

Home>Your rights>Victims of crime>Victims' rights - by country

Victims' rights - by country

Scotland

### Victims' Rights in Scotland

As a victim of crime you have rights.

You have the right to use victim support services even if the crime has not been reported to the police. Such services can provide practical and emotional support to victims of crime.

The [Victims' Code for Scotland](#) sets out your rights, how to exercise them and who to contact for help and advice. It includes information on your:

Right to minimum standards of service - how you'll be treated by criminal justice organisations

Right to information - how you'll be updated about your case and what you can ask about

Right to participation - being understood, understanding what's happening and telling the court how a crime has affected you

Right to protection and protection of privacy - feeling safe and protected from intimidation

Right to support - whether you report the crime to the police or not

Right to compensation and expenses - such as travel expenses, loss of earnings or compensation if you were injured.

Information on the release of an offender (Victim Notification Scheme)

Support for Vulnerable Individuals in Court (Special Measures)

You also have a right to complain if you're unhappy about how an organisation has treated you.

Visit [mygov.scot](#) to find out more about your rights as a victim of crime at the different steps of the criminal justice process, including [reporting a crime](#), [investigation and prosecution](#), [if a case goes to court](#) and what happens [after the verdict](#).

You can also read about [help and support for victims of crime](#).

**Click on the links below to find the information that you need**

**1 - My rights as a victim of crime**

**2 - Reporting a crime and my rights during the investigation or trial**

**3 - My rights after trial**

**4 - Compensation**

**5 - My rights to support and assistance**

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#### 1 - My rights as a victim of crime

##### What information will I get from the authority after the crime occurred (e.g. police, public prosecutor) but before I even report the crime?

You may also be able to access information relating to a crime by contacting relevant organisations (Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Courts and Tribunals Service, Scottish Prison Service and Parole Scotland.) For more information, you can visit [the crime, justice and the law section of the Scottish Government's website](#).

If you do decide to report a crime to the police, they will issue you with a victim care card. This will acknowledge your complaint and provide further information.

The [Victim's Code for Scotland](#) also outlines a number of rights which can be accessed, depending on which stage you are at in the criminal justice system.

##### I don't live in the EU country where the crime took place (EU and non-EU citizens). How are my rights protected?

Even if the offence was not committed in Scotland, you may still be entitled to protection when living in Scotland, using measures like:

The European Protection Order (EPO). The EPO allows an order made by a court anywhere in the EU (for example, prohibiting a particular individual from approaching you) to be recognised and enforced in Scotland. Or if the order was made in Scotland, it may be transferrable to the country in which you live. Further information about the EPO can be obtained from the Scottish Courts and Tribunals Service website.

Under the Victims and Witnesses Act 2014, you can report a crime committed in another EU Member State to Police Scotland, who have the responsibility to ensure that the complaint is transmitted without undue delay to the appropriate authority of the Member State in which the offence or alleged offence was committed.

##### If I report a crime, what information will I receive?

If you choose to report a crime, you will receive a victim care card. You also have the right to request case-specific information from the following authorities.

From Police Scotland - information about a decision not to proceed with a criminal investigation and any reasons for it, and a decision to end a criminal investigation and any reasons for it.

From the Crown Office and Procurator Fiscal Service - if your case is not prosecuted, you have the right to be told the reasons why and to request a review of this decision.

From the Scottish Courts and Tribunals Service - the dates of any court hearings, the final decision of a court in a trial or any appeal arising from the trial, and any reasons for it.

##### Am I entitled to free interpreting or translation services (when I contact the police or other authorities, or during the investigation and trial)?

During the criminal justice process, you are entitled to understand and be understood during proceedings. If you have difficulty understanding or speaking

English, you can request an interpreter to help you:

Understand any questions you are being asked;

Understand any information you are being given;

Give answers and provide information; and otherwise communicate effectively.

You may also request translation of a document if it is provided to you by law, or if it is essential to your participation in the investigation or proceedings.

### **How does the authority ensure that I understand and that I am understood (if I am a child; if I have a disability)**

Information is available, on request, in a variety of formats, and an easy read version of the Victims' Code will be available soon.

Appropriate Adults help to facilitate communication between police and victims aged 16 and over who have communication difficulties as a result of a mental disorder, including a learning disability. This is primarily during police interviews, but can also include forensic examinations and identification procedures.

