

Support measures for child victims and witnesses in connection with giving evidence in criminal cases

10 November 2025



Bairns' Hoose



Scottish Government
Riaghaltas na h-Alba

Support measures for child victims and witnesses in connection with giving evidence in criminal cases

The Scottish Government is committed to building a modern and effective justice system that ensures appropriate support is in place for child victims and witnesses who are required to give evidence in criminal cases.

Many agencies work together to engage with and support children throughout the justice process and the Bairns' Hoose programme of work allows greater opportunities for further collaboration, bringing together those professionals and agencies to continue to improve the experiences of child victims and witnesses.

This short paper outlines some relevant measures in place to support child victims and witnesses required to give evidence and notes some ongoing areas of reform that seek to further improve their journey through the justice system as well as broader areas of improvement work designed to improve efficiency of the system and minimise delays, which can be particularly impactful for child victims and witnesses.

Bairns' Hoose vision and Standards

The overall [vision](#) of Bairns' Hoose is that all children in Scotland who have been victims or witnesses of abuse or violence which has caused, or is likely to cause, significant harm will have access to trauma-informed recovery, support and justice.

The challenges children face in interacting with the justice system have been a key driver behind the development of Bairns' Hoose which offers Scotland a transformative opportunity to deliver a genuinely child-centred approach to justice, care, and recovery for children who have experienced trauma.

The [Bairns' Hoose Standards](#) provide a rights-based framework that places the child's best interests at the heart of every decision, making it clear that children should not be retraumatised by justice processes.

Standard 6 reinforces this commitment by promoting the use of visually recorded joint investigative interviewing to avoid repeat interviewing which may affect recall and cause additional trauma. These interviews are carefully planned, carried out by trained professionals and designed to meet the individual needs of each child, ensuring their voice is heard clearly while minimising distress and repetition.

If a child must give evidence in connection with court proceedings, we aim to ensure they can give their evidence in a child-friendly environment that is away from court settings, and at a time that is as close as possible to the alleged offence(s). As outlined in Standard 7, a child should be fully supported and have the option to do so via a live link from the Bairns' Hoose. This includes the ability to give evidence remotely to both Evidence by Commissioner hearings and live court proceedings.

A child attending a Bairns' Hoose may also be required to give evidence in the Children's Hearing court proceedings. In some cases, these may take place alongside criminal court proceedings. While some aspects of the support described

in this paper may apply to both contexts, this document focuses specifically on the support available in connection with giving evidence in criminal court proceedings. For information on giving evidence as part of the Children's Hearing system, please contact the Scottish Children's Reporter Administration (SCRA).

Capturing a child's initial evidence at Joint Investigative Interview (JII)

As the [Evidence and Procedure Review](#) identified, capturing a child's evidence as early as possible can support the child's wellbeing by helping them to begin their recovery journey sooner, and can improve the quality of evidence that they may give. However, it is important to recognise that not all children will be ready to participate in an interview immediately, and interviews conducted at a later date or that capture disclosures of non-recent abuse, can still provide extremely valuable evidence.

Good quality evidence, captured as early as possible, may reduce the need for a child to repeat their account at further interviews or for the purposes of giving evidence for court proceedings. These issues were explored in depth in the judicially led [EPR](#).

The Scottish Child Interview Model (SCIM) for JIIs is a cornerstone of the Bairns' Hoose model. The recent [evaluation](#) by the Children and Young People's Centre for Justice (CYCJ) highlights that children experience less distress and greater comfort during interviews, while families and professionals feel more meaningfully involved in the planning process. Interviewer practice has improved through national training and continuous development arrangements, central to which is structured evaluation of interviewing practice which aims to achieve higher quality, trauma-informed interviews. The model has also strengthened multiagency collaboration with professionals reporting more effective joint planning and decision-making.

