



## Annual Review Summary 2011

### The Specialist Domestic Violence Court at West London Magistrates' Court

#### Introduction

The Specialist Domestic Violence Court (SDVC) at West London Magistrates' Court (WLMC) has been in operation since October 2002. The SDVC at WLMC sits every Thursday in Court 3 and hears cases of domestic violence from the boroughs of Hammersmith & Fulham (H&F) and Kensington & Chelsea (K&C).

The operation of the SDVC is governed by a multi-agency protocol and is managed by a multi-agency Court Management Group (CMG) which meets on a quarterly basis and is chaired by a senior member of the legal team in the court. Standing Together coordinates and convenes this operational group as well as the Domestic Violence Witness Support Group (DVWSG). This is a sub group of the CMG which focuses on victim and witness issues in relation to the SDVC. The DVWSG reports issues to the CMG via Standing Together.

Every year since the SDVC was launched, Standing Together has facilitated an annual review of the Court and the partnership work around it. This review process is recognised by partner agencies as an essential way of examining the SDVC partnership performance and focusing areas of work in the future.

This report summarises the discussions and challenges reviewed at the 8<sup>th</sup> annual review held in 2011. It also outlines data used to measure the performance of the SDVC against the agreed aims.

#### The review day

The review day was opened by DCI Will Young of Hammersmith & Fulham Metropolitan Police. DCI Young reminded participants that domestic violence is and has been a priority in the borough and the SDVC remains a flagship example of the CJS response to domestic violence.

DCI Young attended the review to support the strategy for the rest of the year. He reminded participants that results come from working together, but that the review process is also a good opportunity to examine areas for improvement.

The aims of the review day were:

- To identify gaps in processes and practice;
- To work together in devising ways of resolving identified issues;
- Outline agreed actions and areas of work for the forthcoming year;
- An opportunity to celebrate the benefits and areas of best practice of the SDVC.

#### Data and monitoring of the SDVC

Several sources of data and qualitative information from partner agencies inform the West London SDVC annual review process:

- Numerical data analysed by Standing Together;
- Weekly observation and monitoring of operational issues in the Court and Partnership by Standing Together;
- Each partner agency's analysis of what is/is not working effectively to achieve the aims of the court.

Standing Together's SDVC Coordinator presented key data and trends observed in the SDVC over the past year in summarising the Annual Data and Observation Report for the SDVC 2011<sup>1</sup>. Some of the key headlines were:

- The number of defendants arriving at the Court has been steadily increasing since 2006, to a total of 360 in 2010/11.
- The proportion of defendants entering an early guilty plea in on the increase. 37% of defendants pleaded guilty initially and this constituted ¾ of all convicted defendants.
- The mean number of hearings per case, as well as the number of days between arrival and completion at the court are on the decrease, indicating improved efficiency in the SDVC.

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<sup>1</sup> Full report: [www.standingtogether.org.uk/standingtogetherlondonwhat/standingtogetherdata/](http://www.standingtogether.org.uk/standingtogetherlondonwhat/standingtogetherdata/)

- The SDVC continues to consistently impose bail conditions or remands defendants in custody during proceedings which is a positive indicator in terms of safety of victims and their children.
- The proportion of cases arriving at the SDVC with IDVA support slightly decreased overall during the year. This is in part due to the types of cases being heard in the court which do not always meet the referral criteria of the IDVA services.
- However a pilot project in Kensington & Chelsea borough involving IDVAs co-locating in the CSU gleaned very positive results in terms of a reduction in rates of discontinuance and increased referrals to the IDVA service.
- The overall conviction rate within the SDVC during 2010/11 continues to decrease and remains below the London average of DV cases<sup>2</sup>.
- According to Standing Together's figures in over half of cases which reached trial day, CPS offered no evidence or the case was discontinued.

The trends observed in relation to the conviction rate has highlighted the need to continue to evaluate the operation of the SDVC in examining where the Partnership needs to focus efforts in order to improve. The annual reviews aim to do this by concentrating efforts to encourage victims to attend trial and to obtain and present better evidence so that the victim's evidence is not solely relied upon.