### **Victim support services**

#### **Who provides victim support?**

There are a number of victim support organisations depending on the nature of the crime.

Victim Support Scotland is the largest charity providing support and information services to victims and witnesses of crime in Scotland. VSS uses an assessment methodology based on meeting the needs of individuals to provide personalised support

Community Safety Glasgow (TARA) who provide support to trafficking survivors in the form of crisis accommodation, dependent on individual need, for up to 45 days, care planning, onward referral and support to access legal advice.

Migrant Help support vulnerable migrants by providing advice and guidance to asylum seekers, Foreign National Detainee Services and advice to Foreign National Prisoners.

Other organisations include PETAL, Rape Crisis Scotland, Scottish Women's Aid, ChildLine.

You can find contact details for all victim support organisations within the [Victims' Code for Scotland](#).

#### **Will the police automatically refer me to victim support?**

The police will ask if you wish to be referred to victim support services and will only pass on your information to them if you have given your consent to do so.

#### **How is my privacy protected?**

When you report a crime, the police will take steps to support you and protect you from repeat victimisation, intimidation and retaliation. In terms of support these steps may include:

Only interviewing you when necessary.

Ensuring interviews are kept to a minimum.

Using specialised facilities for interview.

The court can, in certain circumstances, impose media reporting restrictions on the case you are involved in.

#### **Do I have to report a crime before I can access victim support?**

No, you have the right to use victim support services even if the crime has not been reported to the police.

### **Personal protection if I'm in danger**

#### **What types of protection are available?**

When you report a crime the police will take steps to support you from repeat victimisation, intimidation or retaliation.

In terms of support these steps may include:

Only interviewing you when necessary

Ensuring interviews are kept to a minimum

Using specialised facilities for interview

The court can, in certain circumstances, impose media reporting restrictions on the case you are involved in. The court may also impose special bail conditions for accused persons, when appropriate.

Further information on protection measures can be obtained from Police Scotland or the Crown Office and Procurator Fiscal Service.

#### **Who can offer me protection?**

See above.

#### **Will someone assess my case to see if I am at risk of further harm by the offender?**

See above.

#### **Will someone assess my case to see if I am at risk of further harm by the criminal justice system (during investigation and trial)?**

See above.

#### **What protection is available for very vulnerable victims?**

See above.

### **I am a minor – do I have special rights?**

Some individuals may be particularly vulnerable or at risk because of their circumstances or the nature of the evidence they may be asked to give to the court. There are different options available to help a vulnerable witness give their evidence in court, such as through live TV links or from behind a screen so that you cannot see the accused person. These are called "special measures".

Further information about special measures can be obtained from the Crown Office and Procurator Fiscal Service and the Scottish Courts and Tribunals Service. The relevant authorities should also ask you whether you would have any concerns about giving evidence, and can help you with options in giving evidence.

All children (aged under 18 years) are, by law, classed as vulnerable and, alongside alleged victims of domestic abuse, sexual crimes, human trafficking and stalking, are automatically entitled to the use of certain standard special measures. A witness who has a mental disorder, learning disability or is suffering fear and distress at the prospect of giving evidence might also be considered vulnerable. An assessment to establish vulnerability will be carried out by the Crown Office and Procurator Fiscal Service.

The Scottish Courts and Tribunal Service will also ensure victims have separate waiting areas from defence witnesses when waiting to give evidence in court.

### **My family member died because of the crime – what are my rights?**

Relatives of victims of crime can also access the victim support organisations including Victim Support Scotland.

Where a close family member has died because of the crime, you may have rights (such as the right to information about a case) as if you were the victim of crime. For example, if you have a relative who died, you have a right to access information from the police.

Further information can be found in the Victims' Code and also the Standards of Service produced jointly by Police Scotland, the Crown Office and Procurator Fiscal Service, Scottish Courts and Tribunals Service, Scottish Prison Service and Parole Board for Scotland. (see link below)

### **My family member was a victim of crime – what are my rights?**

Relatives of victims of crime can also access the victim support organisations including Victim Support Scotland.

In some circumstances (e.g. if the victim is deceased) a family member may have rights (such as the right to information about a case) as if they were the victim of crime.