Continuous improvement in the quality of these interviews can lead to their increased use by prosecutors as a child's evidence in chief in criminal proceedings or, with the agreement of the defence, the child's whole evidence thereby reducing the number of times children are asked to recount their experiences.

Across Scotland, JIIs are already conducted within Bairns' Hoose-style facilities, where these are available. As partnerships continue to develop, JIIs will be carried out in a Bairns' Hoose whenever it is in the best interests of the child to do so. In line with trauma-informed practice, some partnerships are also exploring ways to offer children an element of choice regarding the location of their interview.

While SCIM plays a vital role in reducing the risk of re-traumatisation and supporting the collection of reliable evidence, the development of Bairns' Hoose builds on this foundation. The physical environment is intentionally designed to be safe, welcoming and child-friendly, helping to support the child's emotional wellbeing and sense of safety during the interview process. Beyond the interview, Bairns' Hoose also provides coordinated and holistic support for children and their families ensuring their wider needs are met.

Citing a child victim or witness

Our shared ambition is that children who are the victims of and witnesses to crime are not asked to give evidence at trial unless it is absolutely necessary for them to do so.

Where prosecutors bring criminal proceedings in a case involving child victims or witnesses they will carefully consider the recordings of any JIIs. Prosecutors will only cite a child to give evidence where absolutely necessary and will keep this decision under review.

COPFS continue to progress work aimed at reducing the number of children who are required to give evidence for trial. More information on recent work in this area is included in later sections of this document.

In some circumstances it may be possible for prosecutors to agree a child's evidence with the defence and this means that the child will not be required to give evidence in connection with court proceedings. Sometimes that will happen before a child is cited but it may also happen after a citation has been issued; in those circumstances the citation will be cancelled or 'countermanded'.

However, there will inevitably be cases in which it is necessary for a child to provide additional evidence after they have given a JII. The JII is an investigative tool and sometimes additional information will be required by prosecutors for presentation of the case in court. That can happen for a number of reasons. In some circumstances it may be because at the time of the JII, other evidence in the case or the full extent of alleged offending is not known so the interview of the child has not covered all relevant and material matters. In these instances, consideration can be given to a subsequent JII taking place where that is deemed to be in the best interests of the child.

In addition, in some cases, the defence will want to exercise their right to cross examine the child irrespective of the quality and comprehensiveness of the initial JII. The right to cross examination is an important aspect of our justice system that helps to ensure fairness.

Where a child is required to give evidence, there are a range of special measures¹ available that are designed to reduce the risk of re-traumatisation and to support them in providing their best evidence which are outlined in detail below.

¹ Special measures are categorised as either standard or non-standard. Standard measures are generally available to child victims and witnesses without the need for judicial approval and can be requested through a Vulnerable Witness Notice, which is submitted to the court to ensure arrangements are in place to facilitate use of the appropriate standard special measure. Non-standard measures require the court's permission and are considered on a case-by-case basis, depending on the child's individual needs and circumstances.

Pre-recording the evidence of child witnesses – non-standard special measures to support children who are required to give evidence at trial

While it may not always be possible to prevent a child from having to give evidence for trial, the judicially-led EPR identified that the risk of re-traumatisation to children associated with the experience of giving evidence in criminal cases could be significantly reduced by enabling them to give their evidence away from court and as early as possible in proceedings. The EPR subsequently recommended much more widespread use of pre-recorded evidence in order to capture all or part of a child's evidence particularly in those cases which involve serious violent and/or sexual offending.

