

## Justice Committee

### Inquiry into the role and purpose of the Crown Office and Procurator Fiscal Service

#### Written submission from Circle

Thank you for the opportunity to provide written evidence in relation to the above inquiry. Circle works with families affected by imprisonment, parental substance misuse and who require additional support in their early years. The families are often living in poverty and have poor mental health as a result of trauma, loss and abuse in their histories. Circle aims to work alongside families to build upon families' strengths and enhance their parenting capacities to promote adult and children's wellbeing.

Whilst several of the families we work with will come into contact with the justice system, Circle have developed services which interface with the justice system at specific points which are relevant. These are based within the 'Families Affected by Imprisonment' team and include the following: Fathers' Workers based in Addiewell; Shine Women's Mentoring Public Social Partnership and the Women's Outreach Team aimed at women who may face custody.

- 1. Please outline how well you consider the COPFS works with other stakeholders in the criminal justice system, so as to provide a —joined up and complementary service that helps meet the ends of justice.*

We understand from the COPSF Code for Crown Prosecutors that there is a public interest test applied to the 'marking' process. In particular prosecutors should take into account the views expressed by the victim about the impact that the offence has had. In appropriate cases this may also include the views of the family. In particular, we welcome the introduction of Child and Family Impact statements however as yet have had no experience of them being operational. We also wonder how these will fit into Getting It Right For Every Child principles and processes. This will help bring a comprehensive and important viewpoint into the COPFS process.

There may be specific consideration given to the health and wellbeing of the victim/victim's family within this test. In terms of the families we work with there is a high incidence of poor mental health and consideration needs to be given as to how best to support victims/family in relation to COPFS and wider justice processes i.e. Whom is best placed to do this? Where does the relationship lie? Is there sufficient training for staff? Is an advocacy service appropriate for this particular issue? Are there particular groups that experience a higher incidence of this? For example, women who have offended.

Circle Family Support Workers have contact with COPFS at the request of family members who have been victims and witnesses and also when they have offended. This can be at different stages of the justice process from arrest, through to sentencing and through-care. Each request is given tailored individual support by staff who have developed a trusting, reliable relationship with the individual and their family as part of the whole family approach we adopt. For example, we may support victims, individuals who offend and family members to attend court proceedings. This

includes preparation before-hand i.e. discussing the different roles of professionals; what to expect in terms of the Court setting; the emotional impact that can be anticipated and experienced throughout the process; practicalities in terms of child care and travel; linking in with Victim and Witness Support Services; managing the Court outcome as a family, including minimising the impact of parental imprisonment.

As an organisation we have developed a specific service to promote greater use of restriction of liberty orders amongst women who face custodial sentences (Lanarkshire). As such we are keen that COPFS have increased awareness of the changing landscape in terms of the provision of appropriate support in the community. This project responds directly to the Women's Commission report (Dame E. Angiolini) which highlights the disproportionate use of custody for women as an inequality. We provide the women and their families' with holistic support, including parenting support as we view this service as important not just to challenge a gender inequality in the justice system, but as an important response to the prevention and early intervention agenda highlighted by the Christie commission. Could this be put on the training agenda for COPFS?

*2. How well does the COPFS respond to the needs of victims of crimes and to witnesses (especially vulnerable witnesses) in criminal cases and meet its legal obligations towards them?*

We would like to take the opportunity to highlight the 'justice journey' of a mother who accessed Circle support through their Shine Women's Mentoring Partnership. She was the alleged victim of rape. The Family Support Worker provided emotional support after the disclosure had been made and the case had proceeded to Court. The mother did not have any clothes to wear to High Court and she was assisted to source some appropriate clothes. She was accompanied to Court twice and the accused did not appear for Court on both occasions. This mother was re-traumatised on each occasion. There was at least six weeks to wait for the third and final Court proceeding, which led to a not proven verdict. The mother relapsed into alcohol misuse as a coping strategy.

When she was more settled and Court was not a feature, this mother had remained in contact with her daughter who had kinship care arrangements. When she relapsed her contact reduced, which had an impact on her daughter's wellbeing. We are concerned about the stress, anxiety and emotional trauma the process creates for victims, witnesses and their families. Anything we and COPFS can do as an organisation to minimise the detrimental impact of this aspect of the justice process would be welcome.

Whilst we are not best placed to comment in terms of detailed knowledge of COPFS processes, we suggest that COPFS could prioritise cases where there are known vulnerabilities amongst victims and witnesses and/or where families are affected. They could speed up the process of informing victims and witnesses who face vulnerabilities in relation to notification of Court appearances. We have also observed how the quality of sharing of information by COPFS with our staff is inconsistent and perhaps some guidelines would be useful to inform this. Could the issues highlighted be linked to COPFS training in relation to the 'Framework for the

Support of Families Affected by the Criminal Justice System' developed by the Community Justice Authorities in June 2015?

As we are keen to intervene early as a principle, we would welcome greater use by COPFS of diversions where this is in the interests of the victim and public and when vulnerabilities exist in relation to any party, including where families are affected.

Liz Dahl  
Chief Executive Officer  
16 October 2016