### Benefits of the SDVC to partner agencies

On the review day a member of each partner agency was asked to give a short presentation at the review about the core benefits of the SDVC to their agency, and the areas in which they feel the SDVC could be more effective. The benefits to agencies included:

- Cases dealt with by specialist and experienced lawyers;
- Data and observations, offering wider perspective on issues and indicators of success
- External scrutiny is valued;
- Highlights the interdependency between agencies to achieve 'success' in terms of prosecutions, support for victims and reduction in reoffending;

<sup>2</sup> CPS figures for 2010/11 show a conviction rate of 55.1% for DV cases in Hammersmith & Fulham and Kensington & Chelsea. The London average for the same time period was 59.7%.

- CMG as an excellent forum for discussing and solving issues;
- SDVC Police Liaison Officer is a very useful resource;
- Partnership approach helps manage risk;
- SDVC encourages information sharing which enables a more effective service to victims and informed and appropriate sanctions for defendants.

### Priority issues raised by partner agencies:

- Some delays are caused in sentencing of defendants due to non reports;
- Early service of disclosure by police has a positive impact on early guilty pleas and reduces attrition;
- Case preparation needs to be more effective. Timely applications by CPS are crucial. Dates to avoid should be available at 1<sup>st</sup> hearing;
- Trials are not on SDVC days and Prosecutors can be less experienced in dealing with DV cases. Other case studies have highlighted less favourable outcomes on non SDVC days. The crucial role of the IDVAs in information exchange is not possible on non SDVC days.

### Feedback from survivors

The IDVA services spoke about the feedback they receive from clients about the SDVC and experiences of the CJS response to domestic violence. In Hammersmith & Fulham the IDVA service received 751 referrals in 2010/11. 80% of the clients felt safer after the being in touch with the service. 71% of the clients were being supported through criminal proceedings, which highlight the importance of the SDVC in ensuring an effective response to victims of domestic violence.

Some clients do not want their abusers to get a CJS sanction, but the intervention is generally welcomed. The SDVC can be a crucial element in keeping the victim and children safe. The multi-agency method of working enables the IDVA to negotiate the system on behalf of their client and provide important information to the CPS in court to ensure that decisions are based on accurate information.

The benefits of pre-trial visits was highlighted by the Witness Service at WLMC as it is an opportunity for the victim to visit the court prior to the trial and be

familiarised with how a court looks and see the facilities that are available, as well as a valuable opportunity ask any further questions about the process. It is felt that the victim is more likely to attend trial if a pre-court visit has been offered and undertaken. For these reasons it is important that the Witness Service receives timely referrals from the Witness Care Units so that they are able to make contact with the victim and offer a pre-trial visit.

### Outcomes of group discussions

A significant part of the review day involved group discussions in order to facilitate action planning based on agreed priorities. Participants were split into 3 groups each with a topic to discuss and prompt questions to consider. The outcome of this process informs the delivery plan of the SDVC Coordinator and Court Management Group for the coming year.

#### Group A: Victim/witness support

**Special measures:** an agreed process was formulated involving communication of the need for special measures between IDVAs and Police; CMG to monitor progress of this arrangement.

Special measures were also discussed in Group B in terms of the timeliness of applications for special measures to court. It was suggested that an approach be made to Operation Emerald in order to consider altering the MG2 form so that it is in an acceptable format for the Court to accept and thus removing one layer of the application process.

**Referrals to support services:** discussion related to the referrals and engagement rates of victims; work in RBKC over the previous year has resulted in clarified referral pathways within the borough; in addition the updated SDVC Protocol includes up to date referral pathways in relation support at Court; it was acknowledged that when referrals are made the engagement rates are generally high with the services; there was also recognition that engagement prior to the SDVC process is very important and maximises the chances of the victim continuing with the prosecution.

The results of the pilot project in RBKC also support the assertion that early referrals to IDVA services are important in securing support for victims and maximising the chances of success in terms of prosecution.

#### Group B: Evidence gathering / case management

Discussion in the group related to why the SDVC is not achieving a higher conviction rate. It was acknowledged that the process should not rely entirely on the victim attending trial to secure successful prosecution and that more evidence both improves the rate of guilty pleas and chances of trials going ahead without the victim. To that end, discussion was focused around evidence and case management.

