

Victims, Witnesses and Justice Reform (Scotland) Bill

Stage 3 debate, September 2025

Children First is Scotland's national children's charity. We stand up for children, keep them safe and support them to recover from trauma and abuse through our national and local services.

“If I could speak to the people in charge of the justice system, I'd ask them to really think about the victims. The system can be scary and damaging, especially for young people. We need to be heard, supported, and treated with care. We're not adults yet, and the process needs to reflect that. Please listen to our voices - we matter.”

17 year old [Evangeline](#)*, who was supported by the Aberdeenshire Bairns Hoose

Children First is a leading provider of advocacy and recovery support for children and families. We are also at the forefront of delivering the Bairns Hoose model, which delivers a child-centred, multi-disciplinary approach to justice across Scotland.

The Victims, Witnesses and Justice Reform (Scotland) Bill is a welcome step forward, that must lead to real, practical improvements for children and families affected by trauma and harm. This will heavily depend on the way in which reforms are funded, and implementation is supported. Removing the Not Proven verdict, introducing trauma-informed duties, and creating more specialist support for the prosecution of sexual offences could make a real difference.

We do see a growing recognition that change is needed, and lots of support from those who work in the police, courts, social work and prosecution services. The Bairns Hoose has shown a determination from partners across the justice sector, and we are starting to see improvements. However, the barriers run deep and to overcome them will need shared support from parties on all sides.

There has not yet been enough consideration of how these changes will impact children. In the Stage 3 debate, we would urge MSPs to seek assurances about the Scottish Government's approach to implementation, and how the Scottish Parliament will oversee this.

From the outset, we have raised concerns about the lack of explicit consideration for how these changes will impact children. Even though many victims and witnesses are children, with additional vulnerabilities, rights and needs, we continue to see most justice reforms driven forward with adults in mind. The implementation of this Bill must not repeat this pattern.

The Scottish Government must look specifically at the way in which these reforms will impact children, and how they will connect with the ongoing work to roll out the Bairns Hoose model.

Children First will continue to share our expertise, evidence, and frontline experience to help shape a justice system that truly meets the needs of children and families, and a high quality, consistent Bairns Hoose model that puts children's recovery from harm at its centre.

Implementation work must go further to fully understand the impact for children and connection with the Bairns Hoose

Many victims and witnesses are children. In relation to sexual offences alone, at least 37% of the 14,484 sexual crimes recorded in 2023-24 by the police related to a victim under the age of 18. The true scale of harm is likely to be much greater.

The Bairns Hoose, or Barnahus, model is a set of reforms that could transform children's experience of justice if backed by the right investment and strategy. It empowers systems working around children – including the police, courts, prosecution and social services – to collaborate to support the needs of children while delivering efficient and effective justice from a child-friendly space.

These reforms are currently being taken forward without dedicated legislation. This means it is even more important to ensure that wider changes do not cut across or accidentally undermine the work to roll out the Bairns Hoose.

Some aspects being debated in the Victims, Witnesses and Justice Reform (Scotland) Bill, like a Victims Charter, Sexual Offence Courts and the Victim Notification Scheme will need separate work to ensure they complement and do not cut across the progress being made through the Bairns Hoose roll out.

Further work needed:

- If work is taken forward to introduce a **Victims Charter**, children must be considered separately, to account for additional rights and processes under the UNCRC and the Scottish and European Bairns Hoose Standards.

The Bairns Hoose is a strong demonstration of a genuinely child friendly justice experience, and the result of a huge amount of work across the sector. Acknowledging this through a Children's Charter would support Scotland's role as a world-leader in this field.

A clear Children's Charter would also be immensely helpful to the children and families we support, as well as many of the professionals who are seeking to navigate these complicated processes.

- The Bairns Hoose model aims to reduce the number of new professionals children need to be introduced to, and reduce the number of times children need to re-tell their story. In the words of Lord Carloway in the Evidence and Procedure review, this is because "recounting traumatic events is especially distressing for children, and can cause long-term damage".

