will be coming at stage 2 and will be quite dry and technical. I will hand over to Lucy Smith, who might be able to give you a little more detail.

**Lucy Smith (Scottish Government):** You asked about the extent to which the amendments would start us on the journey towards reform. It is important for the committee to understand that reform of the VNS will not be only legislative; there will be administrative changes, too. The amendments are still in development, but our plan is that those will underpin the victim contact team because it is really important that data sharing is done accurately. We plan to introduce service standards to the CORO VNS, which is something that the Government had already begun considering before the review reported. There will also be a power to make enhancements to information.

10:15

One thing that came out of the review was the disparity of information that certain victims might receive, and we would like to provide parity where possible. After all, why should the information for a victim be dependent, ultimately, on the sentence that an offender receives? Some of the legislative changes that we are seeking—for example, on

data sharing arrangements and on how we can change the lists of prescribed relatives who might register for information—are certainly very important, but another issue that we need to bear in mind is the administrative stuff that will happen, too.

For example, some of the review's recommendations related to clarity of information on websites. There is a lot of information about the victim notification scheme on different websites, and one recommendation was to bring all that together into a single place and to have a single source of information so that it is clear to victims and support organisations what someone might be entitled to.

Those considerations are on-going to ensure that we have a holistic change to the VNS, only part of which will, in effect, be handled by this committee.

**The Convener:** Thank you. Finally, what timescales are we looking at for the establishment of the new VNS?

**Siobhian Brown:** In relation to how it is set up?

**The Convener:** In relation to its being fully established, in place and ready to go. The committee appreciates that that will not happen overnight. Do we have a broad timeline or timescale for that?

**Siobhian Brown:** I cannot speak to a timescale at the moment. Obviously, we want to do this at pace—that is why we will be lodging these amendments at stage 2 and, indeed, why we are using this bill as the vehicle to try to get things in place within this parliamentary session. If we waited and tried to do this through another bill, it would not happen in this session. We are keen to do this at pace and to expedite things, but the date on which the scheme will be reformed will depend on the passage of the bill and how things end up at the end of the process. That said, we are keen to make progress.

**The Convener:** I will open up the session to questions from members.

**Liam Kerr (North East Scotland) (Con):** I want to ask about the victim contact team, which was announced in early October. You said that amendments on that will be lodged at stage 2. One issue with bills that go through this Parliament, which is often slightly less than desirable, and is something that has been raised by this committee and others, is the costs that get loaded on to agencies and how they are calculated. Before the committee considers the amendments on the victim contact team, can you tell us how much the team will cost to set up, and what its on-going cost will be?

**Siobhian Brown:** I must make it clear that this is still a work in progress. When we come to stage 2, we will be producing a financial memorandum if any cost is involved. I might bring in Lucy Smith here, but, at this stage, we are not aware whether the technical amendments that we will lodge at stage 2 will cost anything.

However, we envisage a one-off cost being associated with the implementation of some of the review's recommendations, such as that relating to the victim contact team, and those costs will depend on the delivery model for the team, which is still a work in progress, and on the impact of the VNS reform on uptake. That will require further work.

There might be other costs, but the opportunities for digital solutions might reduce operational costs. There could be costs and savings, but they will become clearer as the proposals for implementation are advanced further.

**Liam Kerr:** Right, but I think that the concern is that you made your announcement in early October, which means that we are now two months down the track; the amendments that you speak of will be lodged sometime in January; and you are still unable to give the committee a figure for how much this might cost Government and the taxpayer. By all means respond to that point, but another concern is that, as I am sure that you will concede, the measure will cost something. There will be both set-up and on-going costs, and they will need to be drawn from a budget. Therefore, my question is, from which budget will those costs come, and is there a risk that they will be cannibalised from funds for justice partners?

**Siobhian Brown:** I am not in a position to give you an exact figure for a victim contact team today. Indeed, as the work is on-going, it would be disingenuous even to give a ballpark figure to you today. Ultimately, the victim contact team will be budgeted for and it be costed through the justice budget. If there are any costs arising from the amendments or the victim contact team as we reach stage 2, we will be providing a financial memorandum.

