

Victims and Survivors Forum Consultation on the Criminal Justice System: Summary Report

May 2019

Introduction

1. This report provides a summary of the most prominent themes that emerged from five workshops in April 2019, and an online questionnaire, about victims and survivors experiences of the criminal justice system. Those that participated were all members of the Inquiry's Victims and Survivors Forum.
2. Our Victims and Survivors Forum is open to all victims and survivors of child sexual abuse. It was set up to make it easier for victims and survivors to engage with us and take part in our events, ask questions and make suggestions about how we work. The workshops on the criminal justice system make up one in a series of Forum events being held throughout the year.
3. The Inquiry held five workshops over the course of two weeks in London, Cardiff and Manchester. The workshops were facilitated by Inquiry staff and members of our Victims and Survivors Consultative Panel (VSCP), who provide expert advice to the Inquiry. At each of the workshops Forum Members were asked five questions about their experiences of the different components of the criminal justice system. Additionally, Forum Members who were unable to attend in person had the option to provide responses through an online form. We heard from 87 Forum Members in total.
4. Victims and survivors discussed their experiences of interacting with the police, solicitors and the courts. They also spoke about their experiences of the compensation and complaints processes. The aim of this work was to hear about the level of service that Forum Members experienced when navigating the criminal justice system, and if they felt it was victim and survivor focused. Importantly, the feedback we received will help us to improve our understanding of whether victims and survivors are receiving the service they are entitled to under the Victims' Code.
5. The Inquiry would like to thank everyone who attended this series of workshops or submitted an online response.

Experiences of reporting to the police

Overall treatment of victims and survivors

6. The first question explored Forum Members' experiences of reporting to the police. Discussions on tables, and the comments we received from participants online, focused on their treatment by the police when reporting allegations of child sexual abuse, if they had received a positive response from officers, and whether the next steps were communicated clearly.
7. One of the most prominent themes that emerged from the feedback on this question was around how Forum Members felt they were treated by the police, and a perception that police officers were not consistently well trained in how they handled reports of child sexual abuse. Across all of the workshops and the comments we received online we heard examples of victims and survivors receiving cold, clinical or insensitive treatment from police officers when they reported their abuse. Overall, there was support for the view that the police had made some improvements in how it responded to child sexual abuse, in recent years. Those that had reported allegations to the police, for example, thirty or forty years ago, had predominantly negative experiences. Where reports had been made more recently, there was a marked increase in the number of positive experiences we heard. This was observed by those who had experienced making reports on multiple occasions, as well as, remarks between Forum Members during the workshops.
8. Many Forum Members explained that the initial police response made them feel that they weren't being believed, that the allegations they had made weren't that serious, or that they were being treated as a suspect rather than a victim or survivor. One Forum Member described how 'acting out' at school had meant that their account was not taken seriously, despite this being a potential indicator of a child being sexually abused. Forum Members noted that the attitude of officers and the language used implied that the circumstances around the abuse they had suffered had been consensual. One Forum Member described how their statement had been dismissed as 'dormitory tomfoolery'. Others who shared negative experiences explained how they felt that officers had 'sneered' at them, or had used language that was judgemental and unsympathetic.
9. Underpinning the negative experiences that we heard was a shared view that police officers, and in particular front-line officers, needed more consistent and effective training in relation to child sexual abuse. Forum Members explained that they felt that the police did want to help but were not well trained and did not understand the impact of trauma on victims and survivors. This was more likely to be the case with the first officers that they encountered, rather than specialist officers who were involved at a later time. A common example cited was having to repeat traumatic accounts multiple times, and to different officers, with the police not always recognising the impact that this may have. One Forum Member described having difficulties absorbing crucial information from officers as a consequence of having post-traumatic stress. Inquiry staff were also told that the same people had very different experiences of reporting on different occasions - in some cases to the same force. Forum Members felt that this indicated that there was a lack of consistency in how officers handled allegations of child sexual abuse.
10. We heard that Forum Members had observed improvements in, for example, the way police spoke about child sexual abuse, sensitivity from officers, and importantly in how victims are

survivors were treated. Those who had made reports more recently felt that training for police officers had been improved, and that this was shown by gradual improvements in attitudes, as well as, a more sensitive approach. Others also recounted that they had felt more likely to be believed by the police. One Forum Member explained how after initially reporting their abuse online, they were contacted by a police officer almost immediately. The officer had then been with them throughout the entire process, which had made the overall experience very positive. It is important to note that we were given further examples where Forum Members recounted the positive contributions of individual police officers. In such examples they explained that they would not have been able to go through the process without the support of a particular officer.

