

# LESSONS TO SHARE 2007

## Four years at the Specialist Domestic Violence Court, West London

### Introduction

Over the past year there has been a very rapid increase in the number of Specialist Domestic Violence Courts in England and Wales. The West London Specialist Domestic Violence Court (SDVC) is one of the five original SDVCs, and, after nearly 5 years of operation, is the longest running one in London. Standing Together Against Domestic Violence, with its partner agencies, continues to provide a safer environment for those experiencing domestic violence who need to use the criminal justice system, and to coordinate the work of the partner agencies working with the court.

Over the past year, the partnership has continued to embed best practice, and to identify where changes in operational details are needed. The principles that guide the coordination of the court and its partner agencies remain the same, and they are explained here. This report also provides new data and information about developments in 2006-7, and updates last year's *Lessons Learnt 2006* report, itself a three year overview. We hope that in sharing in detail the operational experience and lessons learnt in the West London SDVC, here and on the Standing Together website, other courts and partnerships dealing with domestic abuse in all its forms will benefit.

The new SDVCs are promoted by the Home Office as part of a coordinated community response. This is the model and approach originally developed in Duluth, USA and adapted for the UK by Standing Together nine years ago in 1998. It underpins and strengthens all aspects of the West London SDVC's operation and partnership.



*It was a difficult experience but I believe it was worth it because I believe in justice to make the world a better place.*

*Witness feedback*

### Why do we need a Specialist Domestic Violence Court?

This is no ordinary crime and the criminal justice system has traditionally failed to take account of its specific nature and patterns.

The particular nature of risk and vulnerability need to be actively assessed at every stage if we are to provide a safe and effective service to victims.

These are difficult cases to prosecute in which attrition and withdrawal rates are high but can be reduced by well-focused action.

The presence in the one court room of well-trained staff, specialised in relation to domestic violence cases, together with victim/witness support agencies, is a substantial commitment in resource terms, but can be shown to assist the justice process and helps ensure victim safety is prioritised as an outcome.

Many agencies hold only part of the information and part of the expertise that is essential to the safe and fair prosecution of a domestic violence case. The nature of the relationship between victim and defendant and defendants' access to victims require that information before the court is current, focused on risk and accurate. Within an SDVC, this information can be shared and expertise about domestic violence applied in a systematic, well regulated and timely way.

Effective operational partnerships are the only way to get the best results from the criminal justice process. Data from West London SDVC clearly demonstrates this.

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## About the SDVC in West London and its Aims

The SDVC at West London Magistrates' Court (WLMC) set out to test whether a range of approaches and practical measures to increase the safety of victim/witnesses, together with trained and specialist staff in the court room, would enable justice to be delivered safely, fairly and more effectively in cases involving intimate partner abuse. A great deal of work, by 14 different agencies, over several years has been put into moving on from a pilot into a sustained and successful established service at WLMC.

- The SDVC was launched in October 2002 and has operated continuously since then, hearing flagged domestic violence cases from two boroughs, Hammersmith & Fulham (H&F) and Kensington & Chelsea (K&C)
- The court sits weekly in the same court room, for a full day. A domestic violence trained bench of three magistrates or a single District Judge (DJ) deal with all matters, hearings and trials relating to criminal cases over which the magistrates' court has jurisdiction and involving intimate partner abuse. In the first instance, it deals with the full range of alleged offences within a domestic violence context. Certain cases are sent on to Blackfriars Crown Court
- The operation of the court and the roles of the partner agencies within it, are guided by a detailed multi-agency protocol
- The partnership work in support of the SDVC is coordinated by Standing Together Against Domestic Violence (ST) and overseen by the multi-agency Court Management Group, which is also convened and administered by ST
- The court's operation is reviewed annually by the partner agencies and the results of quarterly monitoring and the review are published.

