



REQUEST TO POLICE SERVICE of SCOTLAND FOR ACCESS TO INFORMATION UNDER SECTION 6 OF THE VICTIMS AND WITNESSES (SCOTLAND) ACT 2014

Guidance Notes

The objective of the Victim and Witnesses (Scotland) Act 2014 (the Act), is to improve the experience of victims and witnesses within the criminal justice system in Scotland and one of the key provisions of the Act is that victims and witnesses are now entitled to request certain information about their case.

You are entitled to request information if you are one of the following:

- a person who appears to be the victim of the offence/alleged offence (a victim)
- a prescribed relative of a person whose death was, or appears to have been caused by the offence/alleged offence (a prescribed relative)
- a person who has given a statement in relation to the offence/alleged offence to a police officer or the prosecutor (a witness)
- the parent of a child (defined as under the age of 16) who is one of the above (but see the notes in part C of the application form)

A child aged 12 or over who is a victim, prescribed relative or witness, may make the request for themselves by completing the appropriate part of the form as detailed below.

An explanation of who is a prescribed relative is given on page 3 of this guidance.

You must be able to prove that your relationship with the victim falls into one of the above. If that cannot be established, we will not be able to provide you with the information you have requested.

The information you can request from Police Scotland is information relating to:

- a decision not to proceed with a criminal investigation and the reasons for it, **or**
- a decision to end a criminal investigation and the reasons for it.

The Act only applies to the decisions if they were made on or after 30th January 2015.

Police Scotland will not provide you with information if it is held in confidence or it is considered inappropriate to disclose it. If that is the case, we will inform you in writing that we will not be disclosing any information to you but we will not tell you why.

There is no right of appeal against such a decision.

Proof of Identity

Before we can deal with your request, the Chief Constable must be satisfied as to your identity, and that you are entitled to request the information you are asking for.

Your application should therefore be accompanied by **two** official documents, which between them provide your name, date of birth and current address. For example, a birth/adoption certificate, driving licence, passport, or utility bill. If you are a parent making a request on behalf of a child, you will also need to provide evidence of their identity, such as a birth certificate.

Photocopies are acceptable. If you send original documents, they will be returned to you as soon as possible. Police Scotland cannot accept liability for the loss of documents in transit.

If you are making the request as a prescribed relative, wherever possible you should provide evidence of your relationship to the deceased.

You may also be asked to provide further documentation or information in support of your request. Where this is required we will write to you about it as soon as possible following receipt of your request.

If you are acting on behalf of another person, then written confirmation of authority must be enclosed. Solicitors must include a mandate signed by their client.

Please note: We will share details of your request, and our response to you, with the Crown Office Procurator Fiscal Service.

If you are requesting information as:

- a victim or a witness – please complete and return part A of this form only
- a prescribed relative – please complete and return part B of this form only
- the parent of a child (under aged 16) who is a victim, a prescribed relative or a witness – please complete and return part C of this form only.

The relevant part of the form should be printed and completed in block capitals and black ink. It cannot be completed online. It can then be sent, with the required documentation to:

Information Management
Police Scotland
Fettes Avenue
Edinburgh
EH4 1RB

Alternatively you can scan the completed form and required documentation and e-mail them to:
IMVictimandWitnesses@scotland.pnn.police.uk

We will deal with your request promptly and in any event within forty days of receipt of the information you are required to provide.

Definition of a Prescribed Relative

1. A person who was married to, or in a civil partnership with the victim at the time of their death
2. A person who was living together with the victim as if they were married and had been for a minimum period of six months prior to the date of death
3. Children or step-children of the victim
4. Parents or step-parents of the victim
5. Grandparents or great-grandparents of the victim
6. Grandchildren or great-grandchildren of the victim
7. Brothers or sisters of the victim
8. Aunts or uncles of the victim
9. Nephews or nieces of the victim
10. Cousins of the victim
11. A person who was a carer for the victim or a person for whom the victim was a carer (within the meaning of paragraph 20 of Schedule 12 to the Public Services Reform (Scotland) Act 2010) at the date of the victim's death
12. A person who was a guardian of the victim or someone for whom the victim was a guardian at the date of the victim's death
13. A person who was a private foster carer of the victim or someone for whom the victim was a private foster carer at the date of the victim's death
14. A person who was a foster carer or kinship carer of the victim or someone for whom the victim was a foster carer or kinship carer at the date of the victim's death
15. A continuing attorney of the victim or someone for whom the victim was a continuing attorney at the date of the victim's death
16. A welfare attorney of the victim or someone for whom the victim was a welfare attorney at the date of the victim's death.