There are two methods that can be used to pre-record the evidence of a child witness, these are:

- **Evidence in the form of a Prior Statement (section 271M)²** - The court may allow the statement made by the child to form all or part of their evidence. For children in contact with a Bairns' Hoose, this evidence will most likely be captured in a JII which can then be played to the court. Giving evidence in the form of a prior statement will not always prevent the child from having to give further evidence, for example if the defence wish to exercise their right to cross examine (this may proceed at court or at an Evidence by Commissioner hearing, see below). However, in some cases the prosecution and defence will agree the content of the prior statement as the entirety of the child's evidence and they will not be required to provide any further evidence.
- **Evidence by Commissioner (EBC) (section 271I)** – An EBC hearing is a specific hearing convened by the court in advance of the trial for the purpose of capturing part or all of the evidence of a child or vulnerable witness. This can take place whether or not the child has previously participated in a JII. Where a prior statement is used as the child's evidence in chief then an EBC hearing can be convened to capture their evidence under cross-examination and re-examination. Where a prior statement is not accepted as the child's evidence in chief then an EBC hearing can be used to capture the entirety of that child's evidence. The child's evidence will be filmed at the EBC Hearing and the recording will be played in court at the trial or applicable evidential hearing.

The recording of the child's evidence will usually take place in an EBC suite. These are dedicated, trauma-informed spaces, developed by the Scottish Courts and Tribunals Service (SCTS) for the purpose of pre-recording the evidence of vulnerable witnesses. EBC suites are generally located separately from courts where criminal cases are heard and are designed with the comfort and safety of witnesses in mind. Children will have an option to live link into the EBC proceedings from a Bairns' Hoose where such facilities are available at the Hoose. An accused person is not physically present at the EBC hearing but is legally entitled to view and listen to the proceedings from another location with the arrangements for that determined by the court.

² [Criminal Procedure \(Scotland\) Act 1995](#)

The EBC process and environment is designed to be more child and witness friendly than a traditional court room. Prior to an EBC hearing taking place, a Ground Rules Hearing (GRH) must be conducted. The GRH is attended by the presiding judge as well as representatives from the prosecution and the defence during which agreement is reached on key aspects of how the EBC hearing will be conducted. This includes the estimated duration of the hearing and the logistical arrangements for the EBC hearing to best suit the requirements of the witness. The form and format of questions to be asked may also be agreed at the GRH.

Other than in the circumstances noted below where a presumption in favour of pre-recording applies, these special measures are available to children cited in summary or solemn proceedings as **non-standard** special measures

This means that the party citing the child witness must apply to the court for an order granting the use of that measure and the court will make a decision on their use, having considered the application and any additional information provided by the parties before doing so. Non-standard special measures can be combined with standard special measures which are discussed further below.

Presumption in favour of pre-recorded evidence – solemn proceedings only

The Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 (“the 2019 Act”) introduced a legislative presumption that the evidence of child witnesses in certain criminal cases should be pre-recorded ahead of trial. Specifically, the 2019 Act introduced a presumption for child victims and witnesses under the age of 18 who are required to give evidence in cases prosecuted on indictment and which feature any of the following offences, or an attempt to commit those offences:

- murder or attempted murder;
- serious assault;
- kidnapping or child abduction;
- child stealing (plagium);
- sexual offences (including rape or sexual assault);
- domestic abuse
- abuse by a partner or ex-partner;
- human trafficking or modern slavery; and
- female genital mutilation (FGM).

Where the presumption in favour of pre-recording applies, the special measures noted earlier to deliver that (prior statement or use of EBC) are to be considered standard special measures available to the relevant witnesses covered by the presumption.

The presumption in favour of pre-recorded evidence was implemented in the High Court in January 2020, which means that child victims and witnesses involved in cases which include any of the offences listed above must be allowed to give evidence either in the form of a prior statement or at an EBC Hearing or via a combination of both, unless the court considers that there is a significant risk of prejudice to the fairness of the hearing or otherwise to the interests of justice. That

risk must significantly outweigh any risk of prejudice to the interests of the child witness if the child witness were to give evidence at trial³.

In December 2023 the Scottish Government [published a report](#) evaluating the impact of the presumption on supporting child witnesses to participate in the justice system during the first three years in which the Act had been in operation.⁴ This report concluded that the Act had been successful in supporting child witnesses to engage more effectively with the justice system in High Court proceedings. During the three-year review period (20th January 2020 to 19th January 2023), the evaluation found that, as a result of the presumption, over 500 child witnesses had pre-recorded their evidence in High Court proceedings demonstrating a substantial uptake in the use of pre-recorded evidence.