*At Woman's Trust we can see the benefits of the SDVC in comparison with cases from (other Boroughs) we work in. The SDVC provides a streamlined criminal justice process.*

*Meghan Field, Woman's Trust, K&C*

### Working Definition

The working definition used to identify cases for the SDVC is:

*"Domestic violence includes any form of physical, sexual or emotional abuse within or after an intimate relationship."*

In addition to intimate partner abuse, the newer SDVCs also list and hear family abuse cases involving adults. The West London SDVC hears only intimate partner abuse cases, and the data in this report does not include other family abuse cases, although we monitor and analyse such incidents reported to the police.

### Aims of the SDVC

- To increase the effectiveness of each partner agency's specific role in dealing with domestic violence related matters in the SDVC

- To bring offenders to justice
- To consider the needs and safety of victims and witnesses
- To enable a coordinated response both from agencies involved in supporting victims and witnesses at the SDVC and from agencies dealing with individuals accused of domestic violence related matters
- To share the experience and good practice of the SDVC Partnership with other agencies and projects locally and nationally.

Since the 2006 Review, detailed indicators of success have been developed and 'mapped' onto each of the SDVC aims, in order to enable quantitative monitoring of how far the SDVC has gone in achieving its aims. The 2007 SDVC Briefing Paper on the past year's data contains this information and is on the Standing Together website.

*I think that (the police) performance monitoring should shift to include the outcome in court, the real target.*

*DI Sheila Annesley, H&F Metropolitan Police CSU*

## How we review and evaluate progress

Once a year all the partner agencies come together for the Annual Review of the SDVC, to reflect on lessons learnt, analyse achievements, and to identify issues needing more attention and challenges to be faced over the next year. Apart from high quality data monitoring, tracking and analysis, Standing Together has established a process of triangulating data from several sources: i.e. qualitative data, including partner agencies' views and survivor consultation; quantitative data; and detailed weekly court observation, in order to provide a full picture for partner agencies of outcomes and issues. The Review is a dynamic process, allowing partner agencies to hear each others' views, and in turn this strengthens the partnership.

In July 2007, at the Fourth Annual Review, partner agencies' presentations of their views of the past year and challenges for the next once again demonstrated just how much has been incorporated by each agency into systematic attention to the detail of best practice. It is also clear that this partnership is not a paper exercise, but an active and live concept that sustains the SDVC and individual agencies in achieving their own targets for service delivery. Twenty seven people, practitioners and managers, attended the Review, representing 13 agencies from the two boroughs. Their feedback about the usefulness of the process was overwhelmingly positive.

*Hearing the feedback and opinions of both statutory and voluntary agencies at the Review, with both being given equal time and importance, was very valuable.*

*Partner feedback*

## The life of a case

At the 2007 Review, a detailed analysis of 100 cases that had gone through the court and their outcomes was presented to partner agencies as “The Life of a Case”. This identified the most common factors behind cases that failed to reach a successful outcome. A frank discussion was held to clarify the nature of the operational gaps or problems that can contribute to cases not being effective in court, to delays and to withdrawals by the complainant or discontinuance by the CPS. The partner agencies contributed constructive and workable suggestions for solutions. The strength of the partnership meant that we could accept that much good practice is embedded already, and that the coordination of the court works very well, but that we should move on to ask some more sophisticated questions about where practice can fall short of our aim of a consistent gold standard. This happened very effectively, without the need for individual agencies to be or to feel defensive. A summary of the key issues that emerged is included below.

*Group discussions based on the case paper were particularly productive and this was a good way of stimulating ideas.*  
Margaret Hallah, DV Coordinator, LBH&F

## Survivors' views

This year Standing Together has again consulted survivors who have used the SDVC about their experiences. This year the process has been based upon the written feedback from victim/witnesses and follow up telephone interviews. The report of this consultation — *Support at Court 2006–7* — formed part of the materials available to partner agencies at the Review. Recommendations in the report will be taken to the Court Management Group and implemented wherever possible.

