

(EqHRIA)

Summary of Results

Policy / Practice	Victim and Witness Care Guidance
Owning Department	SCD Safer Communities
Date EqHRIA Completed	20.08.2020
Purpose of Policy / Practice	The purpose of this Guidance is to ensure that victims and witnesses of crime receive a high standard of care during their contact with the police. The content takes cognisance of the Victims and Witnesses (Scotland) Act 2014, the Victims' Rights (Scotland) Regulations 2015 and the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 (hereafter referred to as 'the Act', 'Regulations' and the 'Vulnerable Witness Act').

A. Summary of Analysis / Decisions - What the assessment found and actions already taken.

Equality Impact Assessment

The material was analysed which measured the likely impact on protected groups such as Disability, Gender Reassignment, Race and Religion or Belief, Age and Sexual Orientation to generally be Positive - High. Police Scotland, in providing guidance to police officers and staff on the range of duties and obligations afforded to police and criminal justice partners through legislation, will work towards ensuring every victim of crime and any suitable witness, or individual is supported in their journey through the criminal justice system. It should also remove any disadvantage whilst improving outcomes for people impacted by crime.

The implementation of the new processes outlined in the Vulnerable Witness Act adds further safeguards for witnesses in Solemn proceedings. Force guidance is being developed to assist officers to implement the process outlined under this new legislation.

Human Rights Impact Assessment

Analysis of the relevant material revealed that Article 2 (Right to Life), Article 3 (Prohibition of Torture), and Article 4 (Prohibition of Slavery and Forced Labour), Article 5 (Right to Liberty and Security), Article 8 (Right to respect for Private and Family Life), Article 10 (Freedom of Expression) and Article 14 (Prohibition of Discrimination) are protected. This is as a result of the guidance supporting the victims and witnesses journey through the criminal justice system; treating them with integrity, fairness and respect; and ensures correct procedures are followed with regards the needs of the individual along with ensuring victims are aware of their rights contained within victims and witnesses legislation.

The Guidance is silent with regards Article 6 (Right to a Fair Trial), Article 7 (No Punishment without Law), Article 9 (Freedom of Thought, Conscience and Religion) and Article 11 (Freedom of Assembly and Association) as the guidance focuses on Victims and Witnesses legislation and not criminal legislation / proceedings.

The guidance has been supported by face to face briefings being delivered to all operational

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officers and relevant police staff across Scotland on referral process to victim support services and the issuing of Victim Care Cards.

This guidance will be further support on completion of the force guidance on the Vulnerable Witnesses (Criminal Evidence)(Scotland) Act 2019 and related briefings.

B. Summary of Mitigation Actions - What else we plan to do and how we are going to check that it has been done.

Owning department will continue to monitor processes and procedures in respect of this guidance through identified divisional points of contact to ensure victims and witnesses receive the highest standard of care when dealing with police regardless of background, age, disability, gender, gender reassignment, race, nationality, religion, belief or sexual orientation.

They will also monitor changes in legislation which may affect the guidance, keeping abreast of improvements whilst working cohesively with criminal justice partners to ensure any benefits are reflected within the guidance. This includes adhering to the principles of the ECHR.

Where any impacts / potential impacts are identified they will be considered as part of the review process on the guidance.

Management Log – Policy Support Dept. Use Only

Review Date		Review Date	
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