

**STANDING  
TOGETHER**  
against domestic abuse

# **National Specialist Domestic Abuse Court Mapping**

Findings Report 2023

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# Executive Summary

This report presents findings from the national mapping work of existing SDACs in England and Wales conducted by Standing Together Against Domestic Abuse (Standing Together) as part of the Mentor Court project.

## Background

The project aimed to reinvigorate the Specialist Domestic Abuse Court (SDAC) model nationally, improving the criminal justice response to domestic abuse across England and Wales. Standing Together's specialist team bring over two decades of coordinating multi-agency justice system responses to domestic abuse. The project enabled the DA Court Partnership at Westminster to be showcased; as well as providing an opportunity to enhance the understanding of the current provision of SDACs and criminal justice partnership efforts to deliver the Domestic Abuse Best Practice Framework (DABPF).

## Methodology

The mapping exercise employed a methodology consisting of scoping and mapping, fieldwork, and stakeholder interviews. Notes from fieldwork and stakeholder interviews were gathered and subsequently analysed to identify key themes and general trends across SDACs. In keeping with the project's key aims and to demonstrate the links between the SDAC model and the DABPF, the four DABPF components were used as a benchmark for analysis by examining how these components manifested themselves in the work of the local SDAC.

## Summary of key findings

### A depleted national landscape of magistrates' courts and SDACs

Between 2010 and 2022, over half of magistrates' courts had closed across England and Wales, dropping from 321 to 156. Such a depletion has not only affected the number of SDACs in operation, but also made it much harder for justice to be delivered locally.

### A 'patchwork' of practice

We observed examples of good practice in operation, and that many practitioners at different levels are committed to delivering an effective response to domestic abuse. There is a real commitment to partnership working on the ground, but rarely is every component of the DABPF fully delivered.

### Lack of victim focus and de-prioritisation of domestic abuse

The 12 core SDAC principles, which Standing Together have distilled into six essential SDAC elements, remain 'the gold standard' for the delivery of the national DABPF at Local Justice Area (LJA) level. These core principles are underpinned, just as the four DABPF components are, by a firm commitment to and focus on victim safety. Our mapping exercise highlighted considerable inconsistency in this respect, with efficiency of process taking priority over safety considerations.

The lack of victim focus within SDAC/court proceedings both reflects and is underscored by a process of de-prioritisation of domestic abuse within wider Criminal Justice System (CJS) processes which was most ostensibly manifested in low caseload and ineffective or inconsistent clustering.

Inevitably, this dual process of de-prioritisation of victim safety and domestic abuse reveals the lack of a wider coordinated community response to domestic abuse, where there is little strategic appetite and operational support for victim-centred practice, all against a backdrop of resource depletion, namely severe cuts to essential public services and funding uncertainty among the specialist voluntary sector.

## Impacts of the Covid 19 pandemic

From our stakeholder interviews, it was evident that all areas were still recovering from the short- and medium-term impacts of the Covid 19 pandemic, and that many of the operational challenges their SDACs and wider CJS processes faced had either arisen from or been exacerbated by the pandemic.

## The value of dedicated IDVA support

Amid the 'patchwork' of practice observed, a constant theme which emerged from our mapping exercise was the value of dedicated IDVA support within the SDAC. IDVAs were found to be both well-integrated and well-respected within local partnerships. However, they were not always included in operational decisions and their role in the SDAC was not always clearly defined or understood. The IDVAs' effectiveness was often hampered by the 'patchwork of provision' caused by insufficient, inconsistent, and insecure funding. All areas agreed on the importance of specialist Criminal Justice IDVAs, especially those which had benefited from this provision and subsequently lost it.

## Benefits of an SDAC

Despite the 'patchwork' of practice observed among SDACs and numerous operational and strategic challenges to an effective SDAC model, stakeholder interviews revealed a real appetite for SDACs. Most importantly, there was a strong alignment between the perceived benefits of the SDAC by relevant stakeholders and the four DABPF components.

### Summary of recommendations for policy and practice

- Inclusion of the SDAC model into the statutory guidance for the Victim & Prisoners Bill;
- Consistent clustering of domestic abuse cases;
- Audit of SDACs and benchmark of DABPF implementation plans against the six essential SDAC elements;
- Funding for and implementation of coordination;
- National accreditation framework for SDACs across England & Wales;
- Developing an effective CCR framework;
- Long-term and secure funding for dedicated Criminal Justice IDVAs;
- Using the SDAC model to inform the development of substance use courts and problem-solving courts.

# 1. Introduction: Standing Together and the Coordinated Community Response (CCR)

No one agency can tackle domestic abuse alone. The Coordinated Community Response (CCR) model helps services to work in partnership so they can see the whole picture.

