

Annual Review Summary 2010

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 and was one of the first specialist courts in the UK. It is now one of more than 140 SDVCs in the country, reflecting the commitment of the criminal justice agencies to respond to the crime of domestic violence in a coordinated way. Our experience in West London continues to support the notion that SDVCs work best when detailed attention is paid to a number of key issues:

- Putting the safety of the victim/witness at the centre of operational issues, alongside the legal and procedural requirements of justice and court and case management.
- Paying close attention to the detail of the court processes and the 'before and after' service to both victim/witnesses and to domestic violence defendants.
- Locating and supporting the court's work within an effective coordinated response to domestic violence.

The SDVC at WLMC sits every Thursday in Court 3 and hears cases of domestic violence, including both intimate partner violence and family member violence, from the boroughs of Hammersmith & Fulham (H&F) and Kensington & Chelsea (K&C). As part of Standing Together's role in coordinating the operation of the SDVC, a Court Coordinator observes cases to identify trends, issues and practice concerns, as well as recording outcomes of hearings. This helps agencies to monitor cases and ensure victims are kept informed of case progression.

The operation of the SDVC is governed by a multi-agency protocol which all of the agencies from both statutory and the voluntary sector (various specialist domestic violence services) have signed.

The SDVC 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 part of learning the lessons and putting that learning into practice in a dynamic way. Historically the annual reviews have provided an open and honest exchange which has refreshed and re-focused practice and performance, and strengthened the partnership.

This report summarises the lessons and challenges reviewed at the 7th annual review held in 2010, and a number of the operational changes proposed. It also outlines data used to measure the performance of the SDVC against core aims and indicators.

Aims of the 2010 Review

The 2010 annual review had two key aims:

1. **To review** the achievements of the SDVC and partnership around the court in relation to the **12 key components** in the national SDVC Resource Manual
2. To identify gaps and develop an **action plan** to improve performance on some of the key components.

An evaluation of 23 Specialist Domestic Violence Courts in 2007¹ identified core components that enhanced efficiency and victim safety in domestic violence cases. An effective SDVC partnership will recognise the need to have all 12 components working effectively, and as Standing Together's CEO Anthony Wills, who was involved in the review of SDVCs nationally, said:

"With the current financial climate it is perhaps even more important to emphasise the added value and efficiency savings of the SDVC model; for example, attrition causes so much wastage".

Measures of progress at 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

¹ A Review of Specialist Domestic Violence Court systems (SDVCs) (<http://www.cps.gov.uk/publications/equality>)

- 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.

Data for 2009-10 and progress over six years

The SDVC has shown a steady improvement on a number of measures each year since the court began. It is an important achievement to have sustained this over such a long period. For example:

- The number of defendants arriving at the court has been steadily increasing since 2006, to a total of 343 in 09/10.
- The % of cases that were unsuccessful has decreased from 48.9% in 03/04 to 29.1% in 09/10.
- 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.

However, the conviction rate of cases in the SDVC has decreased since 2008 and this decrease was accompanied by an increase in cases in which no evidence was offered by the Crown Prosecution Service (CPS). This trend 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.

Priority Issues Raised by Partner Agencies

The 2010 SDVC review heard presentations from key partner agencies and was informed by the results of an online questionnaire completed by partner agencies in which the SDVC was evaluated in terms of strengths and weaknesses against the 12 components. In addition, the Annual Data & Observation Report 2010² produced by Standing Together provided a summary of the achievements and challenges of the operational work of the CMG throughout the year. Key issues raised by partner agencies at the review are summarised below.

1. IDVAs are crucial to the success of the SDVC

Research indicates that central to an effective SDVC is a well-staffed, well-trained specialist Independent Domestic Violence Advisor (IDVA) service. At WLMC the IDVA services are ADVANCE (for H&F cases) and Woman's Trust (for K&C cases). IDVAs attend the SDVC and at other times support their clients at

trials. An evaluation of a number of ADVANCE's closed cases revealed that 95% of the women felt safer after interventions from the service.

The IDVAs noted that there is a higher quality of service at the SDVC compared with other Magistrates' Courts, with better results and fewer delays from the SDVC. Court staff are seen as flexible and supportive, and having specially trained professionals and Benches increases the confidence of women as witnesses. The positive working relationship between IDVAs and the Witness Service was also seen as strength.