*I had to go there and give evidence, but I was so frightened — more so of seeing him and being in the same room as him than I was of the judge or prosecution or being cross-examined.*  
Witness feedback

# Key Outputs: four years' data from the SDVC

Standing Together pioneered domestic violence data sharing and analysis in Hammersmith & Fulham. We have verified, cleaned and checked all data and tracked the cases in every data set, including the SDVC, to a very high standard. Headlines from four years of monitoring the SDVC were presented to the Review, and demonstrated that, on key indicators of success over four years, the positive outcomes have been sustained. In relation to some outcomes, there have been major improvements, for example, discontinuances and withdrawals have halved in four years, and case dismissals for no evidence offered (NEO) have dropped from 22.2% to 14.6%. However, some of the outputs show only

a very small improvement, and hence we have examined which operational issues need to be addressed.

Over the past 4 years (April 2003 to March 2007) there has been:

Year 1 (03-04)	Year 2 (04-05)	Year 3 (05-06)	Year 4 (06-07)
<b>Increase in the number of offenders arriving at the court, although in the past year this fell</b>			
221	158	262	206
<b>Increase in the percentage of defendants convicted</b>			
36.2%	45.6%	51.1%	51.5%
<b>Increase in the percentage of early guilty pleas</b>			
21%	20%	25%	26%
<b>Decrease in the mean number of hearings per completed case</b>			
4.5	4.5	4.2	4.2
<b>Decrease in the average number of days between charge and completion</b>			
98	85	92	83
<b>Decrease in the percentage of discontinuances or withdrawals</b>			
26.7%	18.4%	14.5%	13.6%
<b>Decrease in the percentage of NEO dismissals</b>			
22.2%	20.3%	18.7%	14.6%

## Charges/offences arriving at the SDVC

- During Year 4 (April 06 to March 07) the most common four charges (common assault, ABH, harassment and criminal damage) constituted 78% of all charges arriving at court
- Common assault is also the most common offence to result in conviction at WLMC. During Year 4, two thirds of convicted defendants were convicted of at least one charge of common assault in the Magistrates' Court
- An average of 21 cases per year were committed to Blackfriars Crown Court from the SDVC.

## Bail given to defendants

- Between 2003 and 2007, 90% of defendants entering the SDVC were given conditional bail or remanded in custody, with custody making up 18% of this figure
- Unconditional bail was given to 6% of defendants
- For a further 4%, bail was not applicable (i.e. the case concluded at 1st appearance).

## Sentencing at the SDVC

- Over half of defendants were given a Community Sentence over the past 4 years, and approximately 65% of these contained an Integrated Domestic Abuse Programme (IDAP) order

- Financial penalty (fine, costs, compensation) as a sole sentence continues to be very rare in the SDVC — only 4% of convicted defendants have been given a financial penalty as their main sentence since the beginning of the SDVC
- Restraining Orders continue to be given to the majority of defendants convicted of harassment.

### Victim/witnesses supported at court

In over two thirds (68%) of cases going through the SDVC the victims/witnesses were supported by one or more of the designated support agencies during Year 4.

### Further data from Year 4 at the SDVC

- In the year from April 2006 to March 2007, 206 defendants arrived at court with a total of 321 charges
- 110 defendants pleaded not guilty and a trial was listed
- In 24% of the trials an application for Special Measures was made, and over 90% of the applications were granted

*Special Measures have a dramatic impact on the experience of victims and they work well in practice. We would like to see special measures being offered in all cases.*

*Sally Steadman-South, Manager, ADVANCE*

- 42% of cracked trials occurred as a result of the defendant's late guilty plea
- The number of cases where the defendant arrived at the SDVC from police custody increased over the year and constituted 48% of all defendants arriving at court during the year
- On average, over half of the referrals to the Advocacy service were high risk or very high risk at the point of referral
- Sentences to the Integrated Domestic Abuse Programme (IDAP): after a marked increase over the previous 3 years, in the last 6 months of Year 4 IDAP orders decreased from 36 Orders in the first half of the year to 15 in the second half.

Monitoring data for the SDVC since it started is on the Standing Together website and further quantitative and qualitative data for 2006-7 is contained in the *2007 SDVC Briefing Papers*.



## Key features in the operation of the West London SDVC over the past year

Standing Together is present in the SDVC every week to observe and record in detail the reality of how all the partner agencies at court are achieving these aims. This provides an invaluable and operational picture of what actually happens in the SDVC.