11. Crucial to the experiences of reporting allegations to the police was the environment in which they disclosed the details of their abuse. Some told us that they had positive experiences, with officers travelling across the country to take statements from victims and survivors in their own homes - where they had asked for this. However, most of those taking part recounted a poor environment. Forum Members described giving statements in intimidating or unsuitable rooms, not having adequate support, or having to attend the station through a back entrance. One person spoke about having their first interview in a pub. Additionally, we heard several examples of forces not complying with requests from victims and survivors to speak with female or male officers.
12. Where Forum Members detailed more recent experiences of reporting to the police they did believe that they were given more flexibility and choice. Some described being asked how and where they would like to give their statement. They also compared their experiences of reporting allegations over different time periods and explained that recent disclosures to the police had taken place in a more secure environment, such as, a designated room for witnesses, or in their own home. One Forum Member spoke about how giving their statement to a trained member of police staff had made the experience easier and more comfortable.
13. Following a report, Inquiry staff were told that there was inconsistency in how the next steps were communicated to victims and survivors. Forum Members said that this impacted on both their understanding, and expectations, of what would happen next. Across all of the workshops and the feedback we received, we were told there was often uncertainty about how the investigation would work, whether the perpetrator would be arrested, timescales and what support was available to them. We also heard that in cases where the initial reporting had been positive, these expectations were not always met because the police did not follow up in the way they described.
14. Many of those who attended the workshops had not reported the abuse they suffered until years after it had occurred. A number of these had not disclosed the abuse until their session with the Inquiry's Truth Project. We were told about several examples of the police contacting participants after their Truth sessions. One Forum Member said they were surprised to have been contacted by the police but found that the process had worked well and they were clearer about the next steps.

Experiences of the investigation process

Approach towards victims and survivors

15. The second question that was put to Forum Members at each of the workshops and online was in relation to experiences of the investigation process. Many of the issues that were raised about initial reporting to the police, for example, around attitudes of officers, treatment of victims and survivors and perceptions around the effectiveness of police training, were raised again.
16. A recurring theme from all the feedback that the Inquiry received was that the police approach to the investigation was intrusive, challenging and exhausting. Some Forum Members explained that they had not yet recovered from the invasive nature of the investigation, years after the process had concluded. Inquiry staff were told by victims and survivors that they felt they had to fight throughout the investigation to be believed by the police. An example given was that they feared sharing any information with officers about their health because it would be used as a reason not to believe them.
17. One Forum Member stated that disclosures about their mental health were used to question their accounts. Similarly, another explained how they were reluctant to speak to a counsellor about the abuse they had suffered because there was a risk that their evidence would not be believed. Many of the experiences that were shared reinforced Forum Members' strongly held view that the police were not adequately trained, and did not adopt a trauma informed approach. We heard that the police did not understand the impact of reliving traumatic events and how this may affect the way survivors are able to take part in the investigation process.
18. In common with earlier discussions we were told that there had been some improvements in attitudes towards, and the treatment of, survivors of child sexual abuse. Based on discussions between Forum Members and the experiences of those that had been involved in multiple investigations, there was an overarching view that recent experiences had been more positive. We heard accounts of positive and supportive interactions with officers throughout. One Forum Member commented that the police had been extremely respectful and caring in their interactions - this had humanised the experience for them. Importantly however, we heard that these improvements were not always seen uniformly. Many of our Forum Members strongly believed that there should be more consistency in how the police interact with victims and survivors of child sexual abuse during the investigation process.

Timeliness and impact of the investigation

19. Inquiry staff heard that there was a perception that the quality of investigations conducted by the police varied. Supporting this view and many of the experiences we heard was the perception that the police were significantly under-resourced and managing very high caseloads. Forum Members felt that this impacted on the quality of the investigation and, consequently, led to them having to do a lot of work themselves. Some described having to ask questions on multiple occasions about what evidence was being gathered. In other examples, they recalled having great difficulty in obtaining copies of their statement or documents that they had asked to see during the investigation. One Forum Member said that they felt bad for chasing up investigators and had subsequently felt discouraged from

sharing further information. A common experience we heard was that officers were moved away from investigations, meaning that information and processes had to be repeated. Critically, this also informed a view that victims and survivors were not a priority, and were simply a 'case' or 'crime-reference number' to the police. One Forum Member expressed the view that the police were not working for them as a survivor, but for the Crown Prosecution Service (CPS).