**Liam Kerr:** Your press release does not say who, or which agencies, will be on the victim contact team. Will you help us to understand who will be on it?

**Siobhian Brown:** We deal with many victim support organisations, and we will be in discussion with them. I cannot confirm exactly who will be on the team; it is a work in progress. At stage 2, I will be giving you amendments with the full details.

**Liam Kerr:** Thank you.

**Sharon Dowey (South Scotland) (Con):** Good morning. I return to the report on the independent review of victim notification that was published in May 2023. It set out 22 recommendations, and it said that not all of them would require legislation. I was pleased to hear you say in your opening remarks that any legal changes would be the absolutely essential ones only. That is good, as we do not need legislation just for the sake of it.

You have also said that progressing the reforms is a priority, and that you wanted to do that at pace. The Government issued its response in October 2024, but the report was published in May 2023, which was 17 months earlier. If you are trying to work at pace, why did it take so long for the Government to issue a response?

**Siobhian Brown:** In my opening answer to the convener, I had to explain how complex the system is, with all the different agencies that we must deal with and have conversations with. Whereas the report was published back in May 2023, the landscape in October 2024 was very different, due to the policy of early release of prisoners throughout the United Kingdom. We needed to engage with all the multiple organisations involved, but we also wanted to look at the policy landscape, which had changed significantly since March last year, and ensure that it was as up to date as possible. That is why we took our time and made our announcement in October.

**Sharon Dowey:** Does the Government have an updated report that it could give us on any progress that has happened with the 22 recommendations in the report of the review? Which ones will require legislation? Can you tell us about any progress that you have already made on those recommendations that do not require legislation?

**Siobhian Brown:** Yes, we could probably give you what I have. I have a big form here that I could go through, which is really technical.

**Sharon Dowey:** We do not need all the details just now, but if you could perhaps update us.

**Siobhian Brown:** We could go through the recommendations, outlining what we are looking to implement at stage 2 and those things that we are not looking to implement at that point. We have that information, which I could provide to the committee if that would be helpful.

**The Convener:** That would be helpful, so that we can keep the focus on—

**Siobhian Brown:** I have got the information, although it will be very technical and boring.

**Sharon Dowey:** In your news release in October, you said that you had already begun work on creating a victim contact team. What



stage is the team at? How many members does it have? What kind of work has it been carrying out in the past couple of months?

**Siobhian Brown:** At the moment, there are discussions regarding how the victim contact team will be set up—and I will bring in Lucy Smith on this. The team is at the very early stages. I do not know whether it would be helpful to go through the recommendations in the report and what the victim contact team could look like.

**Sharon Dowey:** It was just that the press release said that you had already started work on creating a victim contact team.

**Siobhian Brown:** Yes.

**Sharon Dowey:** I was more interested to know what stage we are at with the team, how many people are in it and what it has done in the past couple of months.

**Siobhian Brown:** I will bring in Lucy Smith on that.

**Lucy Smith:** We have had some early thoughts about the functions of the victim contact team, the case load and what staffing resource and back-office functions it might need. As committee members will be aware, a number of things would need to be put in place, including human resources, general data protection regulation compliance and staffing.

In addition, we do not know what the workload will look like. A point was made in the review response about the number of letters that currently go out to victims. The level of uptake was unknown, but 25 per cent of victims were estimated to be on the scheme. We anticipate that, with VNS reform, uptake of registration will increase. Part of that will come from automatic referral of eligible victims to the victim contact team—that was a recommendation of the review. A personalised conversation will then take place and people will register.

Although we have started to have internal discussions about what that team might look like, we need to engage with our partners, including our justice partners and victim support organisations. We would want to use their expertise and experience to help to formulate what the victim contact team would look like.

**Sharon Dowey:** So, at the moment, you are just gathering your thoughts and working through a process; nothing has been put in place.

**Siobhian Brown:** One issue that needs to be addressed in establishing the victim contact team is data sharing. That is where the thought processes on how we can get this done come in. If we are to have dry technical amendments on data sharing, how will that underpin the way in which

we create the victim contact team? Work is being done to look at what amendments we can lodge. That is work in progress, because if we are to do what is recommended in the report and establish the victim contact team, all of that needs to be in place first. Work is on-going to underpin that.