Some operational problems

Some problems identified by IDVAs this year include:

- Delays in Special Measures Applications, sometimes resulting in the application being refused.
- The use of some courtrooms without a secure dock contributed to increased anxiety for victims/witnesses.
- Cases involving a victim and/or perpetrator under the age of 18 do not enter the SDVC process and thus the victim may not have access to the IDVA service.
- IDVAs do not always receive details of a referral prior to the 1st hearing, hence those victims miss out on pre-court support which is considered essential to keeping them in the criminal justice process.
- An increase in cross-borough work (for example when a survivor has been relocated after an incident) poses challenges for the IDVAs due to diversity of services across London and difficulties associated with supporting clients across London.

Barriers for victims/witnesses: The Manager of ADVANCE listed some of the many difficulties women face when reporting domestic abuse: fear of repercussions, pressure from within their community or family, issues around child contact, the wish to reconcile, negative previous experience of the police or poor outcome in a previous court case, all of which can present barriers for victims/witnesses.

The most significant barrier and deterrent for women attending court is their fear: women are still incredibly frightened of going to court and of repercussions from their partners, whatever agencies may say and do. The key function of an IDVA service is to support women to manage their fear whilst working with partner agencies to increase safety and reduce risk at every possible opportunity.

² Annual Data & Observation Summary Report 2010, produced by Standing Together and found at www.standingtogether.org.uk

Effective coordinated working makes all the difference to women's experiences and to successful outcomes for partner agencies.

2. Discontinuance and police/prosecution issues

For the purpose of this area of discussion, discontinuance is defined as occurring when cases are dropped prior to completion.

Discontinuance rates appear to be high for both boroughs, and analysis by the police in K&C has identified that the vast majority of discontinued cases were not successfully prosecuted due to the victim withdrawing support for the prosecution. It was also found this was much higher for female than for male victims.

Contact with the victim must be coordinated: The Detective Inspector from K&C Community Safety Unit (CSU) outlined some factors which were felt to have implications for the success of a prosecution. Changes that led to responding police officers taking initial statements at the scene, whilst having a positive effect on evidence gathering, can have an adverse effect on victim liaison. Specialist CSU officers often have no face to face contact with the victim until the trial several months later and may only have had one or two phone calls with this crucial witness. In the meantime, the victim may be contacted by the Police Witness Care Unit, Victim Support and an IDVA. There should be consistent contact with an agency from the initial charge to the trial. With so much contact made by telephone, and by multiple agencies, this may confuse rather than encourage victims to attend court. Improved coordination of this element of joint working is required.

Failures in flagging of domestic violence cases: One of the implications of CPS not flagging domestic violence consistently is that CSU Officers are often not warned by the CPS of the trial if they are not required to provide evidence at Court. If the victim becomes unwilling to give evidence, there is no one at court with ownership of the case, so it is more likely that no evidence is offered. The Borough Crown Prosecutor for H&F clarified that there is a system of flagging, but recognised that CPS and police use different systems and that continued monitoring is required.

Special Measures: A CPS representative agreed that victim withdrawal is the biggest feature in discontinuance and that keeping the witness 'on board' is central to success. There are challenges for both CPS and the Police in the applications for Special Measures which compound the problem. With difficult times ahead regarding resources, there

is a need to work more effectively. CPS would therefore like to train CSU officers to complete the relevant form to apply for Special Measures. This proposal was welcomed.

3. Joint working between support services

Discussion highlighted the need to revisit and strengthen joint working protocols between the various agencies supporting victims/witnesses and across both boroughs. There is a need for agreement and consistency in this area, and the borough Domestic Violence Coordinators agreed to take this forward and include the police in discussions and developments. A key area of work will be to establish clear boundaries on levels of risk and referral criteria, as this has worked effectively in other partnerships around the country.

West London SDVC and the 12 Components

The second major task of the 2010 annual SDVC review was to evaluate how well, after nearly 8 years of operation, the court and SDVC partnership are felt to be performing against the nationally accepted key components of an accredited SDVC. The 12 components of an effective SDVC as identified by the national accreditation framework are as follows:

- | | |
|-------------------------------|----------------------------------|
| 1. Partnership Working | 7. Equality / Diversity |
| 2. MARACs | 8. Data Collection/Monitoring |
| 3. Identifying Cases | 9. Court Facilities |
| 4. IDVAs | 10. Children's Services |
| 5. Training | 11. Managing Perpetrators |
| 6. Listing of Cases | 12. Health & Housing |

Those in bold above were chosen for further detailed discussion at the 2010 review. Groups were asked to discuss the components with reference to the SDVC and include action points arising from discussions. The following summarises the discussions.

