

advance



The  
Royal  
Courts  
of  
Justice

# Her Story Her Justice

Making criminal  
justice work for women  
and girl survivors of  
domestic abuse





## ABOUT ADVANCE

Advance is a leading national women's organisation, founded in 1998, to end violence against women and girls. Advance delivers systems change and empowers women and children who experience domestic abuse, including those in contact with the criminal justice system, to lead safe, just, and equal lives in their communities.

Our expertise lies in decades of providing specialist support by women and for women and girls, to achieve safety, justice, and equality at the intersection of domestic abuse and the criminal justice system.

## ABOUT THIS REPORT

Three years on from the Domestic Abuse Act 2021, and drawing on learning from Advance's Whole Justice Approach, this report explores why the prosecution and conviction rates for domestic abuse offences continue to be very low and to deteriorate in England and Wales, as well as the challenges and failings of the criminal justice system. It looks at how the system could work better to protect victim/survivors and hold perpetrators to account.

Throughout Advance's 25 years' experience of supporting domestic abuse survivors, women have told us they disengage from criminal proceedings against their perpetrator for many reasons, including fear for their safety, lack of support and communication throughout proceedings, and the time taken to get to court. Most highlight to us a lack of confidence and trust in the criminal justice system.

The report aims to put the responsibility of protecting victim/survivors onto the criminal justice system, not onto the survivors themselves. Domestic abuse is a serious crime and the safety and needs of victim/survivors must be at the heart of the justice response.

## CREDITS AND ACKNOWLEDGMENTS

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*The images in this report are posed by models and do not intend to represent the women who are quoted in this report.*

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# Executive Summary

## The criminal justice system is failing to respond to domestic abuse.

Domestic abuse is a pattern of controlling, coercive or threatening behaviour, violence, or abuse by someone who is or has been an intimate partner or family member. This can include psychological, physical, sexual, financial, or emotional abuse. The incidents can often become more frequent and severe with time.

The criminal justice system is failing to respond to domestic abuse. It is estimated that 2.1 million people in England and Wales experienced domestic abuse in the year ending March 2023.<sup>1</sup> Despite legislative and policy progress made in recent years, the data tell a different story – **Prosecutions in 2023 represented just 5% of reported domestic abuse-related crimes** (51,288 prosecutions; 889,918 reported crimes).<sup>2</sup>

**In 2018, the proportion of prosecutions was nearly 15% of all crimes** (89,091 prosecutions; 599,549 reported crimes).<sup>3</sup>

Reports of domestic abuse-related crimes have increased markedly but the system has not responded to address this. On the contrary, **the response has deteriorated drastically with reports of domestic abuse crimes increasing by 48% and prosecutions reducing by 42% in 5 years.**<sup>4</sup> Evidence shows this is due to a lack of strategic prioritisation, insufficient allocation of resources, and pressures driven by capacity including loss of specialisms in justice agencies, all exacerbated by the Covid-19 pandemic and economic crisis.



**2.1m** people experienced domestic abuse in year ending 2023

**48%** Increase in reports of domestic abuse crimes since 2018



**5%** of reported domestic abuse crimes in 2023 resulted in prosecution



**42%** Reduction in prosecutions since 2018





Drawing on 25 years of frontline experience, we present part of the solution to this issue in the **Whole Justice Approach**. Highlighting the vital role played by Criminal Justice **Independent Domestic Abuse Advocates** (CJ IDVAs) who specialise in supporting victim/survivors through the criminal justice process, as well as **Specialist Domestic Abuse Courts** (SDACs), we can improve prosecutions and convictions of abuse by working jointly with the police, the Crown Prosecution Service, the courts, and the prison services, **supporting both professionals and victim/survivors as domestic abuse cases progress through the system**.

**The evidence is clear: this approach works.** Analysis of Advance data shows that when the system works, outcomes for victim/survivors are markedly improved – we have seen a **51% increase in proportion of arrests leading to charges** and a **16% decrease in the proportion of unsuccessful cases** based on “victim and witness evidential issues”. There has also been a **34% increase in rate of convictions** of domestic abuse cases in the boroughs where Advance facilitates the Whole Justice Approach.

Yet despite the positive impact of this approach and decades of evidence from frontline services, we continue to see a failure to make effective services available to women everywhere.

There is also an economic case for reform. Domestic abuse costs society **£77bn a year**. Women’s Aid research suggests a funding shortfall of £427m per year.<sup>5</sup> We estimate the cost of embedding the Whole Justice Approach nationally would be in the region of **£16.4m** per year. A relatively modest investment in solutions could yield significant savings by reducing repeat domestic abuse incidents.

**51%↑****Increase in proportion of arrests leading to charges****34%****Increase in rate of convictions with the Whole Justice Approach****↓16%****Decrease in the proportion of unsuccessful cases**

Legislation introduced in 2024, including the Victims and Prisoners Bill, Criminal Justice Bill and Sentencing Bill, offer opportunities to make real change to the way the criminal justice system responds to victim/ survivors of domestic abuse. We call for reform of the criminal justice system at a national and local level, in order to ensure that victim/survivors of abuse receive the specialised support and early intervention that they need.

### **THIS MUST INCLUDE:**

- 1** Enshrining and protecting victim/ survivor's rights in law and systems, with a recognition that domestic abuse is a serious crime which requires long-term and holistic support for all victim/ survivors, through access to specialist Criminal Justice IDVAS and Specialist Domestic Abuse Courts for all victim/ survivors.
- 2** Criminal justice agencies proactively rebuilding women's trust in their services and engage them actively, meeting them where they are at and in their community.
- 3** An overhaul of criminal justice processes and practices to improve standards and accountability, focusing on the perpetrator being held to account and ensuring victim/ survivors are safe and see justice.



## SUMMARY OF RECOMMENDATIONS



### RECOMMENDATION 1

#### 1 Victim/survivors' rights and support

Victims/survivors of domestic abuse must be able to access specialist **long-term, community-based support**, which meets their needs, provided by appropriate services.

The Government should implement:

- ▶ A statutory duty to provide **all** victims/survivors affected by domestic abuse throughout England and Wales with access to specialist support, whenever and for as long as they need it, regardless of the 'level of risk' they face and beyond accommodation support.
- ▶ Access to **specialist Criminal Justice IDVAs in all police stations or court settings**, accessible to all victims/survivors affected by domestic abuse and delivered by services which are culturally competent and appropriate.
- ▶ **Re-establishing and accrediting a national network of Specialist Domestic Abuse Courts**, including establishing the rights of victims to access these courts, as well special measures in court, ensuring that they are adhering to the principles which identify them as specialist.



## RECOMMENDATION 2

### 2 Building trust in the criminal justice system

Police and other criminal justice agencies must develop specific responses for women affected by domestic abuse, recognising the sexism, misogyny, and racism that exists within structural systems, and ensure there is clear leadership and structures to tackle those biases.

- ▶ Police must **immediately refer all victims/survivors** who report their abuse to specialist support services, regardless of the action taken on their case and level of risk assessed by non-specialist police staff, backed up by a **statutory duty to offer access to specialist advocacy support** for all victim/survivors within their community.
- ▶ Police must develop **specific and appropriate responses** for Black, migrant, and/or other minoritised women, who must have access to specialist 'led by and for services' which are culturally competent and appropriate, recognising the structural racism and other forms of bias existing within criminal justice systems.
- ▶ The criminal justice system must ensure that victims/survivors are **protected** from perpetrators at all opportunities, including pre- and post-trial, during bail and parole, through the **effective implementation and monitoring of protection orders**.
- ▶ All criminal justice agencies must embed clear **communication protocols** to keep victims/survivors and specialist DA advocates (including CJ IDVAs) updated about their individual case throughout the process, from investigation through to post-sentence.
- ▶ The MoJ must prioritise tackling **court backlogs** which currently extend victims/survivors experience of trauma through lengthy and delayed proceedings.





## RECOMMENDATION 3

**3 Criminal justice processes and practices**

Criminal justice agencies must commit to new processes and practices which increase **transparency and accountability**.

- ▶ The police and CPS must prioritise the needs of victim/survivors throughout an investigation, and should **set and report on public targets** to increase the number of “evidence-led”/“victimless” domestic abuse investigations and prosecutions.
- ▶ HMICFRS, the NPCC and College of Policing should establish an **Independent Scrutiny and Oversight Board** with an aim to monitor delivery and maintain standards from perspective of victims/survivors. A statutory duty to respond to the recommendations from this board should be implemented in relevant legislation.
- ▶ The Home Office and Ministry of Justice should publish a matrix of **performance of police and criminal justice authorities** which demonstrates how forces and other agencies are performing in their response to domestic abuse.
- ▶ **Sentencing** for domestic abuse must reflect the seriousness of the crime; the risk to victim/survivors must be considered fully when community sentences are given to perpetrators with a pattern of abuse.
- ▶ The police and courts must implement **appropriate sanctions for perpetrators who breach their bail, licence or caution conditions**.
- ▶ Women who are arrested for DA-related incidents when acting in self-defence should be **diverted by police and offered gender-specific support** by specialist services, rather than face criminalisation.
- ▶ The Government should introduce **a duty on CPS and police to collaborate** with each other and with specialist support services to increase positive or successful outcomes for victims/survivors.
- ▶ Police and court personnel must be fully and **regularly trained** by specialist women’s organisations with expertise in all forms of domestic abuse to improve decision-making and cultural attitudes towards victims/survivors.
- ▶ The CPS should provide **training and guidance** to the police and prosecutors on evidence-led investigation and prosecution best practice.

## the issue and need for reform

**Domestic abuse affects 1 in 4 women and 1 in 5<sup>6</sup> children in their lifetime, with over 2.1 million people affected in 2022 in the UK.<sup>7</sup>**

It is also a public protection issue that requires a criminal justice response to ensure the safety of victims/survivors. Ending domestic abuse requires a multi-agency approach - a Coordinated Community Response - going beyond criminal justice, to include education, health and societal behaviour change towards women and girls, as well as interventions that can change the behaviour of perpetrators.<sup>8</sup>

Survivors tell us that, first and foremost, they need to be safe and for the abuse to stop before they can begin the journey to recover. The criminal justice system is essential to help protect victims and hold perpetrators to account and there have been many changes to the law, including a recognition of coercive and controlling behaviour as a serious crime in 2015 and the landmark Domestic Abuse Act in 2021.



The system that should support victims/survivors it is not working. There are negligible prosecutions each year - despite nearly 890,000 domestic abuse-related crimes recorded by the police in 2022, just 5% (51,288) led to a prosecution.<sup>9</sup> 96% of reported domestic abuse-related crimes do not end in a conviction of the perpetrator.<sup>10</sup> Millions of women and children continue to suffer serious harm for many years and a woman is killed by a man she knows every three days.<sup>11</sup>

We have seen a decline in progress since 2018. The Covid-19 pandemic and subsequent cost-of-living crisis have driven up demand for domestic abuse services, whilst at the same time exacerbating resource and capacity constraints across statutory and community organisations.

Through this report we aim to draw attention to the ways in which the criminal justice system is failing victims of domestic abuse by sharing insights from the women we support and Advance's evidence-based solutions, drawing on our **Whole Justice Approach**. We explore the vital role played by Criminal Justice **Independent Domestic Violence/Abuse Advocates** (IDVAs) who specialise in supporting victim/survivors through the criminal justice process, as well as the need for **Specialist Domestic Abuse Courts** (SDACs).



We call on the **UK Government** and **criminal justice agencies** including the **police**, the **Crown Prosecution Service**, and the **courts**, to invest in the **Whole Justice Approach**, both financially and strategically to:

- improve access for victim/survivors to life-saving community-based support services and protection
- increase confidence in the system
- increase the rate of convictions.

## THE PROBLEM WE ARE TRYING TO SOLVE

The impact of domestic abuse is devastating and wide-ranging both for individuals and wider society, including significant public health harm and economic cost. Yet prosecution and conviction rates for domestic abuse are low and getting worse, legal tools that exist to protect victims are poorly understood and not used effectively, and the criminal justice process is retraumatising and ineffective for victims.

Women often don't even report domestic abuse due to lack of trust and confidence in the police and criminal justice system. Many withdraw from proceedings for a range of reasons, including the response by criminal justice agencies and the impact of criminal proceedings which are long and traumatising. This experience may be made even more difficult for Black, minoritised or migrant victim/survivors, as well as those who are LGBTQ+ or who are D/deaf or disabled. There is also evidence that the system allows perpetrators to manipulate proceedings so that victim/survivors 'give up'.

