Who Can Join VNS?

You can register for the Victim Notification Scheme if you are the victim/survivor of an offender who was sentenced to 18 months or more in prison. The Victim Information and Advice service (VIA) of the Crown Office and Procurator Fiscal Service (COPFS) will let you know if you are entitled to receive information.

You can take part in the scheme if you are:

·         a direct victim/survivor aged 12 years and over

·         a parent or carer of a victim where the victim is a child under 12 years

·         an entitled relative of the victim, if the victim is incapacitated

·         up to four entitled relatives of a victim who has died

You will not be entitled to receive information through the scheme if:

·         the offender is released before reaching the age of 16

·         if there are exceptional circumstances which make it inappropriate to give the information, for example if you are considered to present a risk of harm to the offender.

How to join the VNS

·         Please complete the application form provided by the Victim Information and Advice Service ( VIA) of the Crown Office and Procurator Fiscal Service and send it to the Scottish Prison Service. (The address is given on the form and can be found online- NAP worker can help with this)

·         Please contact VIA for an application form if you have not received one (Again we can help or contact details found found online)

·         Once the SPS receive your application form they will write to you to advise you of the nature of information you will be entitled to receive under the scheme. They will provide you with a reference number; keep a note of this as you will need to be able to quote this number on all further correspondence with them.

·         If you choose not to opt in to the scheme you will not receive any further letters or forms and you will not receive any information about the offender. You will not have the opportunity to send written representations to the Parole Board. (Please be aware of this as some people believe they are automatically going to receive this information following a conviction).

·         If you do not initially join the scheme you can still change your mind at a later date. If so, you can send the form to the Scottish Prison Service or contact them at any time. However, you can only be included in the scheme until the date where the offender’s sentence comes to an end. The later you leave it to join however, the more likely it is that the information you are entitled to will be limited as the offender may have been considered for release or may already have been released.

·         If you have joined the Victim Notification Scheme and later decide you do not want to receive any more information about the offender you can withdraw from it at any time.

·         Please provide as much information as possible about how you can be contacted. If you are happy to be contacted by phone, please include a telephone number. This will make it easier for the Scottish Prison Service to get in touch with you quickly. This information will be maintained in the strictest confidence.

·         The offender will not be told that you have joined the Victim Notification Scheme. However, if you choose to join part 2(see below) of the Scheme and make representations\* to the Scottish Prison Service and the Parole Board for Scotland, the offender is entitled to see these. If the offender has a solicitor, she or he will also see them. Do not include any personal details, such as your address or your contact details, within the comments section of the form.

·         If an offender has applied for release on a Home Detention Curfew\*\* you can say if you wish your written representations to be considered when the appropriate bodies are making their decision. In that case, the relevant Governor of the prison, the Scottish Prison Service members of staff who deal with the Victim Notification Scheme and Home Detention Curfew will see what you have written. If a licence condition is added to the offender’s licence as a result of your written representations the offender may see them.

·         You should also be aware that a decision not to release on Home Detention Curfew can be subject to legal challenge from the offender and that in these circumstances your representations may be seen by them and a court.

**\* Victims/Survivors (or, in certain circumstances, the victim’s representative) have the opportunity to make written representations about the release of the offender on licence and about potential licence conditions.
A licence contains specific conditions which allow prisoners to serve part of their sentence under supervision in the community. If a licence condition is breached they may be liable to be recalled to custody.**

**In cases where the offender is in prison and is serving a sentence of life imprisonment you can choose to make these representations either in writing or in person, whichever you are most comfortable with.**

**If you choose to make your representations in person, you will be invited to make them to a member of the Parole Board for Scotland at a time and place convenient to you. You can also arrange for your representation to be taken over the telephone. These will then be transcribed and agreed with you before being considered. – NAP can support with this to provide appropriate information and signposting if necessary.**

**\*\*Home Detention Curfew (HDC) came into use in Scotland in 2006 and allows prisoners, mainly on shorter sentences, to serve up to a quarter of their sentence (for a maximum of six months and a minimum of two weeks) on licence in the community, while wearing an electronic tag. The licence includes a range of standard conditions and a curfew condition that requires prisoners to remain at a particular place for a set period each day. For example, they may have to be at an agreed upon address (usually their own or a relatives) between 7pm and 7am. Other conditions can also be included in the licence on a case by case basis. Prisoners who fail to comply with the curfew or other licence conditions can be recalled to custody.**

**The information you can receive**

There are two parts to the scheme. If you choose to join, you can opt in to either Part 1 or Part 2, or both.