**Sharon Dowey:** I am trying to establish what practical measures have been implemented. There was a period of 17 months between the recommendations being made and the Government's response. Another two months have passed since the Government's response, and the next phase of emergency early release is due.

With the previous early release, the prisoners' victims felt that they were an afterthought, and Victim Support Scotland is on record as saying that just 2 per cent of victims of the criminals who were released in that process were informed. Do you have any confidence that any of the proposed reforms would change that when the second batch of prisoners are released in the new year? Will more than 2 per cent of victims be notified? I am thinking about practical measures that could be implemented now without legislation.

**Siobhian Brown:** Absolutely. The review recommendations will not be in place by the time of the second emergency release. With the first early release, I do not believe that victims were an afterthought. I know that victims were at the forefront of the cabinet secretary's mind when she took through the emergency release legislation, as well as the issue of how we could increase uptake of the VNS, which we know has been a challenge. That is why we need the reform. At that stage, she opened up the process so that the victim support organisations and the Scottish Prison Service could be contacted.

We would encourage anybody to get in touch and get on the victim notification scheme now. That can be done. The victim notification scheme is still set up and people can still apply for it. The reform that we are discussing will not be online by the time of the next early release.

To go back to what you said about victim support, we do not want anyone to reoffend, but the return to custody rate for those who were released under the early release scheme was substantially lower than the average reconviction rate for prisoners who have served a sentence of four years or less. The most recent statistic was on the 2020-21 cohort. That was during Covid, when 40.6 per cent were returned to custody, but, last time, that was not the case.

**Sharon Dowey:** I have a quick question about prisoners serving a sentence that is not for domestic violence. Victims of domestic violence were concerned that their tormentor would be

released but, because the offender was serving a sentence for a different offence, the victim would not be notified. Is there anything in your proposals that would ensure that those victims are not forgotten and that they would be notified if the person is released or released early?

10:30

**Siobhian Brown:** Absolutely. If an improvement needs to be made, we want to make it, which is why we are reforming the scheme.

**Katy Clark (West Scotland) (Lab):** I am trying to understand the figures that you have provided today and how they relate to information that we were provided with previously. You said that 3,075 individuals are on the victim notification scheme. Is that correct? Reference was also made to 25 per cent of victims being on the scheme. I appreciate that there are three schemes, and there was also reference to other figures. You can correct me, but that is the information that you have given today.

I am trying to understand the gap between the number of those who are registered on the system—I appreciate what has been said about trying to increase that number—and the number of those who are notified. According to the figures that we were given previously, 477 offenders were released during the early releases in the summer, but only five victims were notified. That seems to be the pattern. The number of victims who get information on release seems to be very low. I know that you listed all the different types of notification that can be given and the different organisations that are involved, but could you confirm that, at the moment, notification levels are low? Could you outline what they are, either today or in correspondence after the meeting, so that we can understand the nature of the problem that we are trying to address?

**Siobhian Brown:** I am not sure where the 25 per cent figure comes from.

**Katy Clark:** It came from your colleague Lucy Smith.

**Siobhian Brown:** Okay. I might bring Lucy in to talk about that. As I said, the figures that I have as of 2 December 2024 are 3,057 on the criminal justice VNS—

**Katy Clark:** Is that the number who are in the system?

**Siobhian Brown:** Yes. Those are the figures that I have. Domestic abuse and sexual offences were not included in the early release scheme—not that they were ever going to be—so there was a low number of people on the VNS. That is where the cabinet secretary at the time was trying to open up other avenues for anybody who needed them. In the end, there were only five, even

though victim organisations and the Scottish Prison Service were open to people contacting them.

**Katy Clark:** I just want to understand. That is the number of people who are registered on the system, but we know that, in recent years, the number of victims who have been notified is very low. Has there been a significant increase in the number of victims who have registered in recent months?

**Siobhian Brown:** I do not have that information, and I do not know whether Lucy Smith has it, but we are happy to write to the committee on that point.