When victim/survivors withdraw from proceedings, this often means that the case is dropped due to a lack of evidence. Measures introduced to mitigate against the victim 'drop out' rate and increase the effectiveness of the criminal justice process - including properly resourced Specialist Domestic Abuse Courts and court support for victims – are often unavailable or under-funded.

As a result, domestic abuse-related prosecutions have decreased nationally, from 93,593 in the year ending March 2017 to 53,207 in the year ending March 2022<sup>12</sup> - **nearly halved** – despite the number of recorded crimes increasing by 75% in the same period.<sup>13</sup>

Prosecutions of domestic abuse represented just 5% of all domestic abuse-related crimes. This has effectively decriminalised domestic abuse and has left victim/survivors unprotected and unsafe, relying on over-stretched community services provided by charities. Only 35% of victim/survivors can easily access the community support they need, and the picture is even worse for those from marginalised communities or with more complex needs.<sup>14</sup>

## POLITICAL RHETORIC BUT FAILURE TO INVEST IN SOLUTIONS

There is a chasm between political rhetoric, law and policy, and the experience of victim/survivors on the ground. Domestic abuse has become a legislative priority, with the introduction of the offence of coercive and controlling behaviour in the Serious Crime Act 2015 and the definition of domestic abuse brought into law through the Domestic Abuse Act 2021. Despite this, the Government's commitment to end violence against women and girls (VAWG) has not been matched by a far-reaching strategy nor backed by sufficient investment in statutory and non-statutory frontline community services for victim/ survivors.





Advance's **Whole Justice Approach** aims to improve prosecutions and convictions of abuse by working jointly with the police, the CPS, the courts, and the prison services, **supporting both professionals and victim/survivors as domestic abuse cases progress through the system.** This approach includes access to Specialist Domestic Abuse Courts (SDACs) and support from Criminal Justice Independent Domestic Abuse Advocates (CJ IDVAs) from reporting to investigation, trial, and post-trial, offers evidence-based solutions to at least some of the problems with the criminal justice process. Yet despite evidence of the positive impact of the Whole Justice Approach and women's frontline services over decades, we continue to see a failure to make effective approaches available to women everywhere.

Since 2018, as the reporting of domestic abuse incidents increased, access to justice and services has deteriorated at an alarming rate, with SDACs being closed or downgraded and inconsistent access to specialist domestic abuse units within police forces.<sup>15</sup> This has contributed to the increasing inability of the criminal justice system to protect victims and hold perpetrators to account, despite the plethora of legislation and policy documents introduced with this aim. Although in 2023 the NPCC designated VAWG as a strategic policing threat, with the same status as terrorism, there has been no specific domestic abuse national policing strategy.<sup>16</sup>

## INCENTIVES FOR REFORM

The incentives for reform are obvious, the first being to save lives. Domestic abuse is a human rights issue. It is rooted in social injustice and attitudes towards women, in sexism and misogyny, and further exacerbated by racism and other forms of discrimination including homophobia and ableism.

It disproportionately affects and further marginalises women and girls, affecting 1 in 4 of them through their lifetime. Two women are killed every week, and women who are experiencing abuse are three times more likely to make a suicide attempt.<sup>17</sup>

Domestic abuse is a public health crisis. It devastates victim/survivors, who live with domestic abuse for 2.6 years on average before they get help.<sup>18</sup> It has long-lasting impact on all aspects of their lives, including their mental and physical health, their housing and homelessness, and can even

**Millions of women and children continue to suffer serious harm for many years.**

**A woman is killed by a man she knows every three days.**



**The economic case for reform.  
Domestic abuse costs society**

**£77bn**  
a year

lead to criminalisation. It affects nearly 1 in 5 children<sup>19</sup>, leaving them with life-long trauma and affects their education chances.<sup>20</sup> It disproportionately affects young women and girls; between April 2022 and March 2023, 7.7% of women under the age of 25 experienced domestic abuse, compared to 5.3% of women over the age of 25.<sup>21</sup>

There is also an economic case for reform. Domestic abuse costs society **£77bn a year**. Women's Aid research suggests a shortfall of **£427m per year**.<sup>22</sup> A relatively modest investment in solutions could yield significant savings by reducing repeat domestic abuse incidents. By improving women's confidence in reporting and follow through with a prosecution, we can increase the rate of convictions, and improve access for victim/survivors to life-saving community-based support services and to protective measures, such as non-molestation orders.

## PURPOSE OF THIS REPORT

We summarise below some of the problems with the criminal justice response to domestic abuse and explain how the Whole Justice Approach works to address some of these. We aim to identify the gap between the Whole Justice Approach and the reality on the ground for most women, and to put forward solutions to improve practice everywhere.



## CHAPTER 1

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# **How the criminal justice system fails victims of domestic abuse**

**When a victim/survivor reports abuse, they should **expect** that the perpetrator will be arrested, charged, and prosecuted in order to face justice.**



## THE SCALE OF THE PROBLEM

Domestic abuse devastates the lives of millions across the UK. It is estimated that 2.1 million people experienced domestic abuse in England and Wales in 2023, of whom over 65% (1.4m) were women.<sup>23</sup> 1 in 4 women and 1 in 5 children will suffer domestic abuse in their lifetime. A woman or girl is killed every three days, and many take their own lives as a direct result.

When a victim/survivor reports abuse, they should expect that the perpetrator will be arrested, charged, and prosecuted in order to face justice. However, despite rising numbers in both reported domestic abuse-related incidents and reported crimes, prosecution rates continue to fall. There was a 48% increase in domestic abuse related incidents and crimes recorded by police in the years between 2018 and 2023 (599,549 to 889,918).<sup>24</sup> In contrast, we have seen



The number of domestic abuse-related prosecutions in England and Wales has decreased dramatically



ongoing decline in the number of domestic abuse perpetrators charged by the police and referred to the Crown Prosecution Service (CPS), which reduced by 37% over the same period (110,562 to 69,314).<sup>25</sup>

The number of domestic abuse-related prosecutions in England and Wales has also decreased dramatically by 43.2% from 2017 to 2022 (from 93,593 to 53,207).<sup>26</sup> In the same period, the total number of prosecutions of all types of crimes fell by 24.6%, indicating a disproportionate decrease in domestic abuse-related prosecution.<sup>27</sup>



## LAW AND POLICY CONTEXT

### Positive steps

There has been some legislative progress in recent years which the Government asserts is a demonstration of their commitment to ending violence against women and girls, including domestic abuse. **The Domestic Abuse Act 2021** introduced a statutory definition of domestic abuse for the first time, making clear that domestic abuse is not only physical, but also includes emotional, controlling, or coercive behaviours, and economic abuse. It also recognised children as victims of domestic abuse in their own right, and not simply as witnesses. The Act gave powers to the Home Secretary to appoint an independent Domestic Abuse Commissioner to be a voice for victim/survivors, raising awareness of domestic abuse and challenging government to deliver on their promises to tackle violence against women and girls.

New crimes have also been established in legislation to further protect women and girls. The offence of controlling or coercive behaviour in an intimate or family relationship was introduced in the **Serious Crime Act 2015**, reflecting an improved understanding of the dynamics of domestic abuse as a pattern of behaviour over time, including non-physical abuse. In 2015, so-called “revenge porn” was criminalised under the **Criminal Justice and Courts Act** and later introduced as part of the Domestic Abuse Act 2021. Under the **Online Safety Act**, which passed into law in October 2023, prosecutors will no longer need to prove perpetrators intended to cause distress when sharing private sexual photographs in order to secure a conviction. In 2022, non-fatal strangulation as a specific offence came into force, ensuring that perpetrators who use strangulation to control or frighten their victim are held to account.

Protections do currently exist for victim/survivors. From 2024, updated Domestic Abuse Protection Notice (DAPN) and Domestic Abuse Protection Order (DAPO) will be piloted in three areas of England and Wales, building on other protection orders which have been in place for some years.<sup>28</sup> A police-issued DAPN gives victims of domestic abuse immediate protection following an incident by requiring a perpetrator to leave the victim’s home for up to 48 hours. A DAPO provides flexible, longer-term protection for victims upon application to the relevant court. Breach of a DAPO will be a criminal offence which carries a maximum penalty of up to five years’ imprisonment.

Several schemes have also been introduced to help protect victim/survivors. Clare’s Law, or the Domestic Violence Disclosure Scheme, allows police to share information about an individual’s previous history of abuse or violence. The introduction of Kay’s Law means police have a duty to consider the views of victims before releasing someone on bail. Introduced in 2022, it encourages the use of pre-charge bail instead of releasing suspects under investigation, where it is necessary and proportionate.

The Home Office released their **Tackling Domestic Abuse Plan** in 2022, in which it detailed its priorities, which included prioritising prevention, including an audit of police prevention work; supporting victims, with a commitment to fund community-based support workers and

pursuing perpetrators through criminal sanctions reform and perpetrator interventions. The plan also committed to creating stronger systems to enable better support for victim/survivors of domestic abuse, and more support for police to help identify and reduce the risks of suicide in cases involving domestic abuse. The plan however does not make provisions for funding for a wide range of long-term, community-based support for victim/survivors, and prosecutions are at such a low level that many of the measures do not provide safety for millions of women and children.

## Gaps in law and policy

Despite these positive steps forward in legislation and policy, there are still wide-ranging gaps. The Government introduced the Domestic Abuse Act with an assurance that it would lead to more perpetrators brought to justice and better protection for victims. This, however, did not include migrant victim/survivors who remain disadvantaged by the lack of a firewall to stop data sharing between statutory agencies and immigration enforcement, meaning that they are obstructed from reporting abuse and seeking help for the fear of being deported.<sup>29</sup> Migrant victim/survivors with no recourse to public funds can also remain trapped in violent relationships due to financial dependence on their abuser.

The Domestic Abuse Act also included a statutory duty on local authorities relating to the provision of safe accommodation for victim/survivors and their children. However, evidence indicates that victim/survivors have been unable to access safe accommodation due to lack of capacity.<sup>30</sup> This duty also does not extend to all victim/survivors as it does not include children or victim/survivors with no recourse to public funds, such as those with insecure immigration status.

There is also no statutory duty to provide support to all victim/survivors of domestic abuse in their community unless they flee their home. There is limited funding for community-based support services to help victim/survivors stay in their own home and community, leading to patchy and inconsistent support across the country.<sup>31</sup>

Implementation of criminal law is an even greater challenge, and schemes such as Clare's Law do not always offer the protection for which they're designed.<sup>32</sup> The dramatic deterioration in prosecution and conviction rates since 2018 shows that urgent and drastic action is needed to ensure that the criminal justice system acts to protect women affected by domestic abuse, prosecuting offences effectively and proactively, in recognition of the seriousness of those offences and in line with the Government's commitment.

The **Victims and Prisoners Bill**, introduced in 2023, offers an opportunity to mitigate some of these gaps. At its introduction, the Bill was met with disappointment from experts and campaigners. There have been calls for amendments to the Bill, such as further protection for migrant victim/survivors through a firewall between police forces and immigration enforcement and extended eligibility for support schemes, as well as further collaboration between local authorities and relevant commissioners and funding for specialist community-based support services.<sup>33</sup>

## FAILINGS OF THE CRIMINAL JUSTICE SYSTEM

Victim/survivors are failed by the criminal justice system at every step of the process, from initial contact with the police, during court proceedings, and even after perpetrators are sentenced. Victim/survivors face significant barriers to engaging in the process; when they are able to report, they are often met with a poor response from the professionals who should be there to protect them. The same issues occur time and again throughout the process – **lack of communication, poor attitudes and operational challenges**.

Many women tell us that the criminal justice system can make them feel like nothing more than evidence. Because of their often-poor experience and in the face of long court delays, victim/survivors may choose to withdraw from proceedings, leading to cases being dropped due to 'evidential difficulties', as so many cases hinge on a victim/survivor's experience. Police officers and other criminal justice professionals in turn face their own operational difficulties in dealing with the large numbers of domestic abuse-related crimes and incidents.

Even if a victim/survivor makes it through the entire retraumatising process and a conviction is secured, many will be left in the dark once the court proceedings are over. This means that, for example, victim/survivors do not know if and when their perpetrator is released from custody.

These are not new issues; the All-Party Parliamentary Group on Domestic and Sexual Violence's 2015 report highlighted a need for culture change, better communication with victim/survivors and a move away from victim-led prosecutions.<sup>34</sup> Frustratingly, close to decade later, these issues are still present throughout the criminal justice system and have in many cases worsened.