While the initial focus of the 2019 Act was on children required to give evidence in the High Court, the Scottish Government has been clear that its ambition is to extend the presumption to a wider cohort of witnesses. Because the use of pre-recorded evidence is more resource intensive for the justice system (for example, in planning and recording hearings), implementation of the presumption has been phased. An updated [Implementation Plan](#) was published in April 2024, highlighting the intention to extend the presumption by April 2026 to child witnesses under the age of 16 required to give evidence in sheriff and jury cases which involve serious violent and sexual offences. It is anticipated that this will extend the presumption to around an additional 850 children annually.

To support further roll out of the presumption, the Scottish Government has given additional capital funding to SCTS to enable it to construct a number of additional EBC suites across Scotland.

Dedicated EBC suites are now available in Aberdeen, Dundee, Edinburgh, Glasgow and Inverness with three further EBC suites due to become operational across the sheriffdoms of North Strathclyde and the South Strathclyde, Dumfries & Galloway by April 2026. This will ensure that there is dedicated EBC suite provision in every sheriffdom in order to support successful roll out of the presumption to the sheriff courts.

Additional EBC suite capacity will allow more EBC hearings to take place across the country generally. This will enable more children to give their evidence at an EBC hearing and from the trauma-informed environment of a Bairns' Hoose or an EBC suite, while reducing the need for children to participate in live trial proceedings, whether in person or remotely. While a child witness can live link into an EBC suite from a Bairns' Hoose, the judge, legal professionals and technical assistants will sit in the EBC suite itself and conduct the proceedings from there.

Research on pre-recorded evidence

In England and Wales pre-recording of cross-examination is permissible under section 28 (S.28) of the Youth Justice and Criminal Evidence Act 1999. S.28 is a

³ The provision also allows a child over the age of 12 or above who expresses a wish to give evidence live in court the ability to do so, if the court considers that it would be in the child witness's best interests to give their evidence live at the hearing.

⁴ [Vulnerable Witnesses Act - Section 9 Report](#)

special measure that allows vulnerable or intimidated witnesses to pre-record their cross-examination ahead of the trial.

Professor Cheryl Thomas KC, a professor of judicial studies at University College London, has given evidence at both [Westminster](#) and the [Scottish Parliament](#) about her research into the impact of pre-recorded evidence on conviction rates. Her research has not yet been published in full but she describes her initial findings as showing a relationship between the use of pre-recorded evidence in England and Wales and lower conviction rates.

However, in March 2025 the Ministry of Justice published an [impact evaluation](#) into S.28, which found that the use of pre-recorded cross-examination does not appear to have an effect on a jury's decision to acquit or convict a defendant in individual cases.

There are of course significant differences in the way pre-recorded evidence is carried out in England and Wales as compared to Scotland. Pre-recorded evidence has been well established in Scotland since the judicially led EPR, which found that the use of pre-recorded evidence reduced the risk of re-traumatisation to victims and supported witnesses to give their best evidence.

S.28 in England and Wales only covers pre-recorded cross-examination, whereas pre-recorded evidence in Scotland is often both evidence in chief, cross-examination and re-examination. In Scotland dedicated trauma informed facilities have been created to support the procedure, and High Court Practice Notes⁵⁶ have been published to support practitioners in consideration of and ultimate conduct of the proceedings.

The Scottish Government is now developing its own research into the impact of pre-recorded evidence on conviction rates in Scotland.