**Evidence gathering:** 999 tapes are felt to be potentially compelling evidence but are rarely presented as evidence at trials in WLMC; it would be preferable for tapes to be served as standard. Quality of photographs presented at court has increased significantly, however the main issue remains that police do not have enough cameras to ensure that photographs can be taken in all possible cases; ensuring consistent supply of cameras is vital and this is an area worthy of referral to both borough's Domestic Violence Strategic Groups in order to find a solution.

**Flagging:** remains a significant issue and it is suspected that a number of DV cases are not reaching the SDVC as a result not being flagged; on SDVC days a number of cases are initially listed to other courts and then transferred into the SDVC which is very disruptive for all courts, and puts the prosecution of a case at a disadvantage as there is little time available for the Prosecutor to familiarise themselves with the file; barriers to consistent flagging include changes in rotas of police Custody Sergeants, use of electronic charge sheets and inconsistent flagging by the Court, with Saturday courts being particularly problematic due to personnel not always being familiar with the process. Reminders to be sent to Custody Sergeants and Court Listings regarding the importance of flagging; action to progress electronically flagging charge sheets.

**Learning from good practice:** the discussion and action planning of this group was ultimately aimed at increasing the conviction rate in the SDVC. It was suggested that other Courts may be achieving a higher conviction rate due to the police taking different approach towards evidence gathering. Amongst the participants were 3 SDVC Coordinators from London and Leicestershire, who were able to pass on lessons from their experiences and practice

in the SDVCs in their areas. The idea of identifying and visiting areas which appear to be achieving higher success was welcomed. This would also allow opportunity to gather examples of good practice around the country.

### **Group C: Post-conviction**

**Victim Impact/Personal Statements:** the value of victim impact statements (VIS) was acknowledged and there was agreement that efforts need to be focused to ensure more statements are available for sentencing; IDVAs have good opportunity to raise awareness of impact statements with their clients; VISs can be critical for risk assessment by Probation and working with the defendant on perpetrator programmes; another benefit of the VIS for the victim is to provide a voice when early guilty pleas are entered; WCUs are in a good position to canvas the idea of making a statement with the victim through the course of case management; researching why VISs are not being made and/or why victims do not wish to make them when they are offered would be useful.

**Delays in Pre-Sentence Reports (PSRs):** non-reports are often as a result of non attendance of the defendant to the interview with Probation; accuracy of defendant's addresses to be ensured so communication can be effective regarding appointments; consideration to be given to police Safer Neighbourhood Teams conducting address checks in cases where there has been non attendance to a PSR appointment.

**Restraining Orders:** it was acknowledged that the process of making an application for a Restraining Order is important in avoiding risk posed to the victim of having her/his wishes openly stated in court; it was agreed that CPS should explicitly make the application in court.

A guest SDVC Coordinator from Leicester told of how the CPS, IDVAs and Police have a pre-court briefing every SDVC day and use this time to go through each case listed and to exchange information in order that the hearings run smoothly. This is an ideal opportunity to discuss the need for a Restraining Order in a confidential environment.

### **Training**

Throughout the review the importance of training of personnel and Judiciary was highlighted. The SDVC (and wider) partnership are in the privileged position

to be offered multi-agency training for agencies involved in the Court, funded by ADVANCE and delivered by Standing Together. This will include a recap of domestic violence awareness, the SDVC process and local referral pathways.

At present 2 half day sessions have been booked in November 2011. The importance and value of such training was widely acknowledged throughout discussion at the review; the multi-agency method being of particular use so that all agencies involved in the SDVC are able to give input.

In addition to the multi-agency training, Standing Together and ADVANCE have offered to conduct training for police officers new to the boroughs and any other uniformed officers as appropriate.

### **Feedback from participants about the review process**

Feedback obtained from participants of the review indicated that the process is found to be useful and of value, particularly in relation to the action planning within groups. The information and statistics provided to inform the day's discussions was also welcomed.

Some participant quotes:

*'Data is critical and cannot be underestimated'*

*'The review is an excellent way to monitor our performance + that of our partner agencies. It's very useful – people are frank and honest about their shortcomings'*

*'The actions made and allocated to agencies to make positive changes, especially around special measures'*

*'A discussion of all those involved in SDVC reveals common views and allows joint problem solving'*

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