### Some key achievements in the past year

In the past year there have been several important developments:

- A further consultation with victim/witnesses using the court has been carried out and published
- Detailed and quantifiable measures of success have been identified and linked to each of the SDVC's aims
- The Court Management Group has promptly addressed and implemented practical solutions to a number of operational issues raised during and after the 2006 Review. These include:
  - Case Management Hearings are now held for all domestic violence cases regardless of trial length; domestic violence trials are not to be double listed
  - The rota for Police attendance at court with H&F and K&C CSUs sharing the workload is working well, and continues to benefit the court processes and decision making
  - There has been an improvement in obtaining results more quickly from decisions in domestic violence cases heard in other courts at WLMC
- Medical evidence and delays in obtaining it are now systematically addressed with health managers in relation to H&F cases
- Further practical measures to increase victim/witness safety and information sharing and improve liaison between the Witness Service and the other domestic violence support agencies have been put in place. These include a safe waiting area in the Youth Court for young victim/witnesses, and CPS taking the time to talk to victims before court starts

*I felt better entering through a back door and the waiting room was great. I felt well informed by the support staff there who told me when his case would be coming up.*

*Witness feedback*

- Enhanced support before and at court for victim/witnesses from K&C has been put in place by the addition of an Independent Domestic Violence Advisor (IDVA) from the Woman's Trust

- CPS continue to use a witness summons when victims have withdrawn their statement, wherever it is deemed safe to do so.

Standing Together has published three major documents as a resource to both the West London SDVC and the new specialist courts (see page 8). Standing Together has also worked closely with Brent SDVC to provide consultancy support for the development of their new court and has trained their magistrates.

Locally, and as part of the coordinated community response, we continue to examine the operational reasons why prosecution and conviction still represent a small proportion of all domestic violence incidents, in West London as elsewhere in the country. An aim of the partner agencies is to reduce the attrition rate in domestic violence cases from 999 call right through to sentence, where there are solutions that could enhance safety and reduce harm. Some London Police Divisions have good sanctioned detection rates but on closer examination they are based on a high use of cautions. In H&F we regularly examine a random sample of police cautions, the vast majority of which are found to be suitable for caution. This approach helps to demonstrate integrity in what we do, and to focus on the specific issues where practice is not up to the gold standard we aim for.

### Plugging the gaps and finding solutions

At the 2007 Annual Review partner agencies identified a number of specific issues which were seen as gaps in the quality of the SDVC service. Some can be addressed swiftly at a local level but others will require longer term action or can only be remedied by national action.

#### What could be done at a local level

- The use of Special Measures to increase the witness's sense of safety in court and thus enhance the quality of the evidence given is widely recognised as desirable. However, this is still not working consistently, and applications are not being made in the majority of cases. When applications are made, they are almost always approved. An email template will be developed to advise the Officer in the Case (OIC) of the time by which Special Measures applications are to be made.
- Delays have been observed in the SDVC over the past year at both ends of cases, in committals to Crown Court, and in reports arriving in time for Magistrates' Court hearings. This includes both pre-sentence reports from Probation and psychiatric reports from the mental health teams. Multiple adjournments and delays at the early stages have been observed as resulting in some cases in the victim withdrawing the statement, or the committal being discharged.
- Bail: Defendants arriving at the SDVC on unconditional Police bail are still an issue, and allow the defence to argue that bail conditions are not necessary if there have not been further incidents.

- There have been noticeable variations and inconsistency between decisions made in SDVC domestic violence cases and hearings in other WLMC court rooms on other days. For example, post conviction bail decisions at the SDVC have been varied in other courts. Further judicial training may be needed to address this.