20. We heard several accounts of victims and survivors experiencing delays in the investigation process and that this had a profound impact on their wellbeing. Forum Members described having to put their lives on hold, and spoke about the impact of delays on their physical and mental health. We were told that delays were caused by a multitude of factors, including an officer's case-load, lack of resources, liaison with the CPS or other police forces and the complexity of the disclosure process. It was not uncommon to hear examples of Forum Members waiting up to three years before going to trial. One person described feeling extremely let down when they found out that their perpetrator had not been interviewed until almost a year after they first reported the offence. Another example that was cited was where delays had been caused by poor information sharing between forces, especially where a report had been about non-recent child sexual abuse. One Forum Member spoke about their experience of delays after one police force had lost evidence that was relevant to inquiries being conducted by another force.
21. Key to people's experiences of the investigation process was the frequency of communication and the extent to which updates were provided. Some did describe examples of receiving meaningful updates from the police, however, we were told that this often followed prompts from victims and survivors. Forum Members tended to reflect on a lack of communication and meaningful updates from the police on the progress of their investigation. Several described having to chase and follow up with investigators on multiple occasions to receive updates. We heard that on one occasion a survivor was challenged by an officer about why they needed to be updated about everything that happened during the investigation. We were also given examples of where the police had arranged a call or meeting with victims and survivors and did not keep to these agreed times. Forum Members explained that this had a significant impact on them, adding to the anxiety, distress and trauma they faced.
22. Forum Members recounted waiting to hear about important developments in the investigation only for the call to come out of the blue, or at an inconvenient time. We heard that these calls were often unannounced and, therefore, victims and survivors did not feel prepared. Some also explained that they did not like to receive calls from withheld numbers as it made them feel anxious. One individual described how the most important and traumatising call about the investigation came when they were on holiday.
23. A shared view from those taking part in discussions was that the police should do more to map out with victims and survivors when they are likely to receive updates on key developments in the case. It was suggested that one way of doing this could be to provide notification of a call in advance, for example, by text message.

Lack of support during the investigation

24. A majority of the Forum Members that contributed to these series of events, both in person or online, stressed the importance of there being readily available support for what is often a lengthy investigation process. We heard accounts of people not being able to find adequate support either during or after the investigation process. This included not knowing how to access support or being unable to access it at the right times. Additionally, we heard that

there was limited local availability of services, which for some resulted in the need to travel considerable distances. We were repeatedly told of victims and survivors not being referred to services by the police, that their details were not taken, or that they were not signposted to relevant services. In general, those that described recent experiences had limited awareness of the role of Independent Sexual Violence Advisors (ISVAs), and very few told us that they had received support from an ISVA.

25. Where Forum Members were made aware of services they told us that they experienced delays and waiting lists of between six months and several years. We heard from one Forum Member that in their local area the waiting list for a counselling service was five years. We heard examples at each of the workshops of victims and survivors spending years on a waiting list before paying to access private services themselves, as they could no longer wait. One Forum Member described waiting two years for a statutory service, before ultimately paying for private counselling. Another said they felt lucky to be able to afford to access private services.
26. Inquiry staff were told that a number of victims and survivors had been directed to Sexual Assault Referral Centre (SARCs) and/or other support services. A majority of those that had accessed support, often provided by voluntary sector organisations, explained that it had been critical to their recovery. However, experiences of these services were not always positive, for example, some described services not meeting their complex needs, or only having a limited number of interactions.
27. Very few of those that provided feedback received support from an ISVA, usually after self-referring to non-statutory services. There was some agreement that the referral process and signposting by the police had improved in recent years. One forum member described a positive experience, having been signposted to a SARC. They told us that they had been encouraged to get in touch with the Inquiry to set up a Truth session, and join the Inquiry's forum. They commented that this had felt more akin to a holistic approach. Despite this, Forum Members compared their experiences of accessing support in different parts of the country. It was suggested that, to some extent, service provision was a 'postcode lottery'.