**Katy Clark:** Thank you. The concern is that only a small number—a small percentage—of victims have been notified in the past, and many victims would like to be notified but have not registered, for whatever reason. It is often because they are asked only at the beginning of the case, when it is not necessarily something that they are focusing on.

Can you explain that figure of 3,057 and whether it is significantly different? I understand that you do not have the figures in front of you, but is there any reason to believe that there is going to be a significant increase in the number of victims who get notified when there is a significant change in future?

**Siobhian Brown:** Do you mean under the proposed reform?

**Katy Clark:** No; I am asking about the figure that you have just given us.

**Siobhian Brown:** I cannot answer that question at the moment. I am looking at reform of the VNS and the independent review has set out what it would like the service to look like. Every victim would be contacted and would be given their options. They might not be in a position at the time to want to take those up, as they might be going through something traumatic. The team could say, “Look, I’m going to give you a call in a month or two month to tell you what your options are. Would you like to come on board?” They may then be in a different frame of mind. Moving forward, I would like there to be an increase in people taking up the VNS, which we would all want.

**Katy Clark:** Are you giving an undertaking that there will be an increase in the number of times that a complainer or victim is asked whether they would like to be registered for the VNS?

**Siobhian Brown:** That would be the aim of the victim contact team.

**Katy Clark:** I hope that the convener does not mind me asking about this. Some of my amendments to the bill propose that it should be

more of an opt-out scheme than an opt-in scheme, which some lobbying organisations have argued for. It would be interesting to understand whether you have looked at that, and why you seem to have taken the view that you do not wish to go down that avenue. What difference do you consider that having an opt-out scheme would make to the uptake, compared to the proposals that you are making?

**Siobhian Brown:** My understanding is that the independent review looked at the opt-in and opt-out proposal but recommended that it should not be an opt-out system. We have taken that on board. From our discussions with victim support organisations, we know that they have come to the same conclusions, which is why we have taken that decision.

**Katy Clark:** So the main reason for that decision is the fact that the outcome of the review was a recommendation not to go down that path, and your focus is on implementing the review.

**Siobhian Brown:** We have also had discussions with victim support organisations.

**The Convener:** I want to come in with a quick practical question, before I bring in Pauline McNeill. We are talking about victims, and there is a referral process. What would be the starting point for that process—would it be Police Scotland, or the fiscal?

**Siobhian Brown:** The Crown Office and Procurator Fiscal Service plays a role at the start of the process by distributing registration packs to victims.

**The Convener:** I know that I should have known that.

**Siobhian Brown:** That is why there are so many organisations involved.

**Pauline McNeill (Glasgow) (Lab):** This is a very important area of work for the minister and for the committee, when we are able to see the detail. In a short summary, could you clarify the objective of the changes to the victim notification scheme? How would you characterise the proposed changes?

**Siobhian Brown:** We want the scheme to be more trauma informed, more supportive and more easily accessible, in line with the recommendations.

**Pauline McNeill:** So it is not really that accessible at the moment.

**Siobhian Brown:** It is accessible. People can get in touch with the Scottish Prison Service, but we have acknowledged that we need reform. That is why we asked for an independent review to look at how we can improve things.

**Pauline McNeill:** I am trying to understand what we are doing at stage 2. What changes are we making? I will get to the delivery model, which I want to ask you about. Would you characterise it as changing people's experience? Will it be more supportive? What are you trying to achieve?

**Siobhian Brown:** Are you asking about the victim contact team, or the amendments at stage 2?

**Pauline McNeill:** What are you trying to achieve with the amendments at stage 2 and the changes to the scheme?

**Siobhian Brown:** The proposed stage 2 amendments will be very dry and technical and will underpin us being able to establish the victim contact team. It will not have exact details about that team.

**Pauline McNeill:** I am trying to understand. That is the change that you want to make to the current system—

**Siobhian Brown:** We want to make that change so that we have a framework in place, which will allow us to move forward with the victim contact team.

**Pauline McNeill:** I see. That would be the biggest change.

**Siobhian Brown:** We would not be able to move forward with the victim contact team if we did not have the framework in legislation.