*I feel all domestic violence cases should go to the Specialist Court, and be dealt with by those who have been trained. Recently one didn't, and the case had a very unfortunate outcome as a result.*

*Sheila Annesley, CSU Metropolitan Police, H&F*

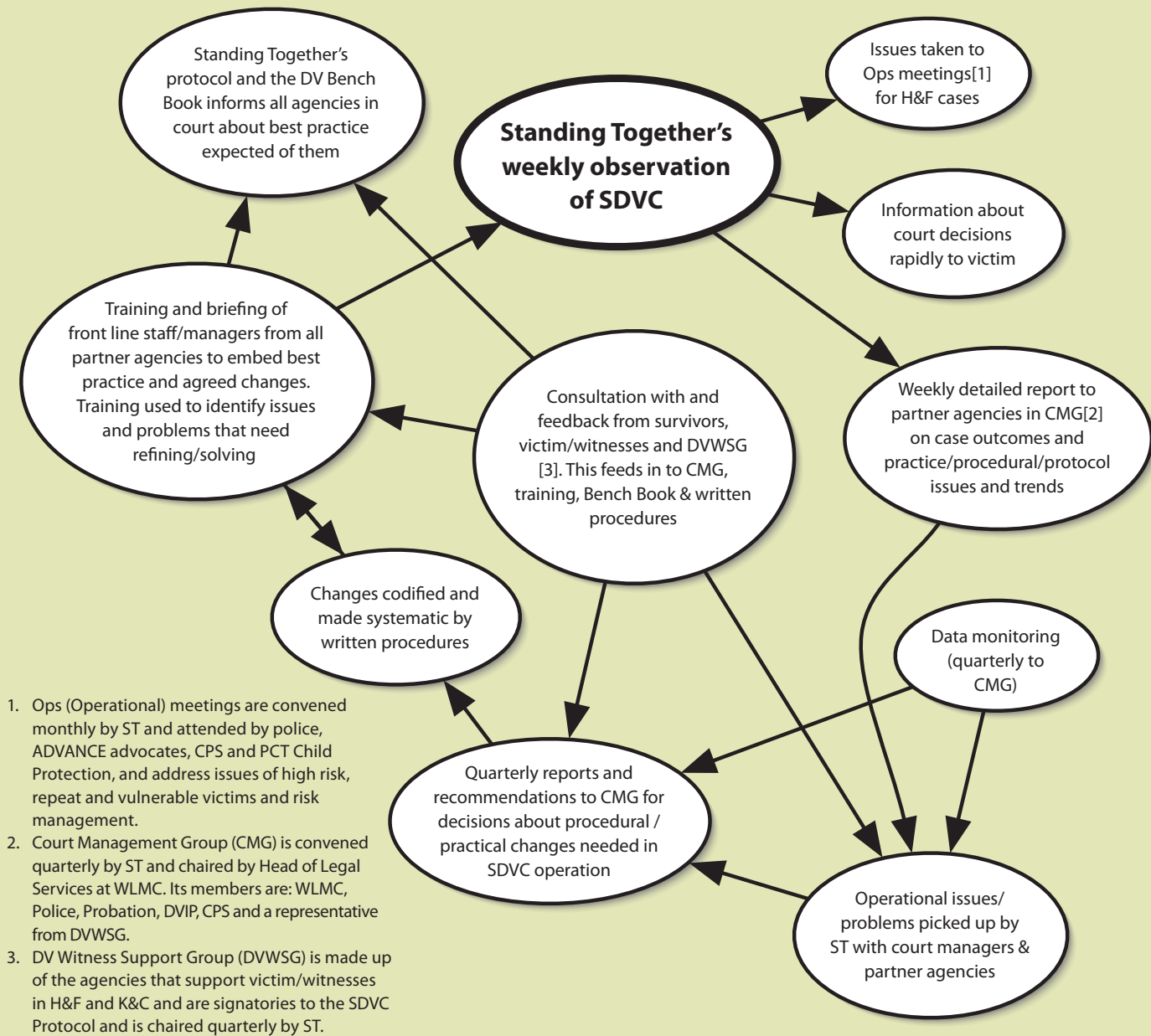
- Case preparation problems and information gaps in the prosecution files continue to be an issue: for example, in the past year, good quality photos are too often missing from the case file, as are dates to avoid in setting trial or other hearing dates, and patchy information about previous convictions.
- Bad Character evidence applications are particularly relevant in domestic violence cases because of the likelihood of repeat patterns of abusive behaviour. At bail and sentencing stages, important information for the court to have includes any history of police call-outs for domestic violence incidents, not only previous convictions for intimate partner abuse. The CPS files need to contain this information from the earliest opportunity.
- Increasing the use of Victim Personal Statements in appropriate cases. The Review heard that these are rarely seen in the SDVC at any stage in the case, and some local research will now be done to explore exactly how their use could be increased in all domestic violence cases coming into the SDVC.