RESTRICTED – WHEN COMPLETE

PART A

Request for information from a person who:

- a) appears to be a victim of the offence or alleged offence, **or**
- b) has given a statement to a police officer or prosecutor in relation to the offence/alleged offence.

What information are you requesting? (please tick appropriate box)

Details of a decision not to proceed with a criminal investigation and the reasons for it. **or**

Details of a decision to end a criminal investigation and the reasons for it.

You are requesting the information as a: (please tick appropriate box)

Victim

Witness

Please provide the following information

Your Title

Surname/Family Name

Forename(s)

Maiden/Former/Other Name

Date and Place of Birth

Address
(including postcode)

Address you would like
the response sent to
(if different from above)

Contact Telephone
Number

Date and Place of
Offence/Alleged Offence

Type of Offence/Alleged
Offence

Name of Accused
(if known)

Date Reported to Police

Crime Reference Number
(if known)

RESTRICTED – WHEN COMPLETE

Name of Officer Dealing with Case (if known)	
Name of Officer Who Took Your Statement	

Other Information – Any other information you have which may assist in identifying the information you require.

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Declaration (to be signed by the person making the request)
The information I have provided in this request is true and complete to the best of my knowledge.

Signature		Date	
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Warning – a person who impersonates or attempts to impersonate another is committing an offence.

RESTRICTED – WHEN COMPLETE

PART B

Application for information from the prescribed relative of a deceased person, whose death was caused, or appears to have been caused by the offence or alleged offence.

Please state in what capacity you are a prescribed relative

(see Page 3 of the Guidance Notes for the definition of a prescribed relative)

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What information are you requesting? (tick appropriate box)

Details of a decision not to proceed with a criminal investigation and the reasons for it. **or**

Details of a decision to end a criminal investigation and the reasons for it.

Please provide the following information

Your Title	
Surname/Family Name	
Forename(s)	
Maiden/Former/Other Name	
Date and Place of Birth	
Address (including postcode)	
Contact Telephone Number	
Name, Address and Date of Birth of the Deceased Person	
Name of Accused (if applicable)	
Date and Place of Offence/Alleged Offence (if applicable)	
Crime Reference Number (if known)	
Name of Officer Dealing with Case (if known)	

RESTRICTED – WHEN COMPLETE

Other Information – Any other information you have which may assist in identifying the information you require.

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Please also enclose any documentation you have which can demonstrate your relationship to the deceased.

Declaration (to be signed by the person making the request)

The information I have provided in this request is true and complete to the best of my knowledge.

Signature		Date	
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RESTRICTED – WHEN COMPLETE

PART C

Request for information by a parent on behalf of a child (a child is a person under the age of 16) who: (please tick relevant box)

- a) appears to be a victim of the offence or alleged offence
- b) is the prescribed relative of a deceased person, whose death was caused, or appears to have been caused by the offence or alleged offence
- c) has given a statement to a police officer or prosecutor in relation to the offence/alleged offence

What information are you requesting? (tick appropriate box)

Details of a decision not to proceed with a criminal investigation and the reasons for it. **or**

Details of a decision to end a criminal investigation and the reasons for it.

Please provide the following information

Your Title	
Surname/Family Name	
Forename(s)	
Date and Place of Birth	
Address (including postcode)	
Telephone Number	
Name, Address and Date and Place of Birth of the Child for Whom you are Acting	
Name of Accused (if known)	
Date and Place of Offence/Alleged Offence	
Date Reported to Police	
Name of Officer Dealing with Case (if known)	
Crime Reference Number (if known)	

If you are requesting information on behalf of a child, who is a prescribed relative of a deceased person, please state:

The relationship of the child to the deceased	
The name and date of birth of the deceased	

RESTRICTED – WHEN COMPLETE

Other Information – Any other information you have which may assist in identifying the information you require.

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If the child for whom you are making the request is aged 12 or over but under 16, you will need to provide a statement signed by the child authorising you to make the request on their behalf. If you do not, then we may send the response to the child.

Declaration (to be signed by the person making the request)

The information I have provided in this request is true and complete to the best of my knowledge.

Signature		Date	
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Warning – a person who impersonates or attempts to impersonate another is committing an offence.