For example, if you have a relative who has died, you have a right to access information from the police. Further information can be accessed from the [Victim's Code](#) and also [Standards of Service](#) produced by the Scottish Courts and Tribunals Service.

### **Can I access mediation services? What are the conditions? Will I be safe during mediation?**

Sacro is the Scottish Community Justice Organisation which works to create safer and more cohesive communities across Scotland. They provide mediation services. More details are available [on their website](#).

### **Where can I find guidance stating my rights?**

To find the most up-to-date information on victims' rights, you can read the Victims' Code for Scotland which is available [here](#).

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## **2 - Reporting a crime and my rights during the investigation or trial**

### **How do I report a crime?**

In an emergency call 999. To report a crime call 101.

If you're deaf, deafened, hard of hearing or have a speech-impairment, a text phone is available on 18000.

If you've registered with [emergencySMS](#) - and you have no other option - you can send a text message to 999.

### **When to call 999**

In an emergency, call 999 if:

There's a risk of personal injury or loss of life

A crime is happening now

Someone suspected of crime is nearby

### **Report a non-emergency**

Call 101 to contact the police if the crime isn't an emergency.

If you're deaf, deafened, hard of hearing or have a speech-impairment, a text phone is available on 18001 101.

Examples of crimes that don't need an emergency response include:

Your car has been stolen

Your property has been damaged

You suspect drug use or dealing

You want to report a minor traffic collision

You want to give the police information about crime in your area

### **Report a crime online**

In a non-emergency, you can report a the following crimes on the Police Scotland website:

[Hate Crime](#)

[Domestic Abuse](#)

You can also fill out the [Crimestoppers online form](#) if you want to report a crime anonymously.

### **How do I find out what's happening with the case?**

As a victim, you have the right to request case-specific information in relation to a crime. If this has not been provided to you, you can make a formal request from a number of different bodies:

[Police Scotland](#) - information about a decision not to proceed with a criminal investigation and any reasons for it, and a decision to end a criminal investigation and any reasons for it.

[Crown Office and Procurator Fiscal Service](#) - if your case is not prosecuted, you have the right to be told the reasons why and to request a review of this decision.

[Scottish Courts and Tribunals Service](#) - the dates of any court hearings, the final decision of a court in a trial or any appeal arising from a trial, and any reasons for it.

### **Am I entitled to legal aid (during the investigation or trial)? Under what conditions?**

Victims are not parties to criminal proceedings in Scotland. If a victim needs legal advice and assistance they can contact a lawyer. They may be entitled to help with the costs of that advice and assistance via the legal aid system.

[Scottish Legal Aid Board](#) is the body responsible for operating the legal aid system in Scotland.

### **Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?**

If you've been 'cited' to appear at court as a witness, you may be entitled to claim some expenses.

Being 'cited' means you've been sent an official letter - called citation - telling you to come to court and give evidence as a witness.

Information on how to claim expenses and an expenses claim form can be found on the back of the citation.

Read over your citation carefully and take it with you when you go to court. Make sure you fill in the expenses form on the back of your citation to claim expenses from the person who cited you as a witness.

Cash payments are only made in cases of genuine hardship or emergency. Exceptional costs such as taxi fares, air travel and overnight accommodation must be approved by the procurator fiscal in advance.

Claims can be made for loss of earning for witnesses who are employed and self-employed. There are no childcare facilities at court buildings so prosecution witnesses can claim expenses for childcare and babysitting at fixed rates. If you need to organise care cover in your absence, you will be reimbursed at a fixed rate.

### **Can I appeal if my case is closed before going to court?**

As a victim of crime in Scotland, you have the right to a review of a decision by the Crown Office and Procurator Fiscal Service not to prosecute a case reported to them, where that decision was made on or after 1 July 2015. You should, if possible, apply for a review within one month of the date you are informed of the decision not to prosecute. Generally, you would be told of the review decision within 20 working days. The Lord Advocate (the chief public prosecutor Scotland) has published [rules](#) on this process.

### **Can I be involved in the trial?**

This depends on whether you are called as a witness at trial. If you're not called as a witness, you can ask the Scottish Courts and Tribunals Service:

What offences a person has been charged with - once the accuse has had a chance to answer to them (only the general nature of the charges.)

What's happening with a case in court.

What decision the judge, sheriff or justice of the peace made about a case.