#### Problems to be tackled at a London-wide or national level

Some of the problems identified and solutions proposed at the Review are not achievable by West London SDVC acting alone, but depend upon national or regional changes. Examples are:

- Restrictions on Probation Services resources and places available for offenders who would be suitable for a Community Sentence to the IDAP programme. There has also been a move away from the quality checking of Pre-Sentence reports in Probation, and this has left a serious gap
- CPS resource problems and issues which have contributed to a backlog of cases and incomplete files
- Means testing regulations for Legal Aid and legal representation for defendants have led to delays and multiple adjournments in the SDVC when defendants' applications for Legal Aid are refused and an appeal is lodged. In turn these have resulted in victims withdrawing, a witness summons granted, and then a subsequent No Evidence Offered dismissal at trial due to non attendance by the victim/witness

## How the coordinated response works at the SDVC at West London Magistrates' Court, supported by Standing Together Against Domestic Violence



### How the coordinated response works

Coordination is the activity that enables the court and its partner agencies to move away from a system based upon a few dedicated individuals following good practice at court, to one which can deliver consistent services and justice, with safety as a central concern. In the West London SDVC, this coordination is done by Standing Together (ST). In addition to the roles shown in the diagram, this includes running the annual Court Review to evaluate the SDVC, publishing the results, enabling visitors to observe the SDVC in action and sharing our experience nationally.

The whole process is underpinned by:

- Coordination of all processes by Standing Together
- Negotiated ST protocols and written procedures for specific issues such as Special Measures Directions

- Information sharing protocols and effective and rapid communication between the various agencies attending or supporting the court and victims
- Feedback from front line staff about observed good practice, as well as issues needing attention
- Detailed focus on victim/witness safety in all its practical forms
- Respect between the partner agencies
- ST training for all key personnel and Judiciary

The diagram covers cases and partner agencies from both H&F and K&C boroughs apart from the Ops meetings (H&F only).

- Access to reliable childcare for victim/witnesses whilst at court. This continues to be a problem that needs tackling at a national level.

Standing Together will continue to use the experience of West London SDVC to share information and provide evidence in proposing practical solutions to these issues in a wider forum.

*The detailed solutions proposed by partner agencies at the 2007 Review will be published by October 2007 on the Standing Together website as a new SDVC Briefing Paper.*

## Good practice that has been embedded over the past four years

The following points were included in the Lessons Learnt 2006 Annual SDVC report, but are repeated here because they are still central features of the operation of the SDVC in West London.

*H&F Probation have extended training into assessing for IDAP to all but one officer now, due for training shortly. This represents a big expansion of training and there are now 14 Probation Officers trained in assessing, writing reports and staffing the DV Court.*

*Kathryn Hunt, London Probation*

### Trained staff

- The standard has been set and achieved of training on the dynamics of domestic violence and the SDVC protocol for all personnel working in the SDVC, including legal advisors, court administrators and list callers. The SDVC can now draw from a large pool of domestic violence trained District Judges and Magistrates to preside over cases.
- The number of domestic violence specialist prosecutors available to work within the SDVC increased in year 4 and CPS aim not to use agents in this court — however this does occasionally happen. Prosecutors and probation officers are aware of the partnership, how it works within the SDVC and their roles and responsibilities within it.

### Victim safety

- Victim safety is actively and routinely considered by the DJs and Magistrates in the SDVC: evident, for example, when hearing evidence at trial, in the understanding shown about the dynamics of domestic violence and in the effort and care taken to explain decisions to victims and witnesses.
- Feedback from victims and witnesses about safety has led to several practical changes: information about court decisions

is given rapidly to victims; trials are only listed in court rooms with secure docks; only two defendants are allowed in the court room at the same time.