Experiences of the court process

Communication of key decisions

28. As part of this discussion Forum Members were asked about whether they were given a clear explanation of decisions that were made, if they had exercised the victim's right to review, about the level of communication they received and their overall experience of going to court, for example, if they received support or special measures at trial. A common view-point expressed by victims and survivors was that communication in relation to their case could have been easier to understand, as well as, more sensitive and trauma informed. We were given an example of an individual waiting several years to find out from the CPS that their case would not be going to trial. Where a decision was taken not to go to trial we heard from several Forum Members that they were left feeling distressed, unsure about the reasons why, and with many unanswered questions. They explained that they had felt completely alone after hearing that their case was not going to trial.
29. Forum members reported that interactions with the Crown Prosecution Service (CPS) had made them feel that they were just a case number, or a witness, rather than a 'living' victim and survivor. For many, this seemed to be reflected in the way that they then received crucial information about key decisions, with calls or written correspondence being described as complicated, cold, insensitive and 'matter of fact'. One Forum Member explained their view that receiving critical information over the phone was inappropriate, given their level of vulnerability. Forum members were strongly of the view that, despite going to trial, prosecutors had not understood the gravity of what they had been through, and the trauma they had suffered as a result. We heard an example of a survivor receiving a letter which thanked them for their contribution to the CPS's case.
30. Whilst there was a general sense that communication should be improved other victims and survivors did tell us that they had understood key decisions in their case, such as, a decision not to go to trial. In some cases it was explained to them that this was because there was an absence of relevant information. In other examples, we heard that there was no trial because the perpetrator was no longer alive. Nevertheless, they explained that they had understood this and were still pleased to have reported their abuse so that the allegations were on record.

'Inequality of arms'

31. One of the most prominent themes that emerged from all of the events and the online feedback we received, was the perception that there was an 'inequality of arms' in the court process. Many of our Forum Members shared a common view that there was not a level playing field. One individual described how they felt that they were always at a significant disadvantage and that at the conclusion of their case they were portrayed as the 'guilty party' in the eyes of the legal system. A common observation from victims and survivors was that this was seen particularly in relation to how prepared they were for the trial, and interactions with their barristers. There were many accounts of Forum Members only meeting their barristers moments before the trial, which meant that they were not able to build a rapport with them, or ask detailed questions about the trial. Forum Members also explained that they had been asked to make important decisions about how to proceed with very short notice. This included, for example, making a decision about whether they wanted to go to court, or where a perpetrator had changed their plea on the morning of the trial.

32. Forum Members said repeatedly that they were aware of the fact that they were likely to be one of many on-going cases. Consequently, they questioned how feasible it was to expect barristers to familiarise themselves with the intricacies of a case at such short notice, especially where they are not specialists in child sexual abuse. Many Forum Members expressed their view that, alternatively, the defence has the ability to acquire specialist barristers, with time to plan and prepare their defence. We heard an example of a defence team calling up to twenty character witnesses at trial, with the prosecution calling only five or six.
33. Inquiry staff also heard multiple suggestions for change in relation to the court process. Forum members were strongly in favour of greater sensitivity in the handling of child sexual abuse cases, as well as, trauma informed training for legal professionals. We were told that there should be more effective specialist training for prosecution barristers, including a process of accreditation for those involved in these types of cases. Additionally, those taking part in the workshops were supportive of increased regulation of the conduct of defence barristers. They referred to what they believed was the use of underhanded tactics by defence teams at trial, and questioned whether conduct was always in line with Standards set out by the Bar. Where this was demonstrably not the case, they believed that sanctions should be more readily available.