**Part 1**

Part 1 gives you the right to know certain information about the offender. Information is generally provided in writing so it is important that you notify the Scottish Prison Service of any change to your address. A letter will be sent to you to tell you of any of the following events:

·         **the date of the offender’s release (but not their location after release)**
This information is usually sent to you up to four weeks before the offender’s date of release so that you have prior warning of it. Exceptions to this include life prisoners or offenders with extended sentences who must be released immediately following a decision by the parole board. This means it is possible in some cases, the offender will have been released prior to you receiving the information. \*more on this available on Scot Gov website..

·         **if the offender dies before being released, the date of death**
This information will be sent to you as soon as possible after the date of the death. You should be aware that there may be early press coverage of the death of an offender.

·         **if the offender has been transferred to a place outwith Scotland**
This information will be sent to you as soon as possible after the offender has been transferred.

·         **if the offender is eligible for temporary release – such as for training, work or home leave**
You will only be informed when the offender first becomes eligible for temporary release. You are not entitled to be told about each individual period of temporary release thereafter or any further reconsideration.

·         **if the offender escapes from prison or hospital or absconds (does not return to prison or hospital when they should)**
If the offender is considered to present a threat to the victim, the police will take steps to ensure that the victim is notified as soon as possible. Usually, offenders will return to prison or hospital within the first 48 hours. You will be notified about the offender escaping or absconding. You will be told when the offender is returned to custody.

·         **if the offender returns to prison for any reason and it is connected to your case**
You will be told if an offender returns to prison following release and the sentence for the offence committed against you has not reached an end. You will be told if the offender is to remain in prison when the sentence for the offence against you has ended. At this point you will no longer be a member of the VNS as you will not be entitled to receive information in relation to any further sentence.  \*Basic example – Offender sentenced to 5 years imprisonment, released after 3 years, returns to prison after 6 months, extended for another 2 years. This means the offenders sentence is now 5 years 6 months – VNS membership ends at 5 year mark.

**Part 2**

Victims (or, in certain circumstances, the victim’s representative) who wish to make representations must register for Part 2 of the Victim Notification Scheme. This gives you the right to contribute to decisions taken whilst the offender is in prison or hospital, by making representations about an offender.

**Prison – Release (including Temporary Release)**
Part 2 also gives you the right to make representations about the release of the offender. An offender can be considered for early release or temporary release. The Parole Board for Scotland is responsible for deciding whether offenders serving sentences of four years or more can be released. The Scottish Prison Service is responsible for deciding whether offenders can be released on HDC. The SPS are also responsible for deciding whether offenders can be given temporary release.

The SPS will write to you in all of these circumstances. You will only be able to make representations on the first occasion that the offender is considered for temporary release.

\*Additional Information regarding Hospital Detentions can be found on Scot Gov Website.

The Parole Board for Scotland and the Scottish Prison Service will tell you if:

·         the offender is to be released; and

·         if there are any conditions of that release which relate to you or your family.

Additional and more detailed information can be found at the following links:

<https://www.gov.scot/publications/victim-notification-scheme-guidance-victims-crime/pages/2/>

<https://www.copfs.gov.uk/>

<https://victimsupport.scot/information-support/your-rights/victim-notification-scheme/>

<https://www.sps.gov.uk/>

<https://www.scottishparoleboard.scot/victims-and-families>

\*\*Link to Victim’s Code for Scotland (Informs victims/survivors of their rights) :

https://www.mygov.scot/victims-code-for-scotland/