



Proposed Draft Police Act 1997 and Protection of Vulnerable Groups (Scotland) Act 2007 Remedial Order 2018

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Victim Support Scotland

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
 No

Proposed Draft Police Act 1997 and the Protection of Vulnerable Groups Act (Scotland) 2007 Remedial Order 2018

QUESTION 1

Do you have any views / observations on this Proposed Draft Order?

Comment

Victim Support Scotland (VSS) is the largest charity supporting people affected by crime across Scotland through the provision of practical help, emotional support and essential information and as such, we welcome the opportunity to respond to the Summary of the 2018 Proposed Draft Order, setting out proposed amendments to the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007.

1.

VSS agrees it is not unreasonable certain individuals who have been convicted of offences which are listed in schedule 8A (offences which must always be disclosed) should, in certain specified circumstances, have the right to apply to a sheriff in order to seek removal of that conviction information before their disclosure is sent to a third party.

2.

We accept that the changes refine the existing disclosure regime taking cognisance of respect for private and family life (subject to certain restrictions) in accordance with law and necessary in a democratic society.

3.

VSS is supportive of the new right to apply to the sheriff, allowing an application for removal of convictions after a period of time has passed since conviction for a schedule 8A offence, including that this application be made, 15 years from the date of conviction, where the person was aged 18 or over at the date of conviction, or 7.5 years from the date of conviction, where the person was aged under 18 at the date of conviction, and that if no application to a sheriff is made, automatic disclosure of a spent conviction for an offence on schedule 8A continues indefinitely.

4.

Our view comes with that caveat that the judge when receiving applications must have discretion to look at individual cases to apply relevant context in the circumstances. We are encouraged this forms part of the current proposals. As an organisation we exist to support victims and witnesses of crime, many of whom are in vulnerable situations. We believe this strikes a fair balance between an individual's right to respect for their private life and the interests of public protection.