Reducing the time it takes a for child witnesses to be called to give evidence

Pre-recording evidence through use of their prior statement, an EBC hearing or a combination of both, allows children to give their evidence earlier in the process, reducing the potential impact of court delays on a child victim or witness. Data shows that the use of EBC hearings can significantly reduce the time between a child's disclosure of harm and giving their evidence. Evidence given by SCTS to the Criminal Justice Committee on [10 January 2024](#) showed that in High Court cases where an EBC hearing was granted at the Preliminary Hearing that hearing would usually take place within 12 to 16 weeks, around 33 to 37 weeks earlier than if the evidence had been taken at trial.⁷

⁵ PRACTICE NOTE No 1 of 2024 TAKING OF EVIDENCE OF A VULNERABLE WITNESS BY A COMMISSIONER

⁶ HIGH COURT OF JUSTICIARY Practice Note No.1 of 2019 VULNERABLE AND CHILD WITNESSES: written questions.

⁷ Evidence given by SCTS to the Criminal Justice Committee on [10 January 2024](#). Accessed on 29/07/2025

Closed Court

A further non-standard special measure is excluding the public during the taking of evidence ([section s271HB](#)) (closed court). It is possible for the courtroom to be closed whilst a child gives their evidence so that members of the public are excluded. The court will consider the reasons for this request and balance it against the public's right as part of a system of open justice to view proceedings (there are reporting restrictions in place relating to naming child victims and witnesses) before making a determination. Even if the court is closed and the public are excluded, the press is allowed to remain in the court.

Standard special measures to support children who are required to give evidence at trial

Where it is not appropriate or possible to use a JII as the entirety of a child's evidence or to pre-record their evidence ahead of trial, it may be necessary for that child to give all or part of their evidence at trial. There are, however, a range of special measures to support them in giving that evidence. These measures are designed to reduce the distress associated with appearing at trial and to keep the child out of the courtroom altogether.

Children are automatically entitled to standard special measures – this means that the court **must** grant the use of a standard special measure where it is sought.

The standard special measures are:

- **The use of a live television link ([section 271J](#))**
A child may give live evidence from a) another room in a court building away from the courtroom or b) from a completely separate location away from the court building. This includes the provision of dedicated remote evidence suites such as those at the North Strathclyde Bairns' Hoose and the many other sites that the SCTS provides alone or in collaboration with others.

When a child is to give evidence in this way at trial, they are connected to the courtroom using a live TV link. The court will be able to see the child on the screens in the courtroom. There are different views that the child can see on their screen from various cameras within a courtroom, for example, a direct camera can be placed on the Sheriff / Judge, prosecutor and defence so that the child can see clearly who is speaking to them. These camera angles are controlled by the court.

- **The use of a screen ([section 271K](#))**
Where a child attends a courtroom to give evidence, a screen can be placed between the witness box and the dock where the accused sits. This means that the child will not be able to see the accused or any members of the public or press when they give their evidence. The accused will still be able to see the child on a tv screen when they are giving evidence.

- **The use of a supporter** ([section 271L](#))
A supporter may accompany a child to the court building (or a remote site) and may be with him/her while he/she is waiting to give evidence, as well as when the child is giving evidence. The function of the supporter is to provide emotional support to the child by their physical presence, not to provide advocacy services or to influence the child in the course of giving evidence.
- Giving evidence **by prior statement** and **Evidence by Commissioner** ([section s271BZB\(2\)](#))

As noted earlier, in certain solemn proceedings where the presumption in favour of pre-recorded evidence applies, giving evidence via prior statement and giving evidence by commissioner, are considered standard special measures. Currently this only applies to children giving evidence in certain cases in the High Court, otherwise these are considered non-standard special measures.

Applying for special measures to support children who are required to give evidence at trial or at an EBC Hearing

The Victim Information and Advice Service (VIA), provided by the Crown Office and Procurator Fiscal Service (COPFS) in criminal court cases, is responsible for drafting applications to the court for special measures for prosecution witnesses. For child witnesses, VIA will discuss special measures and available support with the child witness and/or their parent/person with parental responsibilities. Any views given by the child witness in relation to their preference of special measure will be taken into account in accordance with the age and maturity of the child.