The **Victim Notification Scheme** must make sure it supports this, by avoiding forcing new professional introductions after sentencing, and allowing Bairns Hoose Recovery Workers to continue acting as a trusted contact.

- More detailed consideration must be given to the way in which the new **Victims and Witnesses Commissioner** interacts with the Children and Young People's Commissioner for Scotland, and the Children's Hearing System.

Children's UNCRC rights to access information (Article 17), their right to be heard and have their views taken seriously (Article 12), the right to be protected from violence (Article 19) and their right to recover from harm (Article 39) are repeatedly unmet in the justice system as it stands.

Connection between the two Commissioners must be done in a way that is clear and easy to understand for children who are victims or witnesses, and anyone who is supporting them.

- Specialist roles within **Sexual Offence Courts** must establish connections with the Bairns Hoose, as they develop and the roll out evolves. These must not be disjointed initiatives.

Other issues to note

Victims Commissioner

We understand why a Commissioner may help support wider system changes, but we remain of the view that a new Commissioner should not be brought in as a substitute for concrete actions to improve the experiences of victims and witnesses.

Changes that could make a real difference to children's experience of the justice system, like the remaining provisions of the Children (Scotland) Act 2020, are being stalled because money is not available to bring them through. We would urge the Scottish Parliament to ensure due attention is paid to the balance between funding practical changes and initiatives like the new Commissioner.

Trauma-informed duties

We're strongly supportive of the intention to introduce new duties around trauma-informed practice. We know that the justice system continues to harm children across Scotland, despite the best intentions of many working to avoid this. Retraumatising experiences can have a long-term impact on children's lives, and can lead to a loss of sleep, anxiety, fear, flashbacks and missing school.

We remain worried that the duty will be too easily sidelined, because the system is overwhelmed and under resourced. These duties may mean very little in practice if those working in the justice system do not have the time or resource to do anything differently.

We don't believe awareness building is enough – the Bairns Hoose work demonstrates why we need to consider the environment and the way professionals work around children and young people. We are clear that for children, we want to ensure that every child in Scotland can access justice without the need to go to court, and every child can access the advocacy and care they need to recover.

It's important to recognise just how big a challenge it is to make Scotland's justice system trauma informed. It will require multi-disciplinary collaborations, a shared vision and new ways of working. The work to roll out the Bairns Hoose offers a strong blueprint for how this might be achieved, but also demonstrates the scale and depth of reform that is needed.

Training will be some help, without any of the resource needed to make practical improvements this will not be enough.

Recovery support for children needs to be central to implementation plans on trauma informed practice. The Bairns Hoose puts recovery support at the centre, where it is available. However, there is not yet a consistent offer of advocacy and recovery support for children.

[Research by Edinburgh University](#) on the Bairns Hoose spoke about how recovery support can act as a 'buffer' from the harms of the justice system.

“There was evidence that recovery support held potential to reduce stress during court processes, buffering children from the worse impacts of systems harm: helping access and make sense of information; advocating for children or family member’s needs and being physically present at key moments.

“The child’s at a loss because they’ve had to go through this big, massive thing and that anxiety is everywhere and, like, their paranoia is everywhere. And then that’s where somebody needs to pick up the pieces and be like, ‘It’s okay. We’ve got you.’” (Child - ‘Clementine’)

Recovery support and trauma-informed spaces must become consistently available to children, as part of the Bairns Hoose. This in turn must be central to the Scottish Government’s approach to trauma-informed practice. The Edinburgh University research explains:

“Emerging evidence suggests that the Bairns Hoose space aligns to principles of trauma-informed design (see Lamb, forthcoming), and can significantly improve children’s experiences of otherwise stressful professional encounters, while also supporting multi-disciplinary coordination and trust.

The success of the trauma-informed principles will depend on how far the system is willing to take its commitment to trauma-informed practice. The extremely challenging financial climate may mean that small scale updates are favoured.

However, we strongly believe that if the criminal justice system can fully embed the Bairns Hoose model and trauma-informed practice, this will lead to a less harmful and more efficient system, capable of delivering a better experience of justice and cost savings in the longer term.

The Scottish Government and Scottish Parliament must work together to make sure this happens.

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