The Scottish Courts and Tribunals Service [website](#) has further details of how to get information in relation to the case and for information on the calling of cases to court, including trials due to call in the near future. This includes:

The High Court of Justiciary.

Sheriff Courts.

Justice of the Peace Courts.

If you are a witness, the Scottish Courts and Tribunals Service will:

Update you on the progress of the court case at least once per hour and let you know when you can leave court.

Provide separate waiting rooms for prosecution and defence witnesses, and access to refreshments.

If you're entitled to give your evidence to court by live TV link, someone from the Scottish Courts and Tribunals Service will meet you on the day and explain the process for giving evidence to court.

#### **What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, civil party or private prosecutor?**

Victims are not parties to criminal proceedings in Scotland. Subject to prosecutorial discretion, victims may be requested to give evidence in court.

#### **What are my rights and obligations in this role?**

Information on your rights as a victim can be found in the [Victims' Code](#).

If you are called as a witness, you will receive a citation. Your citation is an official letter telling you to come to court and give evidence as a witness.

It is important not to ignore the citation. Tell whoever asked you to be a witness right away if there's an important reason why you can't make the date of the trial. If you don't turn up at the correct time and place, the court can issue a warrant for your arrest.

Some witnesses may find it difficult to give evidence. They may be particularly vulnerable because of their circumstances or the nature of their evidence. The court can take extra steps (called 'special measures') to help vulnerable witnesses give the best evidence they can, such as a screen so the witness does not have to see the accused. You should discuss any concerns with the person who has requested that you give evidence as they may be able to apply to the court for special measures on your behalf.

Further information on being a witness can be found on the Crown Office and Procurator Fiscal Service [website](#) and on the [Giving Evidence at Court](#) pages of mygov.scot.

#### **Can I make a statement during the trial or give evidence? Under what conditions?**

Subject to prosecutorial discretion, victims may be requested to give evidence in court. Scotland's general laws of evidence apply to those victims who are called to give evidence.

For those victims who are to give evidence, and are considered vulnerable or have protection needs, special measures can be made available through sections [271 to 271M of the Criminal Procedure \(Scotland\) Act 1995](#) in order to assist them in giving evidence. These measures are automatic for children and for those persons who are victims in specific offences such as sexual offences, trafficking and stalking.

In addition, victims may also be able to make a victim statement under [section 14 of the Criminal Justice \(Scotland\) Act 2003](#). Further information on victim statements can be found [here](#).

#### **What information will I receive during the trial?**

You can contact the Scottish Courts and Tribunals Service to find out the dates of any court hearings, the final decision of a court in a trial or any appeal arising from a trial, and any reasons for it. In addition, if you are attending court to give evidence, court staff at the Scottish Courts and Tribunals Service will update you on the progress of the court case at least once per hour and let you know when you can leave court.

#### **Will I be able to access court files?**

Please see above for details of information that can be accessed.

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### **3 - My rights after trial**

#### **Can I appeal against the ruling?**

Only the convicted person or the prosecution can appeal a verdict.

Prosecution appeals can only be made in certain circumstances. The prosecution can:

Appeal against an acquittal - a verdict of 'not guilty' or 'not proven' - but only in summary cases (trials without a jury) and only on a point of law.

Appeal against the sentence - but only where a sentence is regarded as 'unduly lenient'

You can find out more information by visiting <https://www.mygov.scot/after-the-verdict/the-appeals-process/>

#### **What are my rights after sentencing?**

After a guilty verdict, your victim statement may be taken into consideration by the judge considering the sentence which is to be imposed.

If the result of the case (known as the verdict) was not what you expected, or feel you need some support after the verdict, there are lots of organisations that can help you. Victim Support Scotland has a hotline which operates Monday to Friday, 8am to 8pm. They are a national charity that supports people affected by crime across Scotland, regardless of the type of crime they have suffered. You can contact them on 0345 603 9213. The support they provide is free.

There are a number of other organisations including specialist services, that are able to provide free confidential emotional support, practical help and essential information to victims, witnesses and others affected by crime. Information on these services can be found [here](#).

#### **Am I entitled to support or protection after the trial? For how long?**

Yes, there are a number of victim support organisations who can offer support before, during and after the trial which are free. Victim Support Scotland, which is a national charity offer emotional support, practical help and essential information to victims. These services are free and confidential.