The next section of this chapter explores how the system fails at each stage in the journey. The quotes have been provided by women supported by Advance throughout the criminal justice process, as well as by the highly specialist Criminal Justice Independent Domestic Abuse Advocates (CJ IDVAs) who support them.



### Recommendation

- ▶ Victims/survivors of domestic abuse must be able to access specialist long-term, **community-based support**, which meets their needs, provided by appropriate services.
- ▶ Police and other criminal justice agencies must **develop specific responses for women affected by domestic abuse**, recognising the bias, sexism and misogyny that exists within structural systems, and ensure there is clear leadership and that structures exist to tackle those.





***“She might not want to report because she is scared, or it might put her at further risk... There is a balance that needs to be reached and so much of it can be done by working with the woman.”***

ADVANCE IDVA

## BARRIERS TO REPORTING

### Fear and mistrust

There are barriers to victim/survivors reporting domestic abuse to the police in the first place, with only an estimated 24% of victims reporting the incidents to the police.<sup>35</sup> On average, victims live with domestic abuse for between 2.3 years and three years before receiving help.<sup>36</sup> Women often cite lack of trust in the justice system and a fear of or lack of confidence in the police as reasons why they do not report. This has been worsened by news of the crimes of officers such as David Carrick and Wayne Couzens, and further demonstrated by the Casey Report which described the Met Police as institutionally sexist, racist, and homophobic.<sup>37</sup>

Women tell us they need to trust that the system will support them before they disclose. They tell us that they need to feel understood, and that this needs to be consistent across all the systems that they work with.

***“Reporting the ‘Threat to Kill’ was kind of testing the water as it were... you know if they’d decided to charge him for that and I felt believed and supported on that, then I probably would have told them everything.”***

VICTIM/SURVIVOR

Women fear reprisal from the perpetrator, their family or wider community for coming forward, or that it will lead to the removal of their children to the care system. If they do come forward, the criminal justice process can be severely traumatic, where they are likely to be asked personal and probing questions. Yet there is little chance of a successful prosecution, meaning that for many women, the retraumatisation was not ‘worth it’.

For Black and minoritised women in particular, the barriers to reporting their abuse can include victims’ mistrust of the authorities. Racial prejudice or misunderstanding by the authorities of the victim/survivor’s cultural context can lead to reports not being taken seriously or followed up effectively.<sup>38</sup> Research by Refuge showed that Black women were 3% more likely than white women to report abuse to the police, but that the police were 14% less likely to refer them for support.<sup>39</sup>

For migrant women, whose immigration status and no recourse to public funds may be used against them by a perpetrator, there are additional barriers to seeking police support. As well as challenges including language barriers, there is a real and pervasive fear of being reported to immigration control by the police officers in whom they’re putting their trust. An investigation by the Domestic Abuse Commissioner found that every single police



force in England and Wales shared victim/survivor data with immigration control agencies over a three-year period.<sup>40</sup>

For LGBTQ+ women, their sexuality and/or gender identity can be both a tool used against them by a perpetrator, and a barrier for them to come forward to report to the police.<sup>40</sup> LGBTQ+ people are more likely to experience abuse from multiple partners, and the types of abuse are often more prevalent. In 2018 the National LGBTQ survey found more than nine in ten of the most serious incidents, including domestic abuse, went unreported, often because respondents thought 'it happens all the time'.<sup>41</sup> LGBTQ+ people might face challenges in reporting abuse due to experiences of entrenched homophobia and transphobia, stereotyping, stigma, and a lack of understanding from the professionals who are there to help.<sup>43</sup>

Disabled women are twice as likely than non-disabled women to experience abuse in their lifetime and often their abuse continues for longer.<sup>44</sup> Intimate partners or family members might act as a carer putting them in a place of power and in some cases can create challenges to accessing support as they might not be believed. Social isolation through exclusion due to physical and environmental inaccessibility and through stigma and discrimination can also be exploited by a perpetrator and be a barrier to accessing support and disclosing abuse.<sup>45</sup>

If a woman is known to the police already due to offending behaviour - even if directly through her experiences of domestic abuse - she might not be believed or taken seriously. If she does call the police, she might be criminalised herself and arrested under a domestic abuse-related crime or incident.<sup>46</sup>

The fear of removal of children is another contributing factor to a woman not seeking criminal justice support in the first place or for them dropping out of the process. In Advance's report 'A safe space to go like this', many women

*"I was arrested as my partner made false accusations, and I didn't think the police dealt with that well. Also they took my medicine away when I was in the cell and they didn't give it back when I left. They also advised me to leave the flat even though it was mine, and I felt like that [happened] because they couldn't be bothered to deal with him."*

SURVIVOR

we spoke to said that social services 'are deeply feared because of their perceived power to remove children.'<sup>47</sup>

Children with the perpetrator can also be a barrier to reporting. The reasons vary and some include a desire to seek reconciliation with the perpetrator to keep the family together, a fear of upsetting the children, a desire to ensure the children do not have a negative impression of either them or the abusive parent, or to maintain contact between the children and the abusive parent.<sup>48</sup>

For these reasons, not all victim/survivors wish to pursue a conviction - it may be that although they want the abuse to stop, they do not want involvement with the justice system.



## Recommendation

- ▶ Police must immediately refer all victims/survivors who report their abuse to specialist support services, regardless of the action taken on their case and level of risk assessed by non-specialist police staff.
- ▶ Police must develop specific and appropriate responses for Black, migrant, and/or other minoritised women, who must have access to specialist 'by and for services' which are culturally-informed and appropriate, recognising the structural racism and other forms of bias existing within structural systems.

## Initial response to domestic abuse reports

When victim/survivors do find the strength to report domestic abuse, they may later withdraw their support for police action. For those that do wish to report, poor attitudes from criminal justice professionals toward domestic abuse result in high levels of victim/survivor attrition.<sup>49</sup> These issues are likely to be compounded by additional experiences of racism for victim/survivors from Black, minoritised and migrant groups.<sup>50</sup> A negative experience, driven by backlogs and insufficient funding, as well as a lack of communication can mean that victim/survivors do not feel like they will ever see justice.<sup>51</sup>

An appropriate response by police officers through the investigation process is key to victim/survivors' continued engagement and support for proceedings against their abuser. Where women do not feel safe to disclose abuse or feel believed by the police, they are unlikely to support a prosecution of their abuser. Prosecutions frequently collapse due to over-reliance on the victim/survivor supporting the case. A negative experience can lead to a victim/survivor losing confidence, not supporting police action, and not reporting future incidents.

In 2017, HM Inspectorate of Constabulary Fire and Rescue Services (HMICFRS) pointed to several issues as to why victim/survivors were not supporting police action.<sup>52</sup> This included operational pressures, delays in responding to victims, and police not always getting it right in the first instance, which often lead to victim/survivors losing confidence.<sup>53</sup>

*"Every time I go to the police I just get ignored – to be honest I just stopped going there. I also feel like I've been blamed, for example they would say 'why didn't you say that before', and the reason is because I am never believed."* SURVIVOR

Women supported by Advance tell us that a positive first response from the police is vital to ensure they have the trust and confidence to move forward with the criminal justice process. While some women have told us that they have had positive encounters with police, others have told us that they felt 'humiliated', not listened to, or rushed. They tell us that providing multiple statements and remembering details can be difficult due to the trauma of their experiences, and often this is not understood by professionals. Inconsistencies in response to domestic abuse across police forces means that women who experience domestic abuse and encounter police are not guaranteed the right support when they need it.

*"The first police officer who talked to me convinced me to make a statement so the police could tell him his behaviour wasn't okay. She made me feel safe and that it would be okay. She then had a week off and another officer took over."*

*"He listened but said things to me like 'not that I'm supporting the perpetrator, but I do that with my kids'. It seemed that [he] had been charmed by the perpetrator and seemed to be convincing me to make peace with him. I thought the police were on my side - but they weren't."*

SURVIVOR

Various statutory reviews have found that the police response to domestic abuse is consistently unsatisfactory. Police response requires neutrality; however, women tell us that they have felt that the police at first response have sided with the perpetrator or have felt blamed by them for inaction. Throughout the last decade, HMICFRS has investigated the police response to domestic abuse, initially finding that the service for victims was not good enough and forces needed to take decisive action to improve their



## Her Story Her Justice

practices.<sup>54</sup> These inspections have shown that whilst there have been efforts to make improvements in some areas, there is still little evidence of positive outcomes, particularly when compared to other serious crimes such as terrorism and county lines offending.<sup>55</sup>

Despite efforts to improve understanding of the dynamics of domestic abuse including coercive and controlling behaviour, and the impact of trauma on victim/survivors' mental health, progress has been slow. DA Matters training has been rolled out amongst police forces across England and Wales, 'to create long term, sustainable improvements and consistency in the response to domestic abuse.'<sup>56</sup> However, an investigation at the end of 2021 found that only 60% of forces had adopted the training; over those, nearly three-quarters had trained fewer than half of officers.<sup>57</sup>

*"They were very nice to me but they just don't know what domestic violence is. You don't feel you can open up to them as I don't feel they are very interested."*

SURVIVOR

The Casey Review into the Metropolitan Police concluded that the force was institutionally misogynistic, racist, and homophobic, and that women and children have been put at great risk due to 'the de-prioritisation and de-specialisation of public protection.'<sup>58</sup> The Review recommended that culture change must be prioritised, to tackle systemic sexism and intersecting forms of discrimination and to challenge bias towards the women and girls reporting to the police. Police forces, including the Metropolitan Police, have responded to these inquiries to implement action plans which indicate a move to prioritise violence against women and girls.<sup>59</sup> These plans must now be fully delivered upon, with wholesale cultural reform within the police nationally to ensure that victim/survivors are supported throughout the entire criminal justice process.



## Recommendation

- ▶ Police and other criminal justice agencies must develop specific responses for women affected by domestic abuse, recognising the bias, sexism and misogyny that exists within structural systems, and ensure there is clear leadership and structures to tackle those.
- ▶ All criminal justice agencies must embed clear **communication protocols** to keep victims/survivors and specialist DA advocates (including CJ IDVAs) updated about their individual case throughout the process, from investigation through to post-sentence.



## INVESTIGATION AND COLLECTING EVIDENCE

### Barriers within the police and CPS

Police officers working on domestic abuse investigations report their own barriers, including being overworked, facing long waiting lists for forensic analysis and a lack of access to specialist victim support services.<sup>60</sup> The increase in domestic abuse reports in recent years, which has not been met with sufficient investment by the criminal justice system, has led to unmanageable caseloads for specialist teams tasked with investigating.<sup>61</sup>

*“Myself and Advance had to chase the police quite a lot for information.... and everything felt very last minute.”*

SURVIVOR

The rate of cases referred by police to the CPS, and prosecutions carried forward, gradually increased from 2006 to 2016; however, since then and despite an increase in reports to the police, this trend has since been largely in decline.<sup>62</sup>

The rate of successful convictions for the cases that make it court increased from 60%<sup>63</sup> in the year ending 2006 to 77.8% in the year ending 2022.<sup>64</sup> Whilst this appears to be positive progress, this is possibly a result of a significant number of cases being dropped due to evidential difficulty.



### Recommendation

- ▶ The Government should introduce a **duty on Crown Prosecution Service and police to collaborate** with each other and with specialist support services to increase positive or successful outcomes for victims/survivors.
- ▶ All criminal justice agencies must embed clear **communication protocols** to keep victims/survivors and specialist DA advocates (including CJ IDVAs) updated about their individual case throughout the process, from investigation through to post-sentence.
- ▶ The police and CPS must **set and report on public targets** to increase the number of “evidence-led”/ “victimless” domestic abuse investigations and prosecutions.
- ▶ The Home Office and Ministry of Justice should produce a matrix of **performance of police and criminal justice authorities** which demonstrates how forces and other agencies are performing in their response to domestic abuse.