The CCR enables a whole-system response to a whole person. It shifts responsibility for safety away from individual victims and survivors to the community and services that exist to support them. It supports the principle that perpetrators must be held to account for the harm they inflict and offered routes to change their abusive behaviours. Most importantly, within a CCR framework, every agency has a responsibility – both individually and by working with other agencies – to support victims and survivors of domestic abuse.

Standing Together Against Domestic Abuse (hereafter Standing Together) is a national charity working to end domestic abuse by championing the CCR model across a range of policy areas, having pioneered it in West London in the 1990s. Currently, Standing Together:

- coordinates two Specialist Domestic Abuse Courts (SDACs) in West London;
- chairs Domestic Homicide Reviews (DHRs) across England and Wales;
- coordinates Multi-Agency Risk Assessment Conferences (MARACs) across several London boroughs;
- helps improve the housing sector's response to domestic abuse nationally through the Domestic Abuse Housing Alliance (DAHA), the Whole Housing Approach, and the Housing First and Homelessness Project;
- leads the Faith and Violence Against Women and Girls (VAWG) coalition, which brings together organisations and activists working at the intersections of faith, race, ethnicity and VAWG;
- co-created the Coaction Hub as a partnership to explore and strengthen the CCR to Black and Minoritised survivors of DA and harmful practices;
- pioneered the Whole Health response to domestic abuse in line with the Pathfinder Toolkit;
- brings together those providing health services in our local area to embed the components of a Coordinated Community Response to break down barriers between agencies and support partners to respond better to domestic abuse;
- coordinates health responses in West London, including within acute healthcare settings and for people who have been affected by cancer and DA;
- facilitates the CCR Network which is a central hub for sharing best practice and supporting areas of deliver the CCR locally.

## 2. Backdrop to the project: the Specialist Domestic Abuse Court (SDAC) model

Initially called Specialist Domestic Violence Courts and later renamed Specialist Domestic Abuse Courts to reflect the reality that domestic abuse does not always manifest itself in physical violence, SDACs were first piloted in a number of sites across England and Wales in 1999. They introduced a version of problem-solving courts already in existence in the USA, Canada and Australia.

The SDAC model was born out of the recognition that domestic abuse was a different kind of offence, to which the traditional criminal justice process had not been able to effectively respond. Underpinned by the principles of the CCR, the SDAC model aimed to provide a more consistent and coordinated court process that improves the safety and satisfaction of victims and survivors, holds people who commit domestic abuse to account and increases public confidence in the system.

Standing Together were a key partner in setting up the first SDAC in London at Hammersmith Magistrates' Court in 2002. In 2006, the National Specialist Domestic Violence Court Steering Group produced an accreditation system to support local partnerships in implementing and monitoring SDACs in their areas. By 2011, 143 SDACs had successfully achieved accreditation across England and Wales<sup>1</sup>. The accreditation system made explicit reference to the fact that although the SDAC has court processes at its heart, it related to a broader, whole-system process including the early identification of domestic abuse incidents and particularly policing, health and social care interventions, through to specialist support for victims and the management of offenders.

Thus, it set out 12 core components for an SDAC within a wider CCR structure:

### The 12 core SDAC components

- 1. Multi-agency partnership with protocols:** The SDAC is situated within a broader CCR structure and subject to an effective system of governance
- 2. Multi-Agency Risk Assessment Conferences (MARACs) and Multi-Agency Public Protection Arrangements (MAPPAs):** Within an effective SDAC system, there should be robust information-sharing arrangements between key public protection arrangements such as MARAC and MAPPAs
- 3. Identification of cases:** The correct identification of domestic abuse cases is an essential aspect of the SDAC system and the wider CCR structure
- 4. Independent Domestic Violence Advisers (IDVAs) and other specialist domestic abuse support services:** These are invaluable in the work of the SDAC
- 5. Trained and dedicated criminal justice staff:** Training for all agencies which form part of the SDAC system should be continual, and the identification and allocation of dedicated personnel to carry out SDAC-related work is crucial

<sup>1</sup> <https://www.cps.gov.uk/publication/specialist-domestic-violence-courts-2013>

- 6. Court listing considerations:** Evidence has suggested that some form of clustering approach is the most effective in ensuring the focus on victim safety and confidence is maintained
- 7. Equality and diversity issues:** These need to be addressed in each SDAC, reflecting the needs within the local population
- 8. Performance management:** Collection, collation, and analysis of data on the performance of the SDAC is key to ensuring arising issues are properly addressed
- 9. Court facilities:** While court buildings vary in design and available facilities, an SDAC should provide separate entrance/exits and separate waiting facilities for victims and survivors
- 10. Children and young people:** The SDAC needs to be sensitised to the specific needs of children as witnesses in domestic abuse cases
- 11. Managing perpetrators:** Fast Delivery Pre-Sentence Reports (PSRs) are usually not appropriate in domestic abuse cases, and consideration should be given to court-mandated perpetrator programmes supervised by Probation
- 12. Other services:** The SDAC forms part of a wider CCR which should offer a wide range of services to victims based on their diverse needs