#### **What information will I be given if the offender is sentenced?**

If you made a victim statement it may be considered when the judge decides the sentence. After a guilty verdict, the judge has to decide what punishment to give to the offender. This punishment is called a sentence. The judge makes this decision after hearing all the evidence and taking account of any background information. This includes things such as the offender's age, any medical issues and whether they already have a criminal record. The judge can choose what sentence to give from a range of option.

Further information on sentencing can be found [here](#).

You have the right to request information on the final decision of the court in a trial and any reasons for it. This information can be requested from the [Scottish Courts and Tribunals Service](#).

#### **Will I be told if the offender is released (including early or conditional release) or escapes from prison?**

In all criminal cases, victims have a right to get information about the release of a prisoner. They may also have a right to be told when the prisoner is considered for parole and to make written representations (comments) about their release to the Parole Board for Scotland. This is called the [Victims Notification Scheme](#).

Victims of offenders sentenced to **less than 18 months** are entitled to know only of the release or escape of the offender. If you would like to receive this information you do not have to register with the scheme, you can simply contact the [Scottish Prison Service](#).

#### **Will I be involved in release or parole decisions? For example, can I make a statement or lodge an appeal?**

You may be able to make representations to the Parole Board for Scotland for consideration in situations where the offender is being considered for release on license. Victims who register under Part 2 of the scheme can register to make written representations to the Scottish Prison Service when the offender first becomes eligible for temporary release and release on Home Detention Curfew; and to the Parole Board for Scotland when the offender is being considered for release on parole license. Victim Support Scotland may be able to help you prepare your representations.

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## **4 - Compensation**

### **What is the process for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure)**

#### **Criminal Court Case**

##### **A. 'Compensation Order'**

Under the provisions of sections 249 to 253 of the Criminal Procedure (Scotland) Act 1995, any criminal court in Scotland has power in appropriate cases to order an offender to pay some compensation to the victim of his/her crime for any injury, loss or damage which the victim has suffered as a result of the crime, without the need for separate civil action.

The 1995 Act does not provide for a victim to make an application to a court for a 'compensation order' personally; however, the Procurator Fiscal may raise the question with the court in appropriate cases and in all cases, the Procurator Fiscal should provide the court with available information about the extent and value of any injury, loss or damage sustained.

Under the existing law a victim has the right to sue the offender for damages in a civil court or (if he/she sustained physical or mental injuries) to see an award from the [Criminal Injuries Compensation Authority \(CICA\)](#). The ordering of compensation by the criminal courts does not affect these rights, although any award made to the victim by the civil courts or the CICA will be reduced by the amount paid under the 'compensation order'.

In solemn criminal proceedings, there is no limit on the amount that may be awarded under a 'compensation order'.

In summary, criminal proceedings the following limits apply:

In the Sheriff Court, the maximum for each offence is the prescribed sum (**£10,000**) (but for statutory offences committed on or after 28 March 2011, where the maximum fine which can be imposed exceeds the prescribed sum, the maximum compensation order which can be imposed is the same as that maximum fine).

In the Justice of the Peace Court, the maximum for each offence is Level 4 on the Standard Scale (**£2500**)

Payment of any amount under a 'compensation order' is made to the clerk of court who will then account for the amount to the entitled person.

##### **B. 'Compensation requirement' in Community Payback Order**

When an accused is convicted of an offence, the court may, in certain circumstances, impose a Community Payback Order (CPO). In terms of section 227H of the Criminal Procedure (Scotland) Act 1995, payment of compensation (together with an offender supervision requirement) may be a requirement of a CPO.

The same limits in respect of the amount of the awards, apply to 'compensation requirements' as to 'compensation orders' (as detailed above)

The compensation can be paid either in a lump sum or by installments to the clerk of court who will then account for the amount to the entitled person. The compensation must be paid in full no later than 18 months after the CPO is imposed or not later than 2 months before the end of the supervision period, whichever is earlier. Failure by the offender to make the payment may constitute a breach of the CPO.

##### **C. 'Compensation offer' by Procurator Fiscal**

In terms of section 302A of the Criminal Procedure (Scotland) Act 1995, the Procurator Fiscal can send a 'compensation offer' to an alleged offender if it appears that a relevant offence has been committed. The 'compensation offer' is an effective direct measure for offences where an individual has suffered monetary loss, personal loss, or alarm or distress.