## Evidence-led prosecutions

Too often, the burden of providing evidence to continue with an investigation is placed on the victim/survivor, rather than effective evidence-gathering by the police and CPS. A Criminal Justice Joint Inspection in 2020 noted that all domestic abuse cases should have an evidence-led approach to avoid over-reliance on the victim.<sup>65</sup> Despite a shared understanding of what is required for an 'evidence-led' prosecution, on average 75% of cases during the pandemic were discontinued by police based on evidential difficulty.<sup>66</sup> The Casey Review found that in the past 5 years, between 33% and 48% of domestic abuse flagged crimes resulted in evidential difficulties due to a lack of support from the victim.<sup>67</sup>

*"There was always not enough evidence... it was very frustrating."*

SURVIVOR

In 2021, HMICFRS pointed to police forces not undertaking effective initial investigations, and in some cases placing the onus on victim/survivors as to whether they would want to move forward. Not only would this have implications on the delivery of an investigation, it also could lead to retraumatisation for the victim/survivors, or even potential repercussions by the perpetrator.<sup>68</sup>



## Recommendation

- ▶ The police and CPS must **set and report on public targets** to increase the number of "evidence-led"/ "victimless" domestic abuse investigations and prosecutions.

## Inconsistent use of safety orders

Women tell us that once they report their abuse, they do not feel safer. Investigation processes can be long, and without effective communication from the police, victim/survivors are not always fully informed on their rights to safety measures. Even when these measures are in place, they are not always enforced and perpetrators may 'push the boundaries' of those orders. Concerns have been raised about under-resourcing and the need for training and investment to enable the police to use protective measures effectively.<sup>69</sup>

*"One [perpetrator] was not allowed to enter the home, so would circle her house and honk the horn to let her know he was there... Police thought they were unable to act as he was not allowed within a certain distance of the house; but this was harassment and I had to show that to the police."*

- ADVANCE IDVA

When victims report domestic abuse incidents to the police, there are various protective order options. These orders all require police attention when breached, to ensure that they are adhered to. As well as the new DVPOs and DVPNs, existing protection measures include bail conditions, non-molestation orders, restraining orders, and occupational orders, which each play a role to protect victim/survivors, for example by preventing the perpetrator from entering a premises.

The police have been criticised for failing to implement protective measures effectively in domestic abuse cases.<sup>70</sup> About a quarter of safety measures issued were breached every year between 2018/19 and 2020/21.<sup>71</sup> A report by HMICFRS found inconsistent use of protective orders across police forces and that breaches of orders are not always acted upon.<sup>72</sup> They reported in two-thirds of cases, officers were unable to identify a breach of safety orders as either a criminal offence or indication of continued harassment and abuse.<sup>73</sup>



## Recommendation

- ▶ The criminal justice system must ensure that victims/survivors are **protected** from perpetrators at all opportunities, including pre- and post-trial, during bail and parole, through the **effective implementation and monitoring of protection orders**.
- ▶ The police and courts must implement appropriate sanctions for perpetrators who breach their bail, licence or caution **conditions**.

## HIGH ATTRITION PRE-TRIAL AND AT TRIAL

### Retraumatisation

The process building up to and during trial for victim/survivors can be highly stressful, which can increase the likelihood of attrition. The women we support tell us that they experience delays in trial dates being fixed, or multiple adjournments causing further delays, the stress of which can be compounded by severe court backlogs and poor communication from and between the criminal justice services involved which includes barriers to specialist measures, and pre-court visits.

*"It can feel like replacing a bully for a bully... the defence lawyer is replacing the bully that you've got away from, and he is in your face... and that is hideous. It should not be allowed."*

SURVIVOR

In some cases, women have told Advance that they feel like they have been left out of the court process or discouraged from attending. Victim/survivors must have the option to choose whether they attend court physically, and in what way that is best for them, to ensure the best outcome for them and their children.



*"They will see the perpetrator in court, but often they won't see the victim. A lot of times, the magistrates won't want the victim present during their own hearing. Which is mind blowing. You should want to see her, you should want her involved, and you should want her to be able to access information about her own case."*

ADVANCE IDVA



## Recommendation

- ▶ The Ministry of Justice must prioritise tackling **court backlogs** which currently extend victims/survivors experience of trauma through lengthy and delayed proceedings.

There is also evidence that perpetrators were 'gaming the system' by entering not-guilty pleas in hopes that a victim/survivor would not want to attend the court hearing, in which she would have to give testimony.<sup>74</sup> In several cases where the victim/survivor did not appear in court, the case was quickly dismissed, and the defendant acquitted.

## CPS operational challenges

The CPS has made public commitments to improve outcomes for domestic abuse victim/survivors, such as the Domestic Abuse Best Practice Framework, adopted in 2019 and updated in accordance with the Domestic Abuse Act 2021.<sup>75</sup> We await the publication of a joint plan with the police to improve the handling of domestic abuse cases, which we hope it will take account of the findings of this report.<sup>76</sup>

HM Crown Prosecution Service Inspectorate (HMCPSI) noted in a recent inspection that despite clear passion and commitment from staff

to achieve positive outcomes in domestic abuse cases, competing demands and high workloads lead to a lack of prioritisation.<sup>77</sup> Responding to the report, the Domestic Abuse Commissioner expressed disappointment and called on the CPS to address the deficiencies identified as a matter of urgency.<sup>78</sup>

*"The CPS, when making charging decisions, make this huge decision with a life changing impact and they are completely faceless, and something feels very wrong about that. I would have really liked to understand why."*

SURVIVOR



## Recommendation

- ▶ The Government should introduce **a duty on CPS and police to collaborate** with each other and with specialist support services to increase positive or successful outcomes for victims/survivors.



## Communication

Whilst communication throughout the process is poor, women we support tell us in particular that they do not feel listened to or considered by the CPS, resulting in them feeling that they are left without proper communication on their case. In some instances, if court has been adjourned or the date has been changed, this has not been communicated to the victim/survivor. Women tell us that the language used can make it feel inaccessible and hard to navigate. They often don't feel represented by those in court, including prosecutors and feel their experiences are not understood.

*"There is a lack of communication and a lack of transparency with the victim. This is especially the case regarding bail hearings. For example, if bail has been extended, [the survivor] won't know. No-one would have told them."*

ADVANCE IDVA

Ongoing communication failings between the CPS, police, and victim/survivors also result in a deepened mistrust of the system. HMCP's 2023 inspection noted that 'the failure to attend efficiently to important witness care communications may mean that opportunities to put in place supportive measures or to review the strength of the case and take appropriate action are missed, to the detriment of victims, witnesses, defendants, and the courts' valuable time.'<sup>79</sup> HMCP found that over half of letters to victims did not meet the CPS' standard on timelines and 1 in 5 did not meet the standard on quality.<sup>80</sup>

*"I had very little to do with the case, they sort of kept me away from it."*

SURVIVOR



## Recommendation

- ▶ All criminal justice agencies must embed clear **communication protocols** to keep victims/survivors and specialist DA advocates (including CJ IDVAs) updated about their individual case throughout the process, from investigation through to post-sentence.



## Special measures

Under the Domestic Abuse Act 2021, victims of domestic abuse are automatically eligible for special measures to protect them, for example from having to see their perpetrator in court. However, it does remain with the court to decide which, if any, measures are put in place.<sup>81</sup> Court will not grant special measures if they believe that it will infringe on the victim/survivor's ability to give evidence. It is also often up to specialist support services to remind and push for the special measures in court.

*"They were very supportive; Advance was the one guiding me and the police. Advance reminded them about screens."*

SURVIVOR

A HMCSI 2023 inspection found that more than half of relevant cases did not meet the relevant standard for the consideration of special measures.<sup>82</sup> Without effective training and understanding of domestic abuse, there is a risk that court staff will fail to effectively safeguard victim/survivors of domestic abuse. SaveLives found in 2021 that in some cases, there was a breakdown in communication between professionals which resulted in special measures not being applied.<sup>83</sup> The 2023 HMCSI report also found that in some cases where special measures were sought out, they did not always adhere to what the victim wanted and in other cases, police information indicated that victims or witnesses wanted a special measures meeting to take place, but this was not offered by the CPS.<sup>84</sup>

Access to and funding for specialist support, such as IDVAs, also varies. In areas where access to IDVA support is in place, the CPS is not always aware.<sup>85</sup> In some cases, IDVA support in court is discouraged and disallowed by the presiding judge despite their presence indicating better outcomes for victim/survivors. These issues are explored in the next chapter.



## Recommendation

The rights of victims must be enshrined in law as the Victim's Code in the Victims and Prisoners Bill, including:

- ▶ A statutory duty to provide all victims/survivors affected by domestic abuse throughout England and Wales with access to specialist support, whenever and for as long as they need it, regardless of the 'level of risk' they face and beyond accommodation support.
- ▶ Access to specialist Criminal Justice IDVAs in all police stations or court settings, accessible to all victims/survivors affected by domestic abuse and delivered by services which are culturally competent and appropriate.
- ▶ Recognition and accreditation of Specialist Domestic Abuse Courts which must be rolled out nationally, including the rights of victims to access special measures in court, ensuring that they are adhering to the principles which identifies them as specialist.



## SENTENCING OUTCOMES

Many victim/survivors who have experienced domestic abuse tell us that perceived leniency in sentencing can make their experience feel invalidated. It can make them feel that the process, and the trauma caused by it did not equate with the sentence. Often sentencing can suggest that the criminal justice system lacks understanding about the pattern of abuse, the impact on the victim/survivor and minimises the harm caused.

*"His sentence was very lenient – it was a real disappointment - so many women are too scared to press charges, and then you see someone getting 3 months for ABH, it just isn't going to deter him from doing it again."*

SURVIVOR

Victim Personal Statements (VPS) are an important tool for many victim/survivors to communicate the impact that the perpetrator's actions have had. We know from our experience supporting women through the criminal justice process that these are however not always considered by the court or sought by the CPS, meaning that magistrates, judges or juries are not able to hear the full impact that the abuse had on the victim/survivor.

*"I made a four-page personal statement and it never made it to court which was disheartening."*

SURVIVOR

This is especially concerning considering the Government's recent Sentencing Bill which puts a duty on judges to give suspended sentences where a defendant would serve less than 12 months in prison. This measure may leave a large proportion of victim/survivors feeling unsafe and without justice, if not delivered with adequate other protections. Although an amendment has been proposed to exempt cases where the defendant could be shown to cause significant physical or psychological harm, there are concerns that probation services do not have the capacity to properly manage offenders, nor to advise courts on the dangers posed by perpetrators of domestic abuse.<sup>86</sup>



## Recommendation

- ▶ **Sentencing** for domestic abuse must reflect the seriousness of the crime; the risk to victim/survivors must be considered fully when community sentences are given to perpetrators with a pattern of abuse.



## POST-TRIAL

Even after the conclusion of a trial, the system continues to fail victim/survivors. Lack of communication and missed opportunities to seek long-term safety measures mean that victim/survivors are being left unsupported and unsafe.

1 in 5 applications for appropriate restraining orders made by the CPS on acquittal and conviction were found by HMCPSI to not meeting the required standard.<sup>87</sup> In too many cases, police are not acting upon breaches of safety orders, and if they are acted upon, they are not necessarily resulting in a conviction.

Probation has a role to play in ensuring the safety of the victim/survivors once a perpetrator is convicted; however, sufficient checks are not being made. A 2023 inspection by HM Inspectorate of Probation found 30% of people on probation are current or previous perpetrators of domestic abuse and only 28% of people on probation had been sufficiently assessed for any risks of further domestic abuse.<sup>88</sup> A 2022 inspection of probation services in London found that only 25% of cases inspected had satisfactory risks assessments, and that police domestic abuse checks were not made in 64% of relevant cases.<sup>89</sup>

Women supported by Advance tell us that they have not always been informed straight away or at all when the perpetrator was released from prison. This ultimately leaves victim/survivors unsafe and unprepared. Once the trial is over, victim/survivors are often navigating through many other statutory services including social care and housing. The early release of a perpetrator can cause issues within these processes including pushing urgency in securing safe accommodation, which might mean that a woman and her children are moved into emergency accommodation in lieu of a potential secure tenancy.

*"I knew he was released from prison when I saw him walking down my road."*

SURVIVOR

Abuse does not always stop; the tactics may change. We have seen examples of perpetrators continuously applying to vary or revoke the restraining orders in place against them. There is no limit or time restraint on how often this can be done, so it can be used to leave victim/survivors in perpetual limbo, which means that they are often not able to move on with their lives.







In other cases where children are involved, women we support have either been requested to go to family court by an ex-partner or sought out to go themselves. In many cases, perpetrators have used Family Courts to perpetuate abuse.<sup>90</sup> Often, abuse is not believed or effectively considered even when protective orders have been granted. There has been a worrying rise in allegations of ‘parental alienation’, a disputed theory which is used by perpetrators to discredit victim/survivors.<sup>91</sup> The process can be extremely long, arduous and traumatising, particularly as access to specialist in-court support may require the other parents’ consent, which often is not given.