Component 1: Partnership Working

Court Management Group (CMG): consistent attendance is required for the group to be effective; more effective action planning needed to reduce recurring issues; aim to resolve procedural issues prior to meetings and present analysis with recommendations for action; CMG needs to prepare management of change resulting from the pending clustering of courts.

Joint working: cross-borough work needed to develop an agreement about referrals; Witness Care Unit role important and a change over in staff means training is needed; CAADA DASH risk assessment will have impact on and change communication between the police and IDVAs.

Accountability & reporting: accountability at borough level needs to be enhanced; clarity needed about how the CMG feeds into CDRPs and local funding streams (e.g. to support IDVA services); two-way communication with strategic partnerships in both boroughs needs to be maintained.

Components 3 & 6: Identifying Cases & Listings

Flagging: differing methods of flagging between police, CPS and the courts result in cases being missed; a period of monitoring is required to establish scale of disparity; electronically flagging charge sheets would assist the court in listing DV cases correctly; a suitable method was identified and is to be implemented.

Trials at other courts: trial delays for WLMC have resulted in some DV trials taking place at other courts; IDVA support at other courts is problematic and some clients are reluctant to travel; difficult to establish criteria for cases suitable to send to other courts as every case is different; possibly better to limit cases to be sent to only one other court.

Young offenders and victims: concerns raised that the SDVC's remit does not include young offenders and victims and therefore the support structure may not be as readily available; CMG to consider including this issue in their action plan and look at ways to address it locally; local developments include a pilot project run by DVIP working with young male offenders in H&F.

Component 11: Managing Offenders

Monitoring risk: concern raised that some serious offenders are slipping through the net due to criteria used in MARAC and MAPPA; repeat offenders need to be more effectively identified and targeted.

Protocol Review: changes in practice need to be incorporated into the SDVC protocol; consideration to be given to the impact of service developments such as the 1-2-1 DV programme and IDAPA (IDAP accelerated) as well as policy developments such as Integrated Offender Management (IOMS); other areas of change relate to new legislation regarding restraining orders, technological advances and the impact on evidence gathering.

Component 7: Equality & Diversity

Ensuring that equality and diversity is embedded in our responses is crucial; it is problematic to obtain relevant information from witnesses or defendants; apparent increase in female offenders and young women in the SDVC as defendants, a high proportion having experienced domestic violence, substance misuse and some in more than one relationship.

Conclusions

The discussions at the review reinforced the fact that once a case arrives at the WLMC SDVC the overall response is effective, but attrition rates continue to be a problem. An immediate challenge to address is the moving of trials to other courts. Another priority is the ongoing need to take the onus off the victim in holding perpetrators to account and reinvigorating the partnership which has been running the SDVC for many years. We still need to 'go that extra mile' to seek a prosecution, and it is frustrating that the District Judges and the Magistrates do not always have all the information before them to enable them to make good decisions.

The review process is very valuable to the SDVC partnership in reminding ourselves of the issues we face and need to address, and in informing the priorities for the operational work in the SDVC.

To summarise these priorities:

- The Court Management Group will continue to use the review process and the data analysis to inform future action plans.
- Work is needed to monitor and improve flagging of DV cases by all agencies.
- CPS and Police to consider using a joint form to apply for Special Measures in order to make the application process more effective and within time limits.
- The issue of joint working across boroughs to avoid duplication between the victim support services needs to be addressed.
- The issue of young witnesses/survivors and young offenders needs to be addressed since such cases do not fall in the remit of the SDVC.

In order to continue the good work of the SDVC at West London, we see the following as key issues:

- Consultation with victim/survivors in order to evaluate the impact of the SDVC, and to help individuals manage the risks attached to reporting domestic violence.
- Good use of the local strategic partnership structures involves referring unresolved issues to borough domestic violence strategic partnership group for resolution.
- IDVA support is central to success and safety management.
- Training is essential and needs to be embedded into development and action plans.

Published by Standing Together against Domestic Violence 2011. www.standingtogether.org.uk