**Pauline McNeill:** I understand. When will we see what the delivery model looks like?

**Siobhian Brown:** We do not have a timescale for that at the moment, because we are still engaging with all the organisations that are involved. It is a work in progress.

Would you like me to set out what the recommendations on the victim contact team were and what it should ultimately look like, even though I do not have a timescale at the moment?

**Pauline McNeill:** Yes, but first I am trying to understand when we will see your plans for the delivery model. Will we see them before stage 2?

**Siobhian Brown:** No. We are discussing the reform of the victim notification scheme with all our partners and moving forward with putting a victim contact team in place. At the moment, we are focusing on the framework legislation that will go forward to stage 2.

**Pauline McNeill:** You said that it is technical so, even when we see it, we will not know which delivery model you are going for.

**Siobhian Brown:** You will not at that stage, but we will move forward and you will get all the detail of it as all the work is done.

**Pauline McNeill:** We will be asked to vote for the framework, and we will then hear which delivery model you have—

**Siobhian Brown:** The delivery model—

**Pauline McNeill:** I am sorry. I am not trying to ask a trick question.

**Siobhian Brown:** No, no.

**Pauline McNeill:** I am just trying to get my head round what you want to do.

**Siobhian Brown:** We are looking at the report's recommendations on how we can improve things. One aspect is data sharing, and amendments will be lodged on that area to make it possible, moving forward, to set up the victim contact team.

**Pauline McNeill:** Right. Is that data sharing between the multiple organisations that are already involved and the victims?

**Siobhian Brown:** Yes.

On mental health and the CORO VNS, recommendation 11 proposed that discretion be applied in relation to the list of people who are eligible to register for the scheme. It was recommended that children aged over 12 should have the ability to authorise an adult to receive information on their behalf. It was recommended that ministers take a power to expand the information that is available from the victim information scheme. It was also recommended that data sharing be permitted and that there should be a duty to co-operate in order to establish the victim contact team. That covers recommendations 17, 20 and 21.

**Pauline McNeill:** Okay, so it is quite tricky. You want to move at pace, and I can understand why, as there is a lot of interest in the matter. As a committee, we are certainly very interested in it, and we want to work with the Government. However, how soon after the implementation of the technical aspect at stage 2 will we see what the delivery model will look like?

**Siobhian Brown:** We are aiming to do what was recommended in the review. I will go into some of the detail of that, because it is really important. We all want reform of the VNS. We want a bigger uptake, and the Scottish Government agrees with the recommendations and will take them forward.

There should be a specialist, skilled, trauma-informed victim contact team to handle all communications with victims. Eligible victims should automatically be referred to the victim contact team within a set deadline. The victim contact team should contact victims personally at a suitable time after sentencing, offering a conversation by phone in addition to the official notices. The contact team member should explain

the system and what the sentence means, offer choices about how the victim would like to be communicated with, and offer easy ways to deregister and reregister if they wish to do so.

There should be a single victim notification scheme website for easy access for information. Communications should have built-in touch points so that victims are not left alone for long periods of time. Victims should ideally have a named contact in the victim contact team, with one phone number to call and one email address. There should be effective data-sharing protocols and shared access to relevant data systems, and the victim contact team should have strong links with victim support organisations to ensure effective and prompt signposting.

That is our ambition for the victim contact team. As I said, it is not going to solve the experience for the victim, but it should make things easier for them.

**Pauline McNeill:** Thank you for that. It sounds a very important and significant piece of work.

I will conclude with a question that goes back to Liam Kerr's question. We will all be very impressed by the Government achieving that, but the committee has just looked at the budget, and there is nothing in the budget lines for what is quite a big—and welcome—change. Will you come back to us on the budget for it?

**Siobhian Brown:** Yes, absolutely. We are committed to taking this forward, so there will have to be an allocation in the budget.

10:45

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** Good morning, minister, and to your officials. You have touched on this already, but I wonder whether you might say a bit more. In your opening statement, you said that amendments at stage two will be kept to an absolute minimum and, in response to a colleague, you said that they will be very technical in nature. For the benefit of the Parliament, even at this stage, and for those listening, will you say a bit more about the rationale behind that, and when the detail—some of which you relayed in a previous answer—will become clearer for those who are interested in the operation of the system?