Victim/survivors who have experienced domestic abuse and require mental health services to address their trauma often face long waiting lists. When addressing their past experiences and healing from trauma, they might want to access information from the court, including court transcripts. However, these are often not available to them as they are very costly.<sup>92</sup>



## Recommendation

- ▶ Prison and probation practitioners must be fully and **regularly trained** by specialist women’s organisations with expertise in all forms of domestic abuse to improve decision-making and cultural attitudes towards victims/survivors.

Domestic abuse devastates the lives of women and children. It requires a joined-up, multi-agency approach to support women affected by abuse to navigate the various statutory services, and to minimise having to continuously explain their situation over and over again. It ensures that all necessary services are communicating with one another and not working in silos against each other, leading to more difficulty.

Justice is not simply about securing a conviction, it is about making sure the women are safe from further harm. This includes ensuring that she can access safe accommodation, mental health services, access to community support in safe women-only spaces such as at Advance. It is about ensuring that she can access support and build skills, so she is able to move on with her life - to not just survive, but to thrive.

Long-term domestic abuse support services are vital to support victim/survivors through the criminal justice process to encourage attendance, continued engagement and rebuild trust in the system. We discuss the evidence for this in the next chapter.





## CHAPTER 2

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### **The Whole Justice Approach**

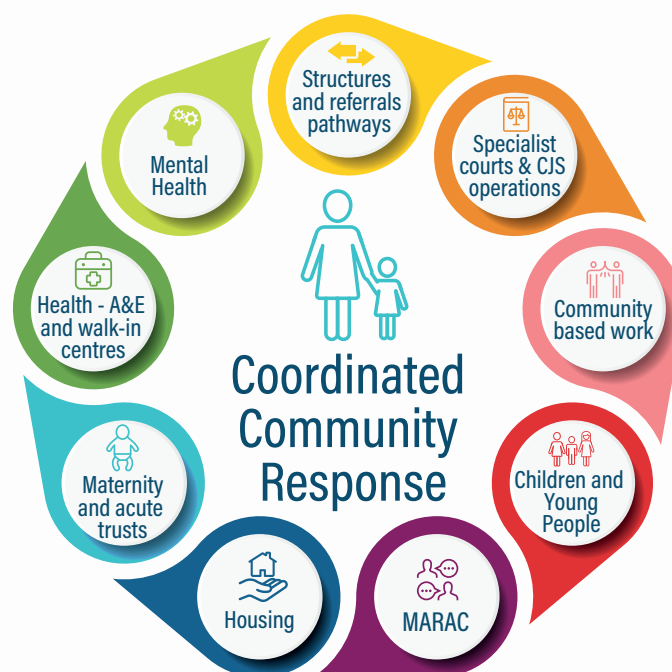
— a specialist criminal justice response  
from reporting to sentencing and post-trial

## Advance was founded to develop an innovative response to victim/survivors of domestic abuse in their community, with a focus on the criminal justice system.

This was because most victim/survivors did not escape abuse by fleeing to a refuge, but lived with abuse, often for years; meanwhile, most perpetrators were neither charged nor convicted. In 1998, Advance came together with statutory agencies, including the police, to respond to the fact that of the 1,000 domestic abuse incidents reported in Fulham in 1996, there were only 55 charges (5%) and just 10 convictions (>1%).

Working jointly with Standing Together Against Domestic Abuse (STADA) and the London Borough of Hammersmith and Fulham, this led Advance to develop the **Coordinated Community Response**, based on the work of the Duluth response and Ellen Pence in the USA. The aim was to respond to the victim/survivor as a whole person, addressing the varying barriers and needs of that person which can prevent them being safe across the whole system.

This approach shifts the responsibility away from the individual and onto the community and both statutory and voluntary services there to support them. Services must work effectively as individual agencies and jointly with others to secure the safety of the victim/survivor and their children and hold perpetrators to account.<sup>93</sup> Criminal justice agencies, including the Police, Crown Prosecution Service, the Courts, and Probation are key partners in this approach.



Advance and STADA helped to develop one of the first **Specialist Domestic Abuse Courts** (SDACs) in Hammersmith in 2002, and the development of the specialist Independent Domestic Violence/ Abuse Advocate (IDVA) role, which in 2005 became the IDVA Model that we know today.

The **SDAC** model was developed with the understanding that domestic abuse requires a unique and specialist criminal justice response due to the complex nature of the victim and perpetrator relationship, and a failure by the criminal justice system to address domestic abuse previously. Underpinned by the CCR, the SDAC model provides a consistent and coordinated process for criminal justice personnel, victim/survivors, and perpetrators.

SDACs have six essential elements<sup>94</sup>:

1. A coordinated response and partnership working between criminal justice agencies and specialist support services.
2. Multi-agency protocols and procedures which are shared amongst the partners.
3. A dedicated SDAC coordinator with knowledge of the protocols and expertise in domestic abuse.
4. Robust and extensive monitoring, evaluation, and feedback framework which record the impact of the model.
5. Domestic abuse advocacy services and IDVAs for victim/survivors, involved from the initiation of a case.
6. A focus on victim, survivor, and witness safety issues in and out of court, including special measures.



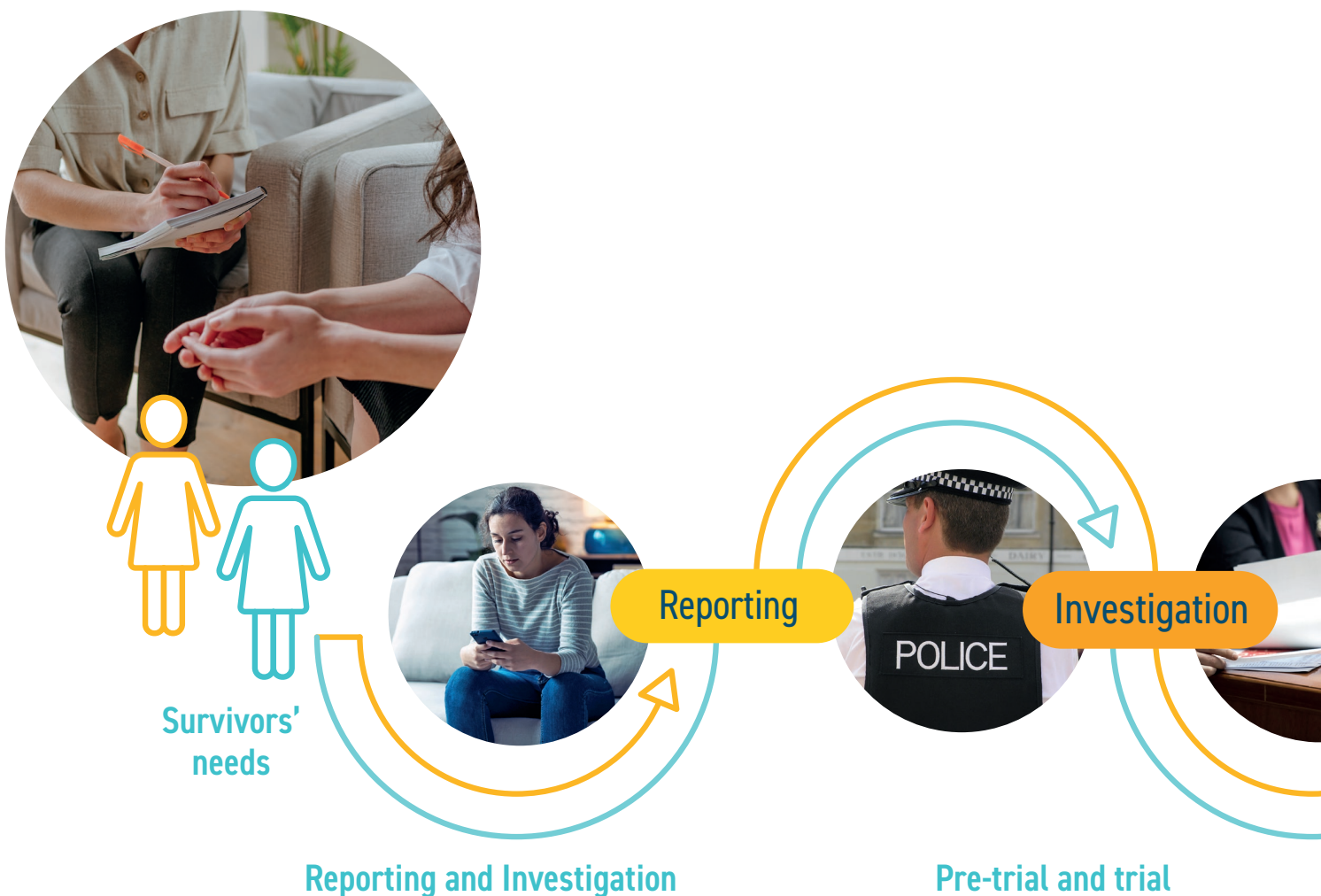
In 2013, Advance brought this model together with a new specialist role of the **Criminal Justice IDVA** (CJ IDVA) to establish the **Whole Justice Approach**. This specialist model provides direct support to and criminal justice expertise for victim/survivors and works closely with criminal justice agencies to advocate for them, with a CJ IDVA working alongside a **specialist Court Coordinator** to identify and manage domestic abuse cases, delivered within an **SDAC**.



## ABOUT THE WHOLE JUSTICE APPROACH

The **Whole Justice Approach** supports victim/survivors who are going through the criminal justice system. It aims to improve prosecutions and convictions of abuse by working jointly with the police, the CPS, the courts, and the prison services as domestic abuse cases progress through the system. The approach focuses on specialist professionals **working together to reduce the risk** in domestic abuse cases. This is achieved through **co-location and sharing of information and expertise** which ultimately results in a **better relationship between police agencies** and advocacy agencies such as Advance, improving the police response to victims of domestic abuse in the first instance. The approach was shaped and driven by the desire to reduce the risk posed by perpetrators of domestic abuse, to hold perpetrators to account, and to increase victims' confidence in the criminal justice response to domestic abuse.

**Criminal Justice IDVAs (CJ IDVAs)** are unique in their role; while IDVAs often provide crisis support, specialist CJ IDVAs can provide longer term support throughout victim/survivors' engagement with the criminal justice system, as well as in other areas of their life, such as housing, counselling, and financial support. This can help to mitigate some of the additional practical and emotional barriers victim/survivors experience while going through domestic abuse court proceedings.