Overwhelming experience of going to court

34. In the negative accounts we heard about going to court, central to this was the length of time that victims and survivors had to wait for decisions, or for the trial itself. Forum Members described a lengthy process just to find out if their case was going to trial. One person noted that the distress caused by multiple adjournments and changes to their court dates had made them feel like a victim all over again. We heard examples of this happening with little or no notice, exacerbating feelings of helplessness and distress. Others also said that putting their lives on hold had been too much for them, and that they had seriously considered withdrawing.
35. A recurring point from all of the feedback that the Inquiry received was that Forum Members did not feel at all prepared for the court process. A majority of our Forum Members described feeling completely overwhelmed and helpless - finding the experience intimidating and isolating. A key theme across of the feedback we received was that the experience of facing the perpetrator in court had been terrifying. We were told on a number of occasions that the term "reasonable doubt" was unclear and unhelpful in cases related to child sexual abuse, particularly for jurors who are unlikely to have experience in this area. There was a common view that a lack of understanding about the nature of these cases led to victims and survivors being 'destroyed' in court. Cross-examination was referred to as particularly problematic for victims and survivors. We also heard examples of forum members being provided with special measures, for example, giving pre-recorded video evidence, or in court with the use of a screen. We were told that victims and survivors were more likely to receive these provisions in recent years.
36. Forum Members explained that the court process was adversarial, and that they were often left to manage the impact of this themselves. Support services were described a lifeline throughout the court process, helping to deal with the challenging nature of the trial. There was, however, frustration that this was sometimes difficult to come by. This point was echoed throughout the workshops.

Experiences of the compensation and complaints processes

Inadequate levels of award

37. One of the questions explored Forum Members' experiences of the compensation and complaints processes. In line with current entitlements under the Victims' Code they were asked whether they had signposted, found these services accessible and if they had made a complaint about any aspect of the service they had received. Much of the content of the discussion focused on the role of the Criminal Injuries Compensation Authority (CICA).
38. A majority of our Forum Members, both at the workshops and online, described negative experiences of the compensation framework. Many expressed the view the awards were inadequate. A particular criticism raised was in relation to the low tariffs set under the scheme and that this failed to sufficiently take into account any loss of earnings since the abuse occurred. A number of those that had received compensation described the sums as 'derisory' and not worth the emotional effort it took to try and obtain an award. The tariff framework was described as rigid and inflexible - with Forum Members also suggesting that there was limited opportunity for a fair appeals process. We heard examples of where Forum Members were unable to make an application outside of the two year time-bar, despite there being discretion for cases involving child sexual abuse.
39. Forum members noted their view that CICA fails to recognise the impact of child sexual abuse, and therefore, that this is not taken into account in compensation figures. They were strongly of the view that there is a disparity between the larger sums of money awarded for more 'tangible' or physical injuries, and the settlements received for victims and survivors of child sexual abuse, despite its life-long impact. A common example cited was that whiplash claims were awarded larger sums of money than those in which claimants were unable to provide any evidence of abuse or physical injury. One Forum Member further described how the 'fast track' compensation claim fails to take into account the emotional impact of the abuse. Forum Members described their view that a lack of understanding about the impact of abuse was made worse by the fact that they had received awards that were equal to the costs of the perpetrator's legal representation.
40. Others described how despite being encouraged to apply for compensation they were hesitant to do so. They commented that the awarded sum equated to receiving 'blood money', and that perhaps the sums would be better placed if they were given to charities that dealt with victims and survivors of child sexual abuse. For some victims and survivors the money they had received represented an acknowledgement of what they had been through. We were told that this had value in itself.

Awareness and communication

41. Inquiry staff were told that there was very low awareness of the existence of CICA. This meant that victims and survivors were deprived of the opportunity to apply for compensation that they may have been entitled to. Forum Members were of the view that the police and CPS would often provide contradictory or inaccurate information to victims and survivors, and in many instances, failed to inform them about the scheme entirely. An example of this is that multiple Forum Members reported being told that they could only apply for

compensation following a conviction, which was not the case. One forum member told us that they were only aware of applying for compensation after a civil lawyer had approached after their trial had concluded. This experience left the victim and survivor distressed and disillusioned with the criminal justice process.

42. Forum Members also said that improved accessibility and transparency was needed in the application process and explained that they were not always provided with clear reasoning as to why their compensation claim had been denied. We heard that they were discouraged from making phone calls and that no email addresses were provided in order to raise queries. All contact was made through an online form, and victims and survivors would often have to re-enter case details every time they went online. The CICA website was generally considered to be very difficult to use and they stressed the necessity of a less formal process.
43. Underlying concerns about CICA was the view that the compensation system needed to be reframed so that it is seen more as a positive entitlement for victims and survivors that can contribute towards their recovery and help them to bring some closure to the abuse they had suffered. We heard multiple accounts, including recent examples, of Forum Members being discouraged from applying for compensation because it would be used against them in court by defence barristers who may portray them as interested only in money. In addition, we were given examples of Forum Members receiving mixed advice in relation to CICA. We heard examples of people being told not seek legal assistance for their compensation applications, as solicitors were likely to receive a proportion of their award. Conversely, others described how they were encouraged to seek legal assistance as the CICA process was complex and lengthy. Additionally, one Forum Member described being told that the sum of any award would be higher if their application was completed through a lawyer.