If a 'compensation offer' is accepted or deemed accepted (when the alleged offender does not formally reject the offer) no prosecution can take place, and no conviction will be recorded.

The maximum amount available as a compensation offer is £5,000 in terms of the Criminal Procedure (Scotland) Act 1995 Compensation Order (Maximum Amount) Order 2008.

Payment of any amount under a 'compensation offer' is made to the clerk of court who will then account for the amount to the entitled person.

#### **Civil Court case:**

Under the existing law, a victim has the right to sue the offender for damages in a civil court. In the event that the victim decides to raise an action in the civil courts, there are different procedures governed by different sets of court rules and these are also dependent on whether actions are raised in a Sheriff Court or the Court of Session. The various rules are available on the [Scottish Courts and Tribunals Service website under Rules and Practice](#).

The drafting of any writ or petition and the various court procedures are quite complex, and legal advice is recommended.

#### **Adhesion Procedure - not applicable in Scotland:**

This is a procedure through which a court of law can rule on compensation for the victim of a criminal offence. Rather than pursuing damages in a separate civil action, the victim files a civil claim against the offender as a part of a criminal trial. It should be noted that whilst this system exists in some civil law jurisdictions, it does not in Scotland.

### **The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?**

#### **Enforcement of compensation in a criminal case**

Payment of any amount under:

A 'Compensation Order';

A 'Compensation Requirement' in a Community Payback Order (CPO), or

A 'Compensation Offer' by the Procurator Fiscal

is made to the clerk of court who has to account for the amount to the entitled person.

Payment can only be enforced by the court and on no account should the entitled person contact or attempt to contact the offender directly or accept payment from him/her personally.

If payment is not made in respect of a 'compensation order' or a 'compensation offer', further action may be taken by the court to recover the money by using a range of sanctions including:

Deduction from Benefits Orders;  
Earnings Arrestment Orders;  
Arrestment of Fund Orders; and  
Seizure of Vehicle Orders.

If payment is not made in respect of a 'compensation requirement' in a CPO, this may constitute a breach of the CPO and the offender can be brought back before the court. Section 227ZC of the Criminal Procedure (Scotland) Act 1995 contains provisions in respect of breaches of CPOs and what actions the court may take.

#### **Enforcement of compensation in a civil case:**

If the victim raises a successful action in the civil court and the court grants a decree for a sum of money in his/her favor, the victim should contact a firm of Sheriff Officers who will advise of the procedure for recovery of the debt. Further information can be found on the [Society of Messengers-at-Arms and Sheriff Officers website](#).

#### **If the offender does not pay, can the state pay me an advance? Under what conditions?**

##### **Payment of compensation from CICA**

The state will not pay any advance to a victim of crime where an offender has been ordered by a court to pay but the offender has not done so. See also **Enforcement of compensation** above.

##### **Am I entitled to compensation from the state?**

The Criminal Injuries Compensation Authority (CICA) deal with compensation claims from people who have been physically or mentally injured because they were the blameless victim of violent crime in England, Scotland or Wales. The government's Criminal Injuries Compensation Scheme sets the criteria and amounts for compensation.

The Criminal Injuries Compensation Scheme 2012 is a government-funded scheme that exists to compensate blameless victims of violent crime who have sustained serious physical or mental injuries directly attributable to their being a direct victim of crime of violence. The rules in the Scheme and the value of the awards paid are approved by the UK Parliament, and the CICA is responsible for the administration of the Scheme and all the decisions made on individual applications. The Scheme contains a tariff of injuries which sets out compensation payable in respect of injuries sustained.

There are two types of compensation - personal and fatal injury awards - with additional compensation payable in some cases for loss of earnings, dependency or special expenses where appropriate.

Payments can be awarded to the most seriously injured victims, victims of rape and other sexual abuse, victims of child abuse and the bereaved. The Scheme does not make compensation payments for minor injuries.