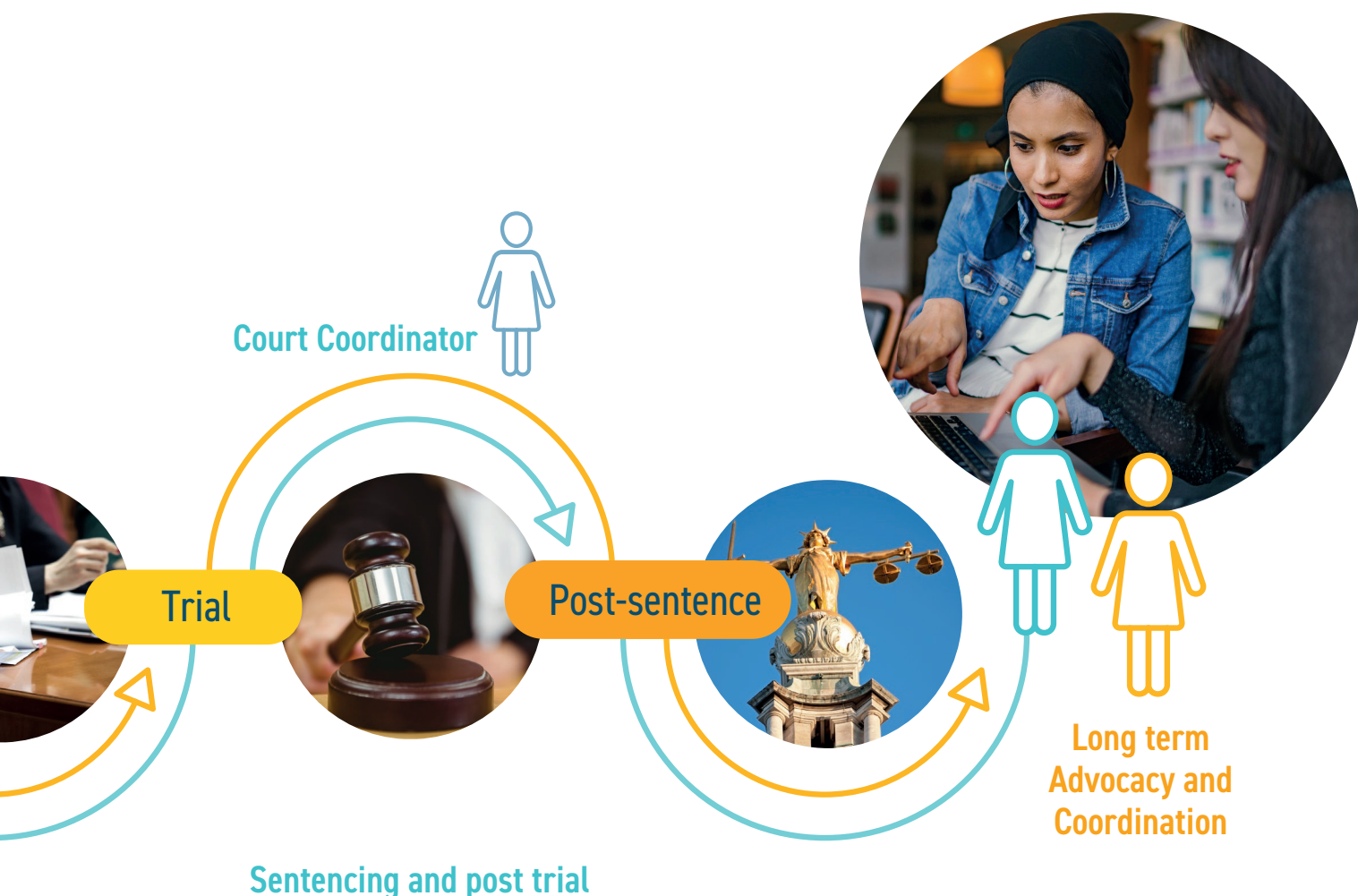




Whilst CJ IDVAs fulfil a number of roles, central is the emotional support they provide to victim/survivors. Victim/survivors have highlighted the significance of receiving emotional support from ‘*someone who understood their situation*’.<sup>95</sup> IDVAs keep victim/survivors up to date with developments from the police and the CPS, resulting in a better flow of information between the court, victim/survivor and other criminal justice agencies.<sup>96</sup> This flow of information gives victim/survivors more accurate expectations of the CJ process, meaning they are more likely to stay engaged with their case.

CJ IDVAs also offer crucial practical help to victim/survivors and statutory partners. They are vital in the implementation of safety measures, which help victim/survivors engage in the CJS processes.<sup>97</sup> The co-located model, where IDVAs work side-by-side with police and other partners improves and strengthens collaborative working, information sharing and opportunities to share specialist knowledge.<sup>98</sup>

IDVAs use their advocacy skills to counter any views expressed by officers that may undermine victim/survivor safety, the importance of which has only increased in the face of concerns around victim-blaming culture in the police. IDVAs also provide training which gives police and prosecutors a greater understanding of the “victim perspective”.<sup>100</sup>



## THE WHOLE JUSTICE APPROACH IN PRACTICE

The Whole Justice Approach is delivered through the Impact Project, a partnership with Advance, STADA, the London Borough of Hammersmith & Fulham (LBHF), the Metropolitan Police Service (Met), and the CPS, alongside the Westminster Magistrate's Court which has housed an SDAC since the closure of Hammersmith Magistrates Court.

Since 2015, the Impact Project has provided:

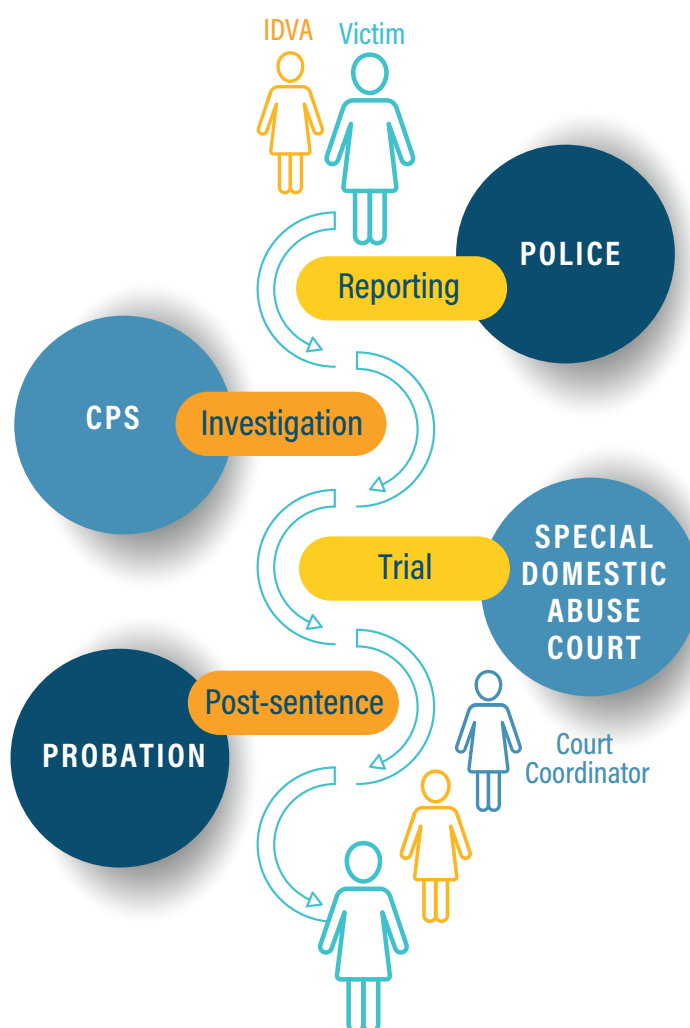
- Specialist Criminal Justice IDVAs to support victim/survivors throughout the criminal justice process
- Specialist Project Coordinators to track cases and monitor performance, undertake interventions to minimise poor outcomes for victims, and reduce the risk of case attrition.
- Delivery within the Specialist Domestic Abuse Court where trained court personnel, including magistrates and clerks work together on a dedicated date focused on domestic abuse cases.
- Specialist police officers dedicated to jointly investigate and prepare cases

The success of this project is explored throughout in this chapter. As detailed in chapter 1, we know from our work with women that anxiety around an intimidating and bureaucratic criminal justice process can make some victim/survivors reluctant to come forward. The Impact Project places the victim/survivor at the heart of the criminal justice response. It provides a **CJ IDVA** and the **Court Coordinator** to bring together domestic abuse cases, relevant criminal justice agencies and specialist services to best support victim/survivors. The Whole Justice Approach, in this way, provides specific and direct impact at every stage of the criminal justice process.

*"There are so many issues with the system, but when we can make it work it can be beautiful and can deliver justice and safety for women."*

CJ IDVA

### The Whole Justice Approach



**52%**

increase in the proportion of arrests leading to charges for the perpetrator in Hammersmith and Fulham\*

\*Between 2014 and 2017 where the MPACT project has been established.

## Reporting and investigation

Determined advocacy from the specialist CJ IDVA begins from the initial report, supporting the victim/survivor with emotional and practical help in whatever form the victim/survivor needs. Alongside this, the CJ IDVA co-locates with investigating police teams, providing expertise and advocating for the needs of the victim/survivor.

The CJ IDVA co-locates with police – that is, she is based for part of her time at a police station where she works along side officers and other professionals to provide a joined-up, collaborative approach to case building. This also means that victims who are identified by police can be immediately referred for support by a specialist who understands their unique situation and experience, and who can offer a supportive and non-judgemental relationship, meaning that victim/survivors are supported to report any further evidence of abuse from the very first moment.

*“It is my role to support them with what they need as they navigate what can be a very complicated and intimidating system. I will receive a referral to support a woman from different agencies, and will then work with that woman, the police, the Crown Prosecution Service (CPS) and the courts to best meet her needs.”*

CJ IDVA

The CJ IDVA explains the criminal justice process to the victim/survivor and keeps them updated every step of the way. This could mean explaining types of sentences and sanctions, as well as different types of hearings or other points in the process. The CJ IDVA will also explain the role of the police and the work that they are doing during the investigation.

If a victim/survivor has a poor relationship with the police – perhaps due to previous discrimination or criminalisation – the CJ IDVA can be the link into the officers, keeping the victim/survivors engaged whilst minimising the risk of further trauma.

*“While it is important that we work closely with the different criminal justice agencies, it is even more important that we are external and separate so the victim feels that she can trust us, and we can lay out all her options, so she is able to make an informed choice about her own life, and her own trauma.”*

CJ IDVA

The CJ IDVA and project coordinator also act as partner to police officers at the investigation stage. This looks like consistent knowledge-sharing, formal and informal training for police staff on the dynamics of abuse, the risks and needs to safeguard victim/survivors and ways to improve their response to victim/survivors. They drive police staff to be trauma-informed in practice and to see domestic abuse as a pattern of behaviour, while holding them to account when they are not. They will also challenge if a victim/survivor is arrested for counter-allegations, whilst inadvertently criminalises their response to abuse.

*“My role includes official training, but by working in proximity with the police it also allows us to build trust and provide one another with ongoing support and advice... It allows me to build that trusted relationship with police... to get that mutual trust, and to get that cross training where we both get to understand what the other does and how we can help each other.”*

CJ IDVA



These specialists liaise with police to inform them of other support that the victim/survivor needs; for example, if documentation is needed to help them secure accommodation, driving a Coordinated Community Response between police and social services to protect victim/survivors and their children. The CJ IDVA and project coordinator will also support police to explore and apply all available protection options for victim/survivors, including injunctions and protection orders.

## **Pre-trial and trial**

Once a perpetrator has been charged and the trial begins, the CJ IDVA works with a specialist Court Coordinator to advocate for special measures for the victim/survivor, support in building the case against the perpetrator by sharing evidence and keeping police colleagues updated on hearing outcomes. The CJ IDVA will liaise with court staff and other personnel on behalf of the victim/survivor, planning pre-trial visits and other measures to reduce the risk of the victim/survivor withdrawing from the daunting process. This ideally happens at a Specialist Domestic Abuse Court (SDAC), where all personnel are committed to a specialist response for domestic abuse.

*“Having a SDAC is incredibly important for safety planning, and it really makes the difference to keep the victim engaged, and to ensure key information is made available to those who need it.”*

CJ IDVA

The CJ IDVA will continue to keep the victim/survivor totally informed on the stages of the process and will work with them to safety plan in response, including in-person practical and emotional support before, during, and after the trial, going as far as to ensure they have a way to get to court safely and will sit next to them while giving evidence.

*“When I am supporting a woman, her safety and justice is central to what I am doing. So, I keep her abreast to every aspect of her case, which allows me to support different relevant criminal justice agencies to also stay informed, and ensure vital information isn’t missed.”*

CJ IDVA



The team will track and support the case building by the police and CPS, and will push to keep the victim/survivor at the heart of all proceedings; for example, informing the relevant bodies of new evidence or informing authorities of unsafe bail addresses. They will also continue to advocate for and provide training on trauma-informed practice and the dynamics of abuse.

The team will drive the need for other special measures, such as screens or video links for evidence provision. The CJ IDVA will also work with the police to implement additional safety measures such as protective orders and appropriate conditions, and the project coordinator will monitor to ensure that breaches of these orders are acted upon.

## Sentencing and post-trial

After sentencing, the CJ IDVA continues to provide emotional and practical support for the victim/survivor, enabling her to provide a Victim Impact statement, as well as keeping her updated on possible parole and probation arrangements. The CJ IDVA will also continue to provide long-term emotional support for the victim/survivor, helping them to see the positive outcomes of the process and providing encouragement for them to re-engage with the process if needed later.

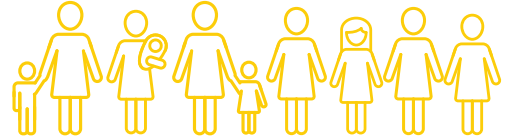
The CJ IDVA continues to advocate for the needs of the victim/survivor to other criminal justice agencies, including prisons and probation services, to ensure she is protected from harm once the perpetrator is released from custody.



## THE IMPACT OF THE WHOLE JUSTICE APPROACH

Since 2013, Advance has worked with over 1000 women going through the Specialist Domestic Abuse Court, supporting them with a specialist Criminal Justice IDVA. The Whole Justice Approach leads to better outcomes for victim/survivors and appropriate penalties for perpetrators. The impact of the Approach has been demonstrated through **evaluations of the IMPACT project and the Peer Court in 2016, 2020 and 2022.**

Since 2013 Advance has worked with over 1,000 women, supporting them through the Criminal Justice System.