VIA is not involved in cases where the child is being led as a witness by the defence. If VIA is unable to make contact with a child witness, VIA will make a default application for standard special measures, where appropriate.

Applications are reviewed and approved by a legal member of staff in COPFS. Once lodged, it is for the court to determine whether to grant or refuse the special measures sought by the Crown. As discussed above children are automatically entitled to standard special measures.

Orders for special measures can be varied if new information comes to light which impacts on the initial assessment of the special measures appropriate for that child to give evidence.

Children are not restricted to using just one special measure, they may use a combination of measures where those are compatible. For example, a child witness may have a supporter alongside them while they are giving evidence via live TV link. That link can be to a trial or to an EBC suite.

Special Measures and Identification

Where certain special measures are granted, it may impact on a child's ability to identify the accused person in the courtroom. If identification is required for evidential purposes, the child may be required to attend at a Video Identification Parade

Electronic Recording (VIPER) procedure. This process involves the child viewing a selection of electronic images of people and confirming if they think any of the images are of the accused person.

Prosecutors will endeavour, where possible, to agree identification or seek to establish identification through other witnesses before inviting a child or other vulnerable witness to attend such a procedure. The best interests of the child witness will be taken into account as a primary consideration and any views expressed by the child in this regard will be given due weight in accordance with the child's age and maturity, along with consideration of other public interest considerations when determining if it is essential a child attends an identification procedure.

Key areas of ongoing reform of the criminal justice system in Scotland

The Scottish Government and justice partners are driving forward key areas of reform which will benefit child victims and witnesses by improving their experiences of the justice system and improving efficiency so that more cases will conclude early, cases will take less time and fewer witnesses will have to come to court.

Trauma-Informed Justice: A Knowledge and Skills Framework

The [framework](#) and associated [online learning modules](#) support organisations in developing training that will equip staff throughout the justice system, no matter their role, with the knowledge and skills they need to recognise and respond effectively to the impact of trauma on witnesses. It will help to ensure that at all levels of the justice system, we have an effective, trauma-informed approach which supports people at their most vulnerable.

Summary Case Management

Summary Case Management (SCM) is a judicially led initiative.

It is focused on improving the efficiency and experience of those involved in summary criminal proceedings in Scotland. It aims to resolve cases earlier by facilitating early disclosure of evidence, promoting early engagement between the Crown and the defence, and providing proactive judicial case management. This leads to fewer witness citations, more cases resolved at the first appearance and fewer trials calling and not proceeding.

SCM has the potential to transform the summary criminal justice system. Following initial piloting and evaluation at a number of court locations the initiative is now being rolled out across Scotland during 2025.

Body Worn Video

Police Scotland are progressing the roll out of Body Worn Video (BWV) technology to police officers. BWV will introduce a number of significant benefits to the police and the broader criminal justice system. Experience from other jurisdictions has shown BWV to be a valuable tool for gathering high quality evidence from the immediate aftermath of an incident, including domestic abuse incidents, which may

corroborate the allegations of victims and witnesses and which they would otherwise be unable to capture in similarly impactful and compelling ways.

The rollout of BWV can benefit victims and witnesses of crime by allowing greater opportunities for cases to be resolved without trial and/or fewer witnesses, including child witnesses, to be cited.

Child Witness Pilot in Edinburgh Sheriff Court

The Edinburgh Child Witness Pilot aims to reduce the extent to which children are involved in the criminal justice system as witnesses in summary cases and to ensure that, where children are witnesses in a case, a child-centred, trauma-informed approach is taken which is in accordance with the UN Convention on the Rights of the Child.

The pilot was led by COPFS and implemented by a multi-agency group comprising representatives of the Judiciary, SCTS, the defence bar, the Public Defence Solicitors' Office (PDSO), Police Scotland, Victim Support Scotland, and Edinburgh Women's Aid Children & Young People's Service.