Not all claims for compensation will be successful. An applicant must be eligible under the rules of the Scheme. There are nationality and residence criteria that must be met (paragraphs 10 to 16 of the Scheme). Applications must be made as soon as reasonably practicable, and in any event within two years of the incident which gave rise to the criminal injury (although in exceptional circumstances in some cases the time limit may be extended, see paragraphs 87 to 89). There are also rules which require an applicant to have reported the incident which gave rise to the criminal injury as soon as reasonably practicable and to cooperate as far as reasonably practicable in bringing the assailant to justice (paragraphs 22 and 23). Awards may be withheld or reduced in various other circumstances, such as where the conduct of the applicant makes it inappropriate to make an award (paragraph 25) and where the applicant has unspent criminal convictions at the time of their application to the CICA (paragraph 26 and Annex D). Further information about the Scheme can be found [here](#).

##### **Am I entitled to an emergency payment while I wait for the decision on my compensation claim?**

The Criminal Injuries Compensation Scheme 2012 is designed to be a scheme of last resort. Awards under the Scheme are not designed to meet immediate needs; in most cases an applicant's claim will not be settled until sometime after that incident. No payment will be made until the Criminal Injuries Compensation Authority (CICA) is satisfied that the applicant is eligible under the Scheme; they will make enquiries of the police to obtain information about the incident and the applicant to ensure that the application meets the eligibility criteria. Where CICA are satisfied that an applicant is eligible for a payment but they cannot make a final decision, they may consider payment. This may be the case where the CICA are waiting until the long term impact of the applicant's injury is understood.

##### **Am I entitled to compensation if the offender is not convicted?**

It is not necessary for the offender to be identified or convicted for the victim of a crime of violence to be eligible for compensation (paragraph 9 of The Criminal Injuries Compensation Scheme). However, the Scheme requires that an applicant has reported the incident to the police as soon as reasonably practicable and has co-operated as far as reasonably practicable in bringing the offender to justice (paragraphs 22 and 23). Applicants will therefore not be eligible for compensation unless they have co-operated fully with the investigation into the crime and any prosecution that follows.

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## **5 - My rights to support and assistance**

### **I am a victim of crime who do I contact for support and assistance?**

You have the right to use victim support services, [even if the crime hasn't been reported to the police](#).

Whether you decide to report a crime or not - [or you haven't decided yet](#) - Victim Support Scotland can give you emotional and practical help and support.

If you [report a crime](#), the police - with your permission - may pass on your details to Victim Support Scotland.

You may also be offered help from [Victim Information and Advice \(VIA\)](#) if your case involves:

Domestic Abuse  
Child Victims or Witnesses  
Hate Crime  
Sexual Crime;

or where it is likely that a trial will involve a Jury.

VIA will give you information about the criminal justice system, keep you informed about the progress of the case and put you in touch with other organisations that can help you.

#### **Victim support hotline**

Victim Support Scotland has a hotline which operates Monday to Friday, 8am to 8pm. They are a national charity that supports people affected by crime across Scotland, regardless of the type of crime they have suffered. You can contact them on 0800 160 1985. The support they provide is free. There are a number of other organisations, including specialist services, that are able to provide free and confidential emotional support, practical help and essential information to victims, witnesses and others affected by crime. Information on these services can be found [here](#).

#### **Is victim support free?**

Victim Support Scotland gives free and confidential support to victims, witnesses and others affected by crime.

#### **What types of support can I receive from state services or authorities?**

##### **Support at court**

If you're asked to be a witness at court, the Witness Service is provided by trained Victim Support Scotland staff and volunteers at all High Court and Sheriff Court locations. They can:

Give you practical help and information on what happens at court

Arrange for you to visit the court before the trial starts - so you know what to expect.

Some witnesses - because of their circumstances or the nature of the crime - may be able to get extra support when they give evidence. You can find out more about giving evidence at court, including 'special measures' for vulnerable witnesses [here](#). If you're a victim of crime but haven't been called to give evidence as a witness, you might not be informed about the trial. However, you can ask for information about what happens with the case at court.

##### **What types of support can I receive from non-governmental organisations?**

Depending on the organisation, you can be offered different types of support. Victim Support Scotland provide a community based Victim Service. This is provided in every local authority area in Scotland, and their court based Witness Service is in every criminal court in Scotland.

There are a number of other charities who can help depending on the nature of the crime. For example, Rape Crisis Scotland, TARA (Trafficking Awareness Raising Alliance) who support female victims of human trafficking, and Migrant Help, which also offers support of victims of human trafficking. Children 1st, Scottish Women's Aid and PETAL are also charities which can offer support to victims of crime. More information on these services can be found [here](#).

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