Inadequate support

44. The CICA process was described as being insensitive to the needs of victims and survivors of child sexual abuse. We were told by one Forum Member that they found the process extremely difficult to go through because of post-traumatic stress - yet, at the same time, they were told that they had been unable to provide sufficient evidence of this to CICA as part of their application. Another Forum Member was told only after their application was concluded that they may have been eligible for psychological or therapeutic support as part of the application process. A lack of support for claimants was a point echoed in almost all of the experiences that we heard, with Forum Members stating that this would have been helpful given the complex nature of the process. In some cases we were told that it added to the trauma they faced. Inquiry staff were told that the process lacked compassion and was administered by those with 'little understanding' of the nature of child sexual abuse. One Forum Member described having to recount the abuse that they had suffered in front of a panel. This experience was described as unsympathetic and distressing for the individual concerned.
45. We heard that very few had made complaints, for example, to the police or the CPS. Those that had, felt that there should be a form of advocacy to support victims and survivors. Those that contributed to the workshops and online spoke of how little recognition was shown to the long term psychological harm that victims and survivors had experienced, and how this might impact on their ability to engage with both the compensation and complaints processes. We were also told that processes lacked respect for what victims and survivors had suffered and that training for staff should be trauma informed.

Experiences of the overall system, and its impact on victims and survivors

Impact on health and personal life

46. The final question explored Forum Members' views on the overall system, how well it worked as a whole, and the impact that it had on victims and survivors. Many of the themes that were explored in earlier questions about different stages of the criminal justice system were raised again. A key theme that emerged from the discussions was that when the system does not work it can be extremely traumatic and, in many cases we heard, it added to the trauma that victims and survivors had already faced. There was a particular focus on the impact of delays, and the length of the overall process, on health and wellbeing. One Forum Member described the impact of the criminal justice system on them as 'soul destroying'. Others described the negative impact of multiple adjournments, sometimes at short notice, on their health. We heard several people say that given what they now know, they would find it difficult to encourage others to engage with the criminal justice system.
47. It was common for Inquiry staff to hear that the criminal justice system had a negative impact on mental health. Victims and survivors told us that the system had made the impact of the abuse they had suffered worse. We were told this led to withdrawal, social problems, mistrust and paranoia. One Forum Member described their experience of the overall system as committing 'professional and financial suicide', explaining how it had a profound negative impact on their physical and mental health, as well as their employment. Another explained that they had suffered from post-traumatic stress after appearing in court, and consequently, they had been unable to work. The process of cross-examination was also identified as particularly problematic for victims and survivors of child sexual abuse, with some telling us that they needed additional counselling and support.

Not victim and survivor focused

48. Overall, most of the victims and survivors we spoke to felt that the system was not adequately victim and survivor focused. We heard that this was shown in a number of ways throughout the various stages, including, the lack of support that was received, and feeling that the perpetrator often had the 'upper hand'. Forum Members cited feeling abandoned, and having to take the lead on their own case. They described feeling alone and that no one was on their side, which replicated some of the feelings they had when they suffered abuse. This was made worse by the lack of information on processes, support, compensation or general advice. We were told that this was shown in the focus on other issues throughout, such as money or public interest, rather than the needs of the individual victim. Forum Members expressed the view that those involved were often more keen on reaching settlements out of court, rather than bringing closure for the victim and survivor.
49. Concerns were also raised over the way victims and survivors are stigmatised by the system and wider society. Forum Members expressed the view that stereotypes, for example, that the abuse they suffered was their fault, or being labeled only as a victim, took away control of their case. We heard that there is a need to educate the public in order to change attitudes and to avoid the danger of creating a single story about victims and survivors. It was thought that this would also lead to improvements in how the criminal justice system is experienced and in understandings of the impact of child sexual abuse.