97%

97% of survivors supported by CJ IDVAs felt that **where abuse had reduced, this was in part, due to support and advice from Advance.**



96%

96% of survivors supported by CJ IDVAs felt more **confident in knowing how to report a crime and where to go for help if needed in the future.**



95%

95% of survivors supported by CJ IDVAs felt there had been **improvements in their self-esteem and feelings of independence**

## Reporting and investigation

> Victim/survivors reported that CJ IDVA support had been 'valuable in encouraging them to continue with their case'.<sup>101</sup>

>  **52%** ↑

Between 2014 and 2017, there was a **52% increase in the proportion of arrests** leading to charges for the perpetrator in Hammersmith and Fulham where the IMPACT project has been established.<sup>102</sup>

> Stakeholders reported that CJ IDVAs handling communications improved engagement from the onset, due to the mistrust of victim/survivors in the police.<sup>103</sup>

> Police officers reported that 'knowledge of domestic abuse is improved, along with how to build an effective case for these types of offences, leading to less reliance on the victim as witness, which can lead to cases being lost when victims do not support a prosecution'.<sup>104</sup>

> Police officers reported that the trusted relationship with co-located IDVAs allowed safeguarding and support workers to sit with someone who is fully equipped and trained to provide this.<sup>105</sup>

*"I started feeling safe since I received support from police and Advance. My IDVA was very supportive, and she was with me all the way when I needed the support. I am very grateful for the support I have received from my IDVA."*

SURVIVOR

## Pre-trial and trial

> According to CPS feedback, IDVA support for victim/survivors resulted in higher engagement and a greater likelihood that they would attend court to give evidence.<sup>106</sup>

> Stakeholders felt that the Westminster SDAC model improved victim/survivor engagement with the process, as well as the improved management of risks inside and outside the courtroom.<sup>107</sup>



35%

There was a **35% increase in conviction rates** between 2014 and 2019 in Hammersmith and Fulham, where the IMPACT project has been established.<sup>108</sup>

> The conviction rate in 2019 was also **34% higher in Hammersmith and Fulham** than in a comparable borough where there is not a Whole Justice Approach service.

> In 2016, the proportion of unsuccessful court cases where the primary reason was "victim and witness evidential issues" **dropped by 32%**.<sup>109</sup>



32%

*"IDVA explained the process in detail, I felt supported at court which really helped me."*

SURVIVOR

*"The staff [at the SDAC] in general, they were really reassuring to me, they were comforting, they would check in on me, they were polite, they were kind."*

SURVIVOR

## Sentencing and post-trial

> Between 2016 and 2019, the proportion of perpetrators who entered an "early guilty plea" **increased by 8%**, meaning the traumatic process for victim/survivors was somewhat mitigated. This was 91% higher than in a comparable borough without a Whole Justice Approach service.<sup>110</sup>

> There was a nearly **100% increase** in the proportion of cases in which a restraining order was imposed on the perpetrator.<sup>111</sup>



100%

> The proportion of perpetrators given a rehabilitative sentence, meaning that they had access to behaviour programmes which could address their abusive behaviour was nearly **three times higher** in Hammersmith and Fulham than in a comparable borough.<sup>112</sup>

*"I knew that I was supported and that people here are there to help me and my children; I received calls from Advance, from police, from everyone that wanted to help me from the start... I was surprised in a good way by so much support."*

SURVIVOR

## THE CHALLENGES FACED BY WHOLE JUSTICE APPROACH

**Despite the obvious and positive outcomes for victim/survivors offered by the Whole Justice Approach, progress has unfortunately slowed since 2018.**

### Reduction in specialisms and approach by the Met and CPS

Operational changes in the approach to domestic abuse by the Met Police and CPS at a London-wide and national level resulted in a change to resource, personnel, and knowledge, and this has had a marked negative impact on the success of the project.

The marked improvement in **the proportion of arrests leading to charges dropped by 36%** in 2020, after the operational change in the force. There was also a **16% increase in the number of arrests which resulted in 'no further action'**.<sup>113</sup> The Whole Justice Approach can have a real and sustained impact on outcomes for victim/survivors and for the criminal justice system. When, however, one aspect of the approach is not prioritised or does not receive adequate investment, such as the restructuring of police teams in 2018, we see steps backwards and a marked decline in progress.

### Inadequate training in domestic abuse

One of the key principles which is required in the running of an effective SDAC is that it is made up of trained and dedicated criminal justice staff including police, CPS, court staff, magistrates and probation staff. Yet research has found that just 27% of magistrate staff, including those that sit on SDACs received specialist DA training in the last 5 years; 18% had not had any DA specialist training in the previous 2 years; and 17% had never received any specialist DA training. Of those trained, only 53% indicated that their training included the offence of coercive and controlling behaviour.<sup>114</sup>

### Lack of specialist CJ IDVAs to support victim/survivors

Criminal Justice IDVAs also face barriers and challenges. SafeLives estimated in 2021 that 71% of victim/survivors did not receive any support during court proceedings, and only 14% received support from a dedicated Court/Criminal Justice IDVA.<sup>115</sup> There are ongoing issues with funding and capacity of specialist IDVA services. While the government has committed ring-fenced funding for 1000 IDVAs and ISVAs nationally, this does not include a commitment to fund specialist IDVAs.

Often women experience multiple barriers which require IDVA support before criminal justice support. Services are overstretched, meaning IDVAs only have capacity to focus on crisis intervention. This leaves little room for further expertise of the type a CJ IDVA could provide. Funding must be made available to ensure that specialist IDVA services can be commissioned, leading to better outcomes for women and the system.



## Limiting access of CJ IDVAs to the police and courts

As discussed above, the CPS are not always aware of the role of an IDVA. Research found that one in five IDVAs are prohibited from attending court.<sup>116</sup> Family courts may also refuse access to an IDVA if it is 'satisfied that it is not in the interests of justice'. Court backlogs also create further barriers for IDVAs to access court. This emphasises the need for Criminal Justice IDVAs to support victim/survivors for long periods of time and through extremely traumatising experiences, putting further pressure on domestic abuse services.<sup>118</sup>

## Decommissioning of Specialist Domestic Abuse Courts

A 2023 mapping exercise conducted by Standing Together found that there is a patchwork of practice across England and Wales.<sup>119</sup> A review into SDACs in 2018 found that perpetrators were 'gaming the system' by entering not-guilty pleas in hopes that a victim/survivor would not want to attend the court hearing, in which she would have to give testimony.<sup>120</sup> In several cases where the victim/survivor did not appear in court, the case was quickly dismissed, and the defendant acquitted. The Whole Justice Approach can support victim/survivors through the court process system and to encourage attendance and continued engagement, mitigating these additional challenges. Furthermore, special measures should extend to an understanding of the coercive and controlling nature of domestic abuse, and how that might affect a victim/survivor attending court.

Despite evidence of their success in increasing access to justice in domestic abuse cases, SDACs have largely vanished. A 2011 report which found that SDACs were more successful in bringing perpetrators to justice when they exhibit all components to make up a Coordinated Community Response.<sup>121</sup> In 2012 it was revealed that 18 SDAC sites were closed.

According to research by STADA, over half of magistrates' courts have closed since 2010. Of the 156 magistrate courts open across England and Wales in 2022, STADA identified 57 SDACs and a further 38 courts which referred their domestic abuse cases on to an SDAC. The SDACs that remain open face significant issues. Many cover multiple areas due to closures and inconsistent processes from area to area limit the courts' ability to engage with specialist victim support services.<sup>123</sup>

The government has stated that the principles of SDACs are being rolled out across all magistrates' courts in England and Wales.<sup>124</sup> In 2015, the CPS created the Domestic Abuse Best Practice Framework which intends to implement best practice across all courts.<sup>125</sup> However, there are concerns over inconsistent provisions for victim/survivors across the country, how the framework will be monitored, and how improvements will be made.<sup>126</sup>

Not all SDACs are following the key principles put in place to make them 'specialist'. Concerns were raised in a report by the Domestic Abuse Commissioner and SafeLives in 2021 which found that a breakdown in communication between SDACs, police and IDVAs often resulted in a failed trial and a failure to secure special measures for victims.<sup>127</sup> A report by Sorooptimist International Great Britain and Ireland in 2022 found similar results in SDACs as well as other magistrate courts.

**Her Story**  
**Her Justice**



## CHAPTER 3

# **Women's Stories** of seeking justice

## Lily's Story

*Lilly and her ex-partner were in a relationship for 7 years and had 3 children. Her ex-partner was controlling, physically and sexually abusive, and unsupportive of their family. After separating, he continued to harass and threaten her.*

*Lilly was first referred to Advance by the police following an assault by her ex-partner. He was charged and the case was committed to the Crown Court, where he pleaded not guilty and was released on conditional bail with instruction not to contact her or to enter her borough. The case was adjourned several times before a trial was fixed, leaving Lilly anxiously waiting.*

*The CJ IDVA worked with the specialist domestic abuse court coordinator, provided by STADA, to keep Lilly updated throughout, enabling her to engage in and navigate the complex court process. As the trial was approaching, the CJ IDVA discussed the process in detail so that Lilly would have an idea of what to expect and provided her with reassurance to continue with the daunting process. The CJ IDVA explained the safety measures available for attending court, and contacted the witness care officer to ensure requests for these measure were granted.*

*The CJ IDVA also discussed a restraining order and conditions which could be requested to protect Lilly and her children, and a copy of the request was sent to the offers involved in the case. This was vital as Lilly was fearful of the repercussions of continuing with the proceedings.*

*On the day of the trial, the CJ IDVA met Lilly at court and provided support throughout. Because her ex-partner changed his plea to guilty, Lilly was no longer required to give evidence and thus go through a retraumatising experience. Lily was able to provide a Victim Personal Statement, which was heard at the sentencing hearing. This allowed Lilly to make clear the impact on the abuse on her life, and to show her abuser that she had come out of the experience stronger.*

*Her ex-partner was sentenced to a community order with an expectation to attend a domestic abuse perpetrator rehabilitation programme, as well as a GPS tag and a restraining order. Lilly was worried her ex-partner might go to her home once his GPS tag has been removed, so her CJ IDVA provided further safety advice and explained her housing rights, worked with the local authority housing team to arrange a house move and liaised with the police to make Lilly feel safe in her home, including installing additional locks and a panic alarm.*

*Alongside the criminal proceedings, and as part of Advance's offer of a holistic wraparound response, Lilly was given support in other areas of her life that had been affected by her experience of abuse. This included support for her children and liaison with children's services, as well as emotional and mental health support.*

*After her experience, and thanks to the support she received, Lilly said she felt more confident in reporting to the police and now has more faith in the criminal justice system as a whole. She is now looking ahead to a life free from abuse for her and her family.*

## Daria's Story

*Daria was referred to Advance by the police, following an assault perpetrated by her ex-partner. Daria had been in a relationship with her ex-partner for 10 months, having known him socially for over a decade. Her ex-partner was controlling, manipulative, and physically abusive. Daria's relationship with her adult children had broken down due to her ex-partner's behaviour, and he had also isolated her from friends who tried to raise the alarm.*

*Daria's CJ IDVA worked with her throughout the investigation and trial process. Her CJ IDVA explained the process thoroughly, including what to expect at court. Daria was understandably very anxious about the trial process. Her CJ IDVA supported her to write a Victim Personal Statement, arranged a pre-trial visit and other special measures including a separate entrance into the court building. Daria was very worried about giving evidence; her CJ IDVA provided emotional support on-the-day, ensuring that Daria knew she had the strength to go through with the process.*

*Daria was also provided with help in other areas of her life. She had some mental health needs, having been diagnosed with depression. Her CJ IDVA helped her look at her options around therapeutic support and encouraged her to meet with her GP to review her medication.*

*The CJ IDVA also used her connections with the police to ensure that Daria's home was made safer, including additional security measures and protocols to which the police would respond.*

*Daria's ex-partner was found guilty in court. Daria felt very proud at how much courage she showed by attending court to give her evidence and was grateful for the support provided by the Criminal Justice IDVA.*





## CHAPTER 4

# **The incentives** for reform

## THE IMPACT OF DOMESTIC ABUSE ON INDIVIDUALS AND SOCIETY

**It is now widely understood, both socially and in legislation, that domestic abuse includes not only physical abuse, but also psychological abuse, coercive control, sexual, financial, and emotional abuse.**

**The consequences of abuse include impact on women's physical and mental health, their housing and homelessness, their children's wellbeing, as well as their relationship with their children, and potential criminalisation.**

### Impact on women's physical and mental health

The impact of abuse on women's physical and mental health cannot be understated. 65% of women receiving domestic abuse support from Advance in 2024 reported that they have been depressed or had suicidal thoughts.<sup>128</sup> Almost 8 in 10 women receiving support from Advance after they had had contact with the criminal justice system reported mental health issues – 70% of these same women are victim/survivors of abuse.<sup>129</sup> Due to the known stigma and lack of support services for mental health issues, it is likely that this number is under-representative of the true issue. Nearly 1 in 2 women receiving support from Advance for their experiences of abuse have been subject to physical attacks.<sup>130</sup> 28% of women supported by Advance report having problematic substance use.<sup>131</sup>

Women with experience of intimate partner abuse are three times more likely to have made a suicide attempt within the past year, compared to women who have not experienced abuse.<sup>132</sup> Women who experience domestic abuse or violence to have shown a three times increase in the likelihood of depressive disorders, four times increase in the likelihood of anxiety disorders, and a seven times increase in the likelihood of post-traumatic stress disorder (PTSD).<sup>133</sup> Women

with mental health needs attempt to leave their partner on average three times before they succeed.<sup>134</sup>

Particularly concerning is the increase in serious harm and suicide faced by women during and since the Covid-19 pandemic. During the ten-month period from March to December 2020, ten women who were supported by Advance died, compared to just one death in each of the previous two years. Of the 10 women who died, 8 deaths were as a result of a suicide or an overdose. Two were as a result of long-term abuse and poor health.<sup>135</sup>

Losing any life is abhorrent; to see such a marked increase in a very short period is devastating. There is a distinct lack of centralised oversight of the rates and impact of suicide and self-harm, as well as domestic homicides.