**Siobhian Brown:** Making progress on the recommendations specifically involves the victim contact team. To establish that, we need legislation on data sharing. That is what we are doing first, at stage 2. That is why the amendments are dry and technical.

I have outlined some of the things that we are looking to explore through the three different schemes. It is important to have the framework in

the legislation so that, when we are ready to establish the victim contact team, the framework is already in place. If it was not, that would delay our being able to establish the team and we would have to wait to legislate in another bill—maybe in another parliamentary session—which would delay its establishment.

**Ben Macpherson:** That clarification is helpful.

**The Convener:** I will bring in Katy Clark again in a moment, but I want to ask about the CORO victim notification scheme—as it has been known—which exists specifically to support the victims of patients in the forensic mental health system who are subject to compulsion orders and restriction orders. I am interested in what your vision is for that group of victims, who, I imagine, are in a sometimes slightly more complex space.

**Siobhian Brown:** I will bring in Mari Bremner, who is a specialist in that area. However, reform is about improving things across the three schemes.

**Mari Bremner (Scottish Government):** The CORO scheme is a newer scheme to ensure that there is parity for that group of victims and to improve, overall, the information that they receive, which is what we want to do.

The policy and administration of that scheme is done within the same team, so we have a good insight into where improvement can be made to the communication and the information that is given.

**Siobhian Brown:** Provisions in the Criminal Justice (Scotland) Act 2003 allow for information to be provided to a victim when an offender is subject to a compulsion order, although those provisions have not yet been used. It is our intention to consult on how the scheme might operate for such victims. That is likely to include conversations on whether it would be applicable in all types of offence, and what information should be shared. It will be important to ensure that any information that is shared is appropriate and proportionate. There may be merit in waiting until the victim contact team has been created prior to making any decisions on the VNS for victims of offenders on a compulsion order, because that is a very sensitive area.

**The Convener:** Indeed. Thank you for that.

**Katy Clark:** I want to pick up on the earlier discussion about take-up and people registering for the victim notification scheme. I appreciate your point that the creation of the new team will enable people to be asked more often, but has any work been done on or thought given to how people are asked whether they wish to opt in? I presume that, at the moment, they are simply asked, “Would you like to opt into the victim

notification scheme?” However, asking them in a different way might lead to a different outcome.

Clearly, from what you have said, the hope is that, if people are asked more often, more of them might opt in, but if they are asked, “Would you like to be included in the scheme or not?” and they have to say, “No, I don’t” or “Yes, I do”, will that work? Is that something that you have explored? If one of the policy priorities of the scheme is to improve uptake, when we come to scrutinise whether the scheme is working, one of the main criteria that we will be looking at is whether it has increased the number of people who are getting information. Have you or your officials looked at or given any thought to that?

**Siobhian Brown:** I will see whether anyone else wants to comment, but I think that that is the point. How we contact victims is going to be so important when it comes to the victim contact team. It is all about ensuring that we do not have a long period of time without any contact, having a single point of contact, and discussing with victims what their options are. After all, they might not feel strong enough to receive information; we do not know what traumatic impact it might have on individuals, so we really need to be sensitive and more trauma informed in those conversations. However, contact has to be on-going to ensure that, if the time ever comes that individuals want to be included in the VNS, they are able to register for it easily.

I do not know whether Lucy Smith wants to make any other points.

**Lucy Smith:** At the moment, an eligible victim is sent an application pack, which they might choose to fill in—or might not be able to fill in.

**Katy Clark:** How long is that pack? How many pages?

**Lucy Smith:** I am afraid that I am unaware of how long the pack is. However, this is where we feel that the automatic referring of eligible victims to a team who will have supportive conversations with them will increase uptake, because there will be personalised contact.

**Katy Clark:** Would it be possible for the committee to have a copy of that pack so that we have a better understanding of the process that complainants have to go through at the moment?

