

**Barnardo's Scotland response –
Victims and Witnesses Bill Sections: 1-25**

Barnardo's Scotland supports and welcomes the introduction of the Victims and Witnesses Bill to the Scottish Parliament and appreciates the opportunity to respond to the Stage One consultation.

There are a number of areas of the Bill that relate to children and young people that Barnardo's is interested in and below we have made comments in reference to those areas of Sections 1-25. We have developed a separate response for sections 25-26 referring to the National Confidential Forum, which have been submitted to the Health and Sport Committee.

General Principles

Barnardo's Scotland supports the General Principles of the Bill.

Improving support for vulnerable witnesses

Definition of child witness

Barnardo's Scotland supports the proposed change in definition of 'child witness' to be increased from those up to 16, to all those under 18. We support the proposal that all those under 18 will be automatically entitled to special measures to assist them in giving evidence. This will bring Scotland in line with the rest of the UK.

Barnardo's Scotland also supports the measures in the Bill to amend the definition of vulnerable witnesses to include victims of sexual offences, domestic abuse, human trafficking and stalking. These vulnerable witnesses will also be entitled to special measures to assist them in giving evidence, which we support.

Removal of presumption that child witnesses aged under 12 will give evidence away from court buildings.

The Bill's proposal to create a presumption that a child witness will give evidence in the court-room where they have expressed a wish to do so is a measure that is supported by Barnardo's.

Duty to have regard to guidance on Joint Investigative Interviews (JIIs)

Barnardo's Scotland supports the proposals in the Bill to put the Joint Investigative Interviewing of Child Witnesses in Scotland²⁵ guidance on a statutory footing, which will require the police and social workers to have regard of it when conducting a JII with a child witness.

Victims Statements – extend eligibility to carers of those under 14, and change definition of carer

Barnardo's Scotland supports the Bill's proposals to allow a child under 14, who is not the direct victim of a crime to have a victim statement made on their behalf. Currently, children under 14 are entitled to have a victim statement made on their behalf by their carer if they are the direct victim of the crime.

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