

Scottish Youth Parliament – Victims, Witnesses, and Justice Reform (Scotland) Bill Consultation Response

Introduction

SYP's response to the Victims, Witnesses, and Justice Reform (Scotland) Bill consultation is mainly based on an in-person session held at SYP's 80th Sitting during the Justice and Social Security Subject Committee session. MSYPs were supportive of Part 2 of the Bill to introduce a trauma-informed practice and Part 3 of the Bill to expand special measures. For both parts, they thought more specificity would be helpful to ensure consistency and for the information to be available in a more youth-friendly way.

Who We Are

The Scottish Youth Parliament - www.syp.org.uk

The United Nations Convention on the Rights of the Child (UNCRC) is the basis for the Scottish Youth Parliament's (SYP's) vision, mission and values. In particular, SYP embodies Article 12 of the UNCRC, which states that young people have the right to express their views freely and have their opinions listened to in all matters affecting them. As a completely youth-led charity, the words and sentiment of Article 12 have profound importance for our work.

Our Vision

The Scottish Youth Parliament (SYP) is the democratic voice of Scotland's young people. Our vision for Scotland is of a nation that actively listens to and values the meaningful participation of its young people. Our goal is to make this vision a reality, in order to ensure young people in Scotland grow up loved, safe and respected, and able to realise their full potential.

Our Mission

SYP is a rights-based charity, with members supported by all of Scotland's 32 local authorities and 11 National Voluntary Organisations. SYP's mission is to provide a national platform for young people to discuss the issues that are important to them, and campaign for changes to the nation that they live in. We support our members in their work by training them, supporting their personal development, and empowering them, using a youth work ethos. Our democratically elected members listen to and recognise the issues that are most important to young people in every community across the country and ensure that decision-makers listen to their voices.

Our Values

- **Democracy** - We are youth-led and accountable to young people aged 14 to 25. Our democratic structure and the scale of our engagement across Scotland gives us a mandate that sets us apart from other organisations.
- **Rights** - We are a rights-based organisation. We are passionate about making young people aware of their rights and ensuring that local and national governments uphold their rights.
- **Inclusion and Diversity** - We are committed to being truly inclusive and work tirelessly to ensure policymakers and politicians hear the voices of young people from every community and background in Scotland.
- **Political Impartiality** - We are independent from all political parties. By working with all stakeholders, groups, and individuals who share our values, we deliver the policies that are most important to young people.

Our Approach

As a youth-led organisation, we are constantly seeking the views of our MSYPs and other young people to ensure our policy positions represent their views as clearly as possible. To ensure our response can accurately reflect the views of our members and the young people they represent, we pulled our information from various sources.

The consultations referenced in this response include:

Justice and Social Security Subject Committee Session (October 2023)

To help respond to specific questions in the *Call for Views* we held a focus group with members from our Justice Subject Committee and Social Security Subject Committee. The focus group took place in person, on Saturday 7th October 2023 with 12 MSYPs in attendance.

SYP Policy passed as a Members' Motion

At SYP Sittings, the membership gets together and has the opportunity to propose Member Motions that will become SYP policy statements. To submit a motion, they will have consulted with young people in their constituencies to demonstrate it is an issue important to young people. At the Sitting, the membership then votes on whether the motion should pass, again based on consultation of the proposed Motions with their constituents. By way of example, at the last SYP Sitting, SYP79 in July 2023, nearly 5000 young people were consulted before MSYPs voted on Members' Motions

Questions

Q2. What are your views on Part 2 of the Bill which deals with trauma-informed practice in criminal and civil courts

MSYPs in the focus group agreed that ensuring criminal justice agencies have a trauma-informed practice would “make criminal justice systems fairer and

protect those who are particularly vulnerable and have suffered previously.” It was recognised as important for both criminal and civil cases. In particular, one MSYP argued “I think it is very important to have trauma informed practice, especially in sexual assault cases. People often go to court and aren’t able to share their story because of trauma.”

However, MSYPs had concerns about the implementation of this. They discussed whether practices would be consistent with courts being busy and overstretched. This led to some worries over whether the concept of ‘regard to trauma-informed practice’ was strong enough and enforceable. One MSYP said “just having to have a regard is not enough and gives people an easy way out.”

Therefore, it was important to MSYPs that the Standards of Service produced by the criminal justice agencies are extremely clear, and there might need to be extra guidance provided on this. Guidelines must be built from an agreed-on definition. For example, one MSYP explained it would be useful to understand what a trauma-informed practice looks like for different types of cases. Furthermore, guidelines must include requirements that will lead to the successful implementation of consistent trauma-informed practice. Given the current pressure on the court system, this could involve looking at how certain things are enforced or how wider culture change is achieved. Overall, MSYPs were therefore supportive firstly of clearer guidance on what a trauma-informed practice is and secondly more consideration of how it is implemented.

SYP has been supportive of the Bairns Hoose model for children and young people and believes that the development of standards for trauma-informed practice can learn from it.

“The Scottish Youth Parliament calls on the Scottish Government to implement the ‘Barnahus’ model of supporting all children and young people through the justice system, giving them a person-centred environment in which to give evidence, and receive medical examinations, counselling, and therapy.” (88% agreed, Members’ Motion, 2021).

Q3. What are your views on Part 3 of the Bill which deals with special measures in civil cases?

MSYPs in the focus group were supportive of measures that would be “supporting those who are most vulnerable with help to provide fair justice - ensuring they are not able to be mistreated.”

However, during the discussion, they found it difficult to understand what special measures were and what they would mean. Therefore, multiple people recommended that this would need to be made clearer for young people, especially as they are considered vulnerable so these measures would apply to them. They said:

- “The Bill should be more specific and outline a definition of what special measures are and how they could be applied to the courts.”
- “Easy read (for the consultation) is hard to read.”
- “Need to consider young people’s involvement in the next steps.”

To ensure that the communication of the special measures and what people are entitled to is clear and understood, it should be developed with the groups of people it applies to.

Nevertheless, following the discussions around Part 2 of the Bill and how traumatic court proceedings can be, MSYPs were supportive of special measures being introduced to help protect victims and witnesses. In particular, they thought any special measures that protect the mental health of those involved were important, with one MSYP suggesting that there should be “the offer of mental health support during and after the case.” Specifically, MSYPs also recognised the trauma that could come from personal cross-examination, especially for vulnerable or intimidated people. Young people can be easily at risk of intimidation and power dynamics can make it very challenging for them to address this themselves. Special measures must be in place to further safeguard children and young people, and ensure they are not further traumatised in the court by cross-examination (such as by being cross-examined by their abuser).

The focus group recognised that extending these special measures could be resource intensive. MSYPs were unsure what the implications of this could be on whether special measures would be consistently provided and how courts would be held accountable to ensure that they are. How trust is built in the justice system through special measures should be further considered.