Measures were put in place by COPFS to ensure child witnesses were only used in summary cases where necessary and proportionate, with alternative sources of evidence being explored wherever possible. Key evidence was submitted by police and disclosed to the defence at an early stage and processes were adapted to facilitate effective engagement with the defence, aimed specifically at promoting the agreement of evidence and resolution of cases prior to any child witnesses being cited. COPFS sought to maximise the use of JIIs as the evidence of child witnesses in appropriate cases (as evidence by prior statement in terms of section 271M of the Criminal Procedure (Scotland) Act 1995), to avoid child witnesses being required to give evidence at trial. Judicial case management was a key component of the Pilot, with Sheriffs pro-actively managing cases in order to focus issues for trial and reduce overall case journey times as much as possible.

Prosecutors from COPFS maintained effective, trauma-informed communications with child witnesses and their parents/carers, and worked closely with colleagues in COPFS Victim Information & Advice, Victim Support Scotland, and Edinburgh Women's Aid Children & Young People's Service, to ensure specialist support and advocacy services were offered to child witnesses.

The final evaluation of the Pilot is currently ongoing. Feedback both from child witnesses/their parents or carers, and from the agencies involved, has been positive. Once the final evaluation has been completed, consideration will be given to the national roll-out of any best practice identified.

Victim Passport

The Victim Taskforce has also committed to implementing a recommendation which emerged from a [Report](#) that it commissioned into embedding a victim-centred approach to justice in Scotland and which proposed the introduction of a Victims' Passport.

The proposed Victim Passport would contain pertinent information on the case and about the victim that can be shared across the criminal justice system and would remain with the victim-survivor throughout their journey. It would minimise the need for them to retell their experience and ensure consistent information is retained across criminal justice agencies, third sector organisations and, where appropriate, social workers. Crucially, a victims' passport would only be shared with their consent. The availability of such information in a single place will support the modernisation of the criminal justice system by enhancing information exchange and interaction between justice partners and reduce resource requirements.

Work is ongoing to develop the Victim Passport. Consideration will be given to the specific needs and requirement of child victims in determining what information is shared among criminal justice agencies, public sector partners and third sector organisations.