- The bench understands and accepts the presence of the designated victim advocacy and support services in the court. Support workers are no longer identified in court as such and questions to them are correctly directed through the CPS.

### Information sharing and joint working

- There is an active process of information sharing between independent domestic violence advocates, support workers, police and the crown within the SDVC. This is a concrete example of the equality in the partnership between the statutory sector and community organisation in the West London SDVC, and is frequently commented upon by visitors to the court.
- Partner agencies have developed trust and understanding around sharing information within the court.
- Standing Together identifies and acknowledges good practice within the SDVC, providing feedback about both concerns and praise to managers.

### Understanding the seriousness of this crime

The CPS and bench consistently articulate clear messages about domestic violence being serious and unacceptable. Overt attempts by the defence to minimise it as a private and less serious matter are not accommodated. This is particularly helpful as the court is open and these messages are heard by people in the public gallery.

### Conditional bail

The imposition of clear bail conditions, e.g. of no direct or indirect contact, is routine and it is recognised that an inquisitorial approach must be taken when considering bail conditions to help protect victim/witness safety. The standard has been set that conditions are attached to bail regardless of victim withdrawal and for the period following a conviction and before sentence.

### Pre-Sentence Reports

Following conviction, it is standard practice for the bench to request a “full standard delivery report” from the Probation Service. Domestic violence reports are deemed to be a priority, second only to custody reports. All sentencing options will usually be requested for assessment, including an assessment for the Integrated Domestic Abuse Programme (IDAP). It has been agreed that expedited/stand down reports are not appropriate in the SDVC.

### Sentences imposed

Sentencing domestic violence perpetrators to Community Orders with probation supervision for a minimum of two years, with the condition to attend the IDAP, continues to be seen as a measure of success for the SDVC, in appropriate cases. However, in the past year resource problems for London Probation have led to a restriction

in IDAP places for offenders, and a change in priorities mean that only certain defendants are eligible.

Sentences such as Conditional Discharges or fines are rare in the SDVC.

### Coordination

For nearly five years, Standing Together has sustained the coordination of the SDVC partnership and weekly observation of the court. At the 2007 Annual Review this role was strongly endorsed by partner agencies. Over the next year, we will continue to aim for an operational gold standard.

### SDVC partner agencies

- ADVANCE Advocacy Service
- Crown Prosecution Service
- Domestic Violence Intervention Project
- Eaves Women's Aid
- Police Hammersmith & Fulham (H&F)
- Police Kensington & Chelsea (K&C)
- Police Witness Care Units H&F and K&C
- Probation Service
- Standing Together Against Domestic Violence
- Victim Support H&F and K&C
- West London Magistrates' Court
- Witness Service at WLMC
- Woman's Trust (K&C)

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### Standing Together's Services

Standing Together has developed many resources and publications to back up and facilitate the work of the SDVC partnership. They are available for others to use and in particular to assist the new SDVC partnerships around the UK. They include reports of each SDVC Annual Review, the reports of a number of consultations with survivors, and access to the specialised training we have developed and delivered to SDVC partners. In the past year, our new national consultancy service has been established, and we have worked with existing domestic violence partnerships and new SDVCs to support their operational development.

### Court-related publications and services from Standing Together:

- **Support at Court 2006-7** is the latest report about what victim/witnesses who have used the SDVC say about their experiences, and includes feedback from their support agencies
- The **Specialist Domestic Violence Toolkit** is a detailed operational guide and is made available as part of the new **consultancy service** offered by Standing Together on how to set up and run an effective SDVC partnership. For more information about consultancy, contact us to discuss how we could help you
- **Lessons Learnt 2006** and **Lessons to Share 2007** are backed up by **detailed data reports** and other **SDVC Briefing Papers** and are available on the website [www.standingtogether.org.uk](http://www.standingtogether.org.uk)
- **The Domestic Violence Bench Book and Good Practice Guide**, a unique resource for the judiciary and Legal Advisers written by Jan Lesser, Head of Legal Services, WLMC, was published by Standing Together in 2006.

To find out more, first go to the Standing Together website, then contact us to discuss how we could help you.

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