**Siobhian Brown:** Absolutely. We can arrange that.

**Liam Kerr:** I have a brief follow-up, minister. Concerns have been raised that dealing with reform in this way—in other words, through amendments that put in something completely new at stage 2—is less than satisfactory. Arguably, it precludes proper consultation and scrutiny, not least because, as we have heard

today, you have no idea of the costs and format of the victim contact team, and you have also talked about not being sure about getting the data sharing through. Do you have a view on whether this is an appropriate way of making legislation?

**Siobhian Brown:** I appreciate that how this is being done is unusual, but I think that we all want to see progress being made with the victim contact team. I know that the independent review engaged extensively with victims, victim support organisations and all the operational partners in developing its recommendations, and we will continue to engage with those organisations as we move forward.

**Liam Kerr:** It is indeed an unusual approach. You have said that we all want to see progress and that there has been plenty of engagement with victims groups, but last week, Victim Support Scotland told the committee that it was worried that the introduction of a new victim contact team was

“counterintuitive, potentially costly and potentially unnecessary”.—[*Official Report, Criminal Justice Committee*, 4 December 2024; c 24.]

Therefore, there is at least a risk that you might be lodging amendments that do not have the support of victims organisations. We do not even know what this is going to look like. What would be your response if it turned out that victims groups were not supportive of the detail of the amendments?

**Siobhian Brown:** We engage regularly with victim support organisations, which will be an integral part of this journey as we move forward to establish the victim contact team.

**Liam Kerr:** That is not what I asked about, however; I asked what your response would be if it turned out, once you had lodged the amendments, that victims groups were not supportive of what you were proposing.

**Siobhian Brown:** We would have those discussions—and that was a hypothetical question. I would hope that we would all be moving forward together and that I would be working with the victim support organisations.

**Liam Kerr:** Indeed.

**The Convener:** We have spoken quite a bit about trauma-informed practice within the VNS. As the minister will know, part 2 of the bill sets out the provisions for the justice system becoming trauma informed. Can you provide the committee with an assurance that the contact team that we have been speaking about this morning will be trauma informed and that training will be provided to the team members?

**Siobhian Brown:** Yes, absolutely. That is one of the recommendations of the review, and we will

ensure that there will be a skilled, trauma-informed victim contact team that will handle all the communications with the victims.

You will be aware of the work that is happening with the victims task force, which has a very keen interest in the VNS. With the oversight of establishing the victim contact team, we will engage with all three areas of the victims task force’s current workstreams.

**The Convener:** I have a final question before we bring the evidence session to an end.

When we consider the support that can be offered to victims, we are aware that there is often a family around that victim. Has any consideration been given in the work that you have been doing of the implementation of the review recommendations with respect to whether the provisions of a victim notification scheme could be extended to the whole family network?

**Siobhian Brown:** Yes. My understanding is that we have been considering that in relation to data sharing. Lucy Smith may wish to elaborate.

**Lucy Smith:** Could you clarify exactly what you mean, convener, when you say “extended to the whole family network”?

**The Convener:** I suppose what I mean is that there is often a family around the victim of domestic abuse: the victim is living within a family setting. In order to make a victim notification scheme trauma informed and effective, so that it does the job that we want it to do, has any consideration been given as to what provision could be made, if any, so that, in addition to victim support being offered, some support could also be offered to the wider family—for example to children living within the family setting?

**Lucy Smith:** Victim support services are available to any victim of crime in Scotland and to families of those victims. That support is already in place in Scotland.

**The Convener:** That is a helpful clarification. I had not quite picked that up.

**Siobhian Brown:** Are you asking whether family members would be included in the victim notification scheme, such that they would be notified? Are you asking more about the support side?

**The Convener:** It is more about the support side. If a member of a family—a mother, for example—is registered in the scheme, is there an opportunity for the support that comes from that registration to work for the family as well as for the victim?

**Siobhian Brown:** Yes. I would envisage that, as well as having the victim contact team, the family would also be signposted to organisations that might be able to give support in future if that is needed.

**The Convener:** Thank you. That is helpful.

As there are no more questions, we will bring the evidence session to a close. Thank you, minister, and your officials, for coming this morning. Your evidence has been very helpful.

That completes our business in public today.

10:59

*Meeting continued in private until 11:36.*





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