The Victims, Witnesses and Justice Reform (Scotland) Bill

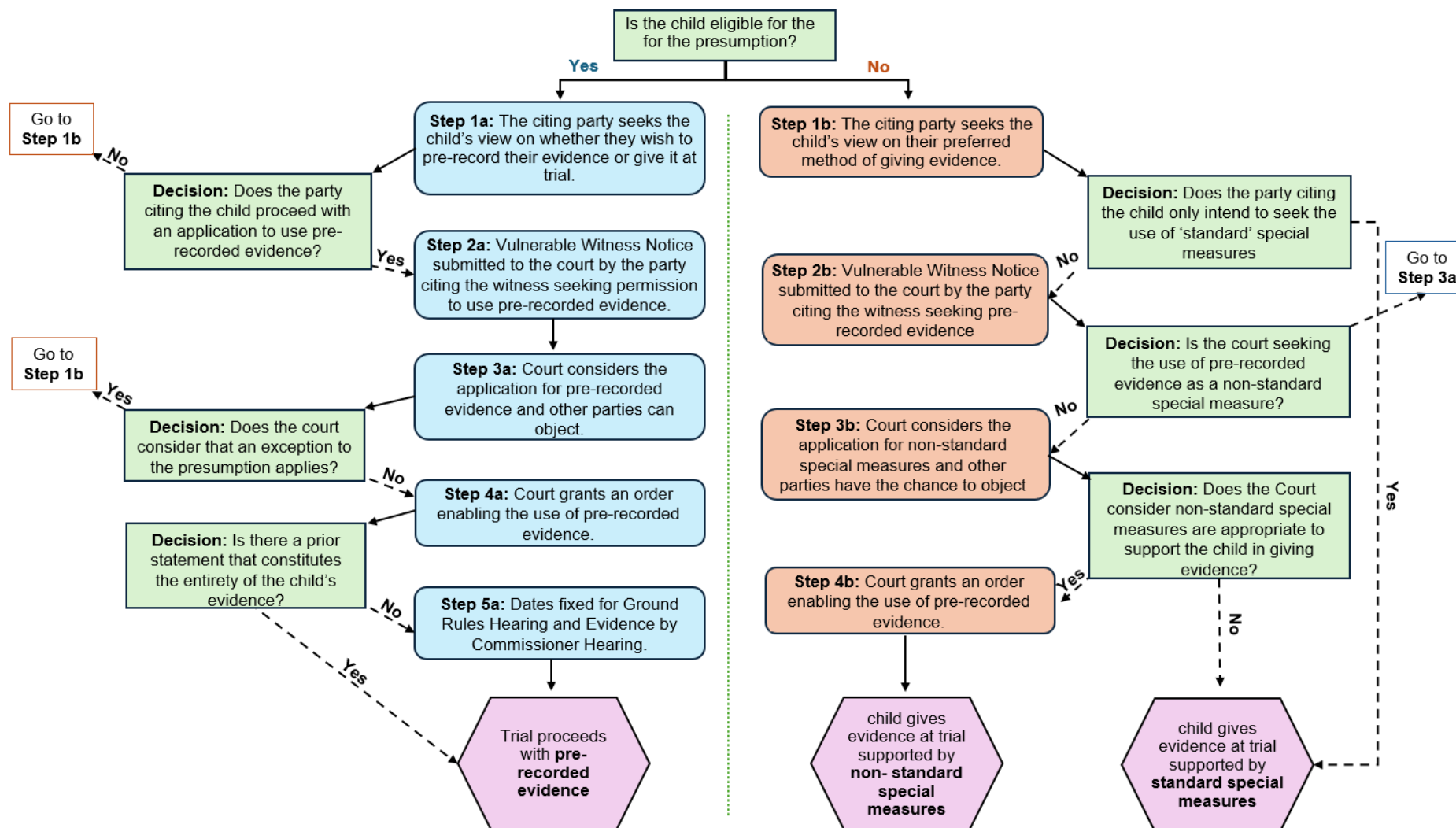
The Victims, Witnesses, and Justice Reform (Scotland) was passed by Parliament on 17 September 2025. The Bill aims to improve the experiences of victims and witnesses in Scotland, embedding trauma-informed practice across the justice system while continuing to safeguard the rights of those accused of crime.

The Bill establishes a standalone Sexual Offences Court. This new court will embed specialism, develop best practice, introduce a presumption in favour of the pre-recording of evidence for witnesses, allow for the more flexible use of court resources and improve case management in a trauma-informed and victim-centred environment. The Court will benefit all victims of sexual assault and aims to improve the experience of victims and survivors in their journey through the judicial system.

The Bill also creates a new office of a Victims and Witnesses Commissioner for Scotland. The Commissioner will provide an independent voice for victims and witnesses, champion their views and encourage policy makers and criminal justice agencies to put victims' rights at the heart of the justice system. The role will benefit victims and witnesses of crime by providing an additional, statutory mechanism for their voices and experiences to be heard. It will also help raise awareness and monitoring of the rights of victims and witnesses.

Additionally, the Bill gives complainers a right to independent legal representation (ILR) when an application is made under section 275 (i.e., an application is made for the defence to lead evidence about the complainer's previous sexual history). The right to ILR will improve the complainer's understanding of court processes and ability to provide their views, and will help to safeguard their right to be heard in court in respect of an especially intrusive aspect of criminal procedure.

Annex A: Routes to Pre-Recorded Evidence for child witnesses* – Visual Flow Chart



* Where the presumption does apply, pre-recorded evidence whether through an EBC hearing or a Prior Statement becomes a Standard Special Measure