*"I hardly ever went to see my GP as my husband wanted to keep all medical things private, but this year I finally went and she immediately referred me to the domestic abuse charity Advance. I had attempted suicide three times in the last two years because I could not cope with the abuse."*

SURVIVOR



## The damaging impacts of domestic abuse remain devastating, wide-ranging, and long lasting, and the harm to women and children living with abuse lasts a lifetime.

*Advance helped me to find the courage and means to leave my husband just before the first lockdown. They gave me emotional support and guidance with budgeting and food and applying for benefits and a place to live."*

SURVIVOR

### Impact on women's housing and homelessness

Successive studies show the links between women's experience of domestic abuse and homelessness. Up to two-thirds of women receiving domestic abuse support from Advance in 2023 expressed a need around housing and security.<sup>136</sup>

Due to the additional risks associated with women rough sleeping, this often leads to further and differing abuse, and at times criminalisation. Although victims of domestic abuse are entitled to priority homelessness support from their local council following the Domestic Abuse Act 2021, often women will still face multiple barriers to this support which might relate to insecure immigration status, or long waiting lists.

*"I was scared to approach the council's [housing team] because I thought I would not be believed".*

SURVIVOR





In the year ending March 2023, a Government report into homelessness found that for households with children, housing was one of the most common support needs; the most common reason for the loss of previous accommodation was domestic abuse.<sup>137</sup> Households considered homeless due to domestic abuse increased by a third compared to before the Covid-19 pandemic.<sup>138</sup>

### Impact on the children and mothers

The implications of living with domestic abuse for children can have far reaching effects. Experiences of domestic abuse in the household can negatively affect children's mental health and can lead to an increased risk of school truancy, early sexual activity and substance misuse.<sup>139</sup> Children who are victims of domestic abuse are also more likely to become homeless and experience sexual exploitation.<sup>140</sup>

*"The whole engagement with social services causes so much anxiety and so much stress."*

ADVANCE SUPPORT WORKER

Domestic abuse is one of the leading factors for a child to be considered in need of support by local authority children services.<sup>141</sup> This in turn can lead to a cycle of harm - looked after children are up to six times more at risk of a caution or conviction of an offence than children who are not in local authority care.<sup>142</sup> They are more likely to be the victim of criminal or sexual exploitation.<sup>143</sup> Up to 1 in 4 care leavers have been homeless; 14% have been street homeless.<sup>144</sup>

*"There's so much fear around involvement of social services. It's not seen as a support, it's... you know, people are terrified of it."*

ADVANCE SUPPORT WORKER



### Impact on women's criminalisation

The UK Government has reported that nearly 60% of women in prison and under community supervision are victims of domestic abuse.<sup>145</sup> For the women supported by Advance who have been criminalised, this figure is closer to 7 in 10.<sup>146</sup> Research has found that there is a direct link between women's criminalisation and their experience of domestic abuse and other forms of exploitation.<sup>147</sup> Research by Advance has shown that this might occur where a woman is coerced into committing crime, or where she uses force in self-defence against her abuser.<sup>148</sup>

*"You just get pushed to a point where you are driven crazy. It's not just the physical abuse, it's the mental abuse – it's draining and you just get to a point where you snap and you break yourself."*

SURVIVOR



## The economic cost to society

It is estimated that domestic abuse cost society **£77billion in 2022** in England.<sup>149</sup> The largest proportion of this cost relates to the harm caused to the victim/survivor and the services they must access, including health, criminal justice, and social care.<sup>150</sup> However, the impact on children may not be adequately reflected in this estimate.

The cost of domestic abuse provision to support victim/survivors is tiny by comparison. The additional amount needed is modest when compared to the potential costs savings. When compared to the cost to the public, and the benefits to most women who go on to be free from abuse, it is a necessary cost.

Safe Lives have estimated that to fund a whole system of domestic abuse support services for the whole family – that is, adult and child victim/survivors and perpetrators – public investment of £2.2billion is needed.<sup>151</sup> This estimated additional amount is reasonable when compared to the potential cost savings of £23bn.

Women's Aid estimates that there is a £427million shortfall in funding for existing domestic abuse support; £238million of this should be allocated to community-based support.<sup>152</sup> With proper investment in the domestic abuse sector, **the public purse could save as much as £23billion annually.**<sup>153</sup>

Despite rising reports of domestic abuse, funding for domestic abuse services has been in decline over the last decade. This includes a 26% cut in councils' overall spending power, which disproportionately affects women and children.<sup>154</sup> This has resulted in a postcode lottery for access to services. A survey by the Domestic Abuse Commissioner found that most victim/survivors were not able to access the support that they

wanted, 35% of support organisations were running services without any dedicated funding and 27% had to cease some services due to a lack of funding.<sup>155</sup>

Delivering the Whole Justice Approach also presents huge potential for cost-efficiency. Advance estimates the cost of a CJ IDVA in 2024 is up to £54,000 per year. STADA estimates the cost of a specialist court co-ordinator is up to £50,000.<sup>156</sup> Some additional administrative costs may be incurred, such as police vetting, but these are minimal – likely just a few hundred pounds per person. Delivery of a Specialist Domestic Abuse Court also does not have much meaningful additional cost, as much of the clustering protocols and staff training needs are absorbed as part of the CPS's Domestic Abuse Best Practice Framework. It is therefore a modest investment of **£16.4million** to establish a Whole Justice Approach service model, with an SDAC, CJ IDVA and court coordinator in every magistrate's court in the UK.

Each IDVA on average will support 60 women per year, equating to an average of £900 per woman. Together with the cost of coordination of courts, mental health and other wraparound support, the annual cost of support through the Whole Justice Approach is estimated at £2,000 per victim/survivor per year; Advance currently **receives just £450 per victim/survivor of domestic abuse** through the statutory funding, which is needed to provide lifesaving and life-changing support.<sup>157</sup>



**Advance currently receives just £450 per victim/survivor of domestic abuse**

## CHAPTER 5

### Conclusion

A woman's ability to leave an abusive situation can be greatly impacted by various factors including her children and dependants, finances, health, and insecure immigration status. The cost of abuse to her, her family, and to society are clear and disastrous. Victim/survivors have been let down by the systems which should be in place to support them. Despite the marginal progress that was seen up to 2018, the sharp decline in criminal justice action and capacity, drops in funding, and heightened pressures of the pandemic and cost-of-living crisis mean that the system is at a breaking point.

It is vital that the state and community organisations invest in, protect, and prioritise victim/survivor's rights and needs. This must be in the form of long-term, holistic, community-based support, which gives survivors the help that they need, for as long as they need it. It must also mean all statutory and non-statutory partners work together to rebuild victim/survivor's trust in the criminal justice system, and that the system reforms to improve accountability, transparency, and attitudes towards domestic abuse.



## SUMMARY OF RECOMMENDATIONS

To improve the criminal justice system's response to domestic abuse, we must ensure that:

1. **Victim/survivor's rights are enshrined and protected in law and systems, with a recognition that domestic abuse is a serious crime which requires long-term and holistic support for all victim/survivors.**
2. **Criminal justice agencies work to rebuild women's trust in their services and engage them actively, meeting them where they are at and in their community.**
3. **There is an overhaul of criminal justice processes and practices to improve standards and accountability, focusing on the perpetrator and ensuring victim/survivors are safe and see justice.criminalisation.**

### Victim/survivors' rights and support

Victims/survivors of domestic abuse must be able to access specialist long-term, **community-based support**, which meets their needs, provided by appropriate services.

The Government should implement:

- A statutory duty to provide **all** victims/survivors affected by domestic abuse throughout England and Wales with access to specialist support whenever and for as long as they need it, regardless of the 'level of risk' they face and beyond accommodation support.
- Access to **specialist Criminal Justice IDVAs in all police stations or court settings**, accessible to all victims/survivors affected by domestic abuse and delivered by services which are culturally competent and appropriate.
- **Re-establishing and accrediting a national network of Specialist Domestic Abuse Courts**, including the rights of victims to access special measures in court, ensuring that they are adhering to the principles which identify them as specialist.



## Building trust in the criminal justice system

Police and other criminal justice agencies must develop specific responses for women affected by domestic abuse, recognising the sexism, misogyny, and racism that exists within structural systems, and ensure there is clear leadership and structures to tackle those biases.

- Police must immediately **refer all victims/survivors** who report their abuse to specialist support services, regardless of the action taken on their case and level of risk assessed by non-specialist police staff.
- Police must develop **specific and appropriate responses** for Black, migrant, and/or other minoritised women, who must have access to specialist 'led by and for services' which are culturally competent and appropriate, recognising the structural racism and other forms of bias existing within criminal justice systems.
- The criminal justice system must ensure that victims/survivors are **protected** from perpetrators at all opportunities, including pre- and post-trial, during bail and parole, through the **effective implementation and monitoring of protection orders**.
- All criminal justice agencies must embed clear **communication protocols** to keep victims/survivors and specialist DA advocates (including CJ IDVAs) updated about their individual case throughout the process, from investigation through to post-sentence.
- The MoJ must prioritise tackling **court backlogs** which currently extend victims/survivors experience of trauma through lengthy and delayed proceedings.





## Criminal justice processes and practices

Criminal justice agencies must commit to new processes and practices which increase **transparency and accountability**.

- The police and CPS must prioritise the needs of victim/survivors throughout an investigation, and should **set and report on public targets** to increase the number of “evidence-led”/ “victimless” domestic abuse investigations and prosecutions.
- HMICFRS, the NPCC and College of Policing should establish an **Independent Scrutiny and Oversight Board** with an aim to monitor delivery and maintain standards from perspective of victims/survivors. A statutory duty to respond to the recommendations from this board should be implemented in relevant legislation.
- The Home Office and Ministry of Justice should publish a matrix of **performance of police and criminal justice authorities** which demonstrates how forces and other agencies are performing in their response to domestic abuse.
- **Sentencing** for domestic abuse must reflect the seriousness of the crime; the risk to victim/survivors must be considered fully when community sentences are given to perpetrators with a pattern of abuse.
- The police and courts must implement **appropriate sanctions for perpetrators who breach their bail, licence or caution conditions**.
- Women who are arrested for DA-related incidents when acting in self-defence should be **diverted by police and offered gender-specific support** by specialist services, rather than face criminalisation.
- The Government should introduce a **duty on CPS and police to collaborate** with each other and with specialist support services to increase positive or successful outcomes for victims/survivors.
- Police and court personnel must be fully and **regularly trained** by specialist women’s organisations with expertise in all forms of domestic abuse to improve decision-making and cultural attitudes towards victims/survivors.
- The CPS should provide **training and guidance** to the police and prosecutors on evidence-led investigation and prosecution best practice.

# Appendices

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# Her Story

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