Despite the widespread adoption of the model in the early 2000s, SDACs have suffered closures and deterioration over the past 10 years. As a result of reduced government funding and court reorganisations and restructures, many of these specialist courts across the country experienced reduced sitting days, inconsistent practice and delayed proceedings, which strained the service delivery and the political will to keep them running. In this context, the SDAC model declined in prominence. By 2014 the number of SDACs had fallen to 137 (Centre for Justice Innovation, 2022). The recent SDAC mapping exercise conducted by Standing Together revealed that there are reported to be over 60 SDACs currently in operation in England and Wales. As detailed throughout this report, however, not all of these (self-reported) SDACs are delivering the 12 core SDAC principles.

In 2012, Standing Together established another SDAC at Westminster Magistrates' Court. Following the closure of Hammersmith Magistrates' Court in 2017, both SDACs continue to operate within Westminster Magistrates' Court. Against the backdrop of a national erosion of the SDAC model, the Westminster SDACs are best practice examples of an SDAC operating within a broader CCR structure in response to domestic abuse. They demonstrate both the values of dedicated partnership work and the challenges of sustaining partnership work amid significant structural and institutional changes.



Drawing on its unique expertise in coordinating SDAC partnerships, and in recognition of the changing policy and operational landscape surrounding SDACs over the last decade, Standing Together has distilled the 12 original SDAC components into a set of six essential elements:

### The six essential SDAC elements

- 1. A coordinated response and partnership working:** Before a case arrives at the SDAC, it should have passed through a system where all agencies work together. This is manifested in a number of ways, including effective flagging systems, referral pathways for specialist support, information sharing processes, regular joint trainings/briefings, and so on.
- 2. Multi-agency protocols and procedures:** Agreed policies, procedures, and protocols must be developed before starting an SDAC. These reflect organisational commitment to working together to the shared aims of the SDAC. They also ensure practitioners across all agencies are able to deal with domestic abuse cases with the confidence that their organisations have agreed to this way of working.
- 3. An SDAC Coordinator:** An independent coordinator with knowledge of SDAC protocols and a detailed understanding of domestic abuse and the Criminal Justice System should be in place. The role of the SDAC Coordinator is discussed in more detail later in the report.
- 4. Monitoring, feedback, and evaluation framework:** Changes and improvements should be based on objective data, criteria for success, and safe practice analysed throughout the Criminal Justice System.
- 5. Domestic abuse advocacy services and IDVAs:** Victims and survivors should be referred to an appropriate IDVA service as early as possible.
- 6. A focus on victim, survivor, and witness safety issues:** SDACs should work with agencies, victims, and survivors to increase the safety of victims and survivors and lobby for change.

You can find [here](#) a detailed discussion by Ellen Pence, pioneer of the CCR model on the key principles of the SDAC and their relevance within a CCR structure.

# 3. The Domestic Abuse Best Practice Framework (DABPF) and its synergies with the SDAC model

In 2018, the National Criminal Justice Board (NCJB) rolled out the Domestic Abuse Best Practice Framework (DABPF). It was jointly written and committed to by the Crown Prosecution Service (CPS), Police, and HM Courts & Tribunal Service (HMCTS) for use across all magistrates' courts in England and Wales.

The Framework aims to ensure the capacity and capability of the Criminal Justice System to respond effectively to reports of domestic abuse offending and improve outcomes, as well as ensure a level of service to victims of domestic abuse which increases their safety and satisfaction and improves public confidence in the System. To this aim, the framework identifies four common evidence-based components:

## The DABPF components

1. A clear multi-agency/community approach which addresses risk management and safeguarding procedures
2. Independent Domestic Violence Advisor (IDVA) support
3. Trained and consistently deployed staff across all agencies
4. In-court services: proactive witness services/pre-trial familiarisation visits/appropriate use of special measures

Local strategic and operational groups, including Local Criminal Justice Boards (LCJBs), are tasked with leading on the adoption and monitoring of the DABPF in each local area, supported by a national implementation group, membership of which includes representatives from HMCTS, Police, CPS, Probation, Victim Support, and specialist domestic abuse support services.

The introduction of the DABPF, whose components were in line with the 12 core components of the SDAC, signalled a renewed appetite for lessons from SDACs to be rolled out nationally. The SDAC Resource Manual was subsequently updated to align the SDAC components with the DABPF, thus demonstrating the close link between the DABPF and the wider work on SDACs across government. The SDAC Resource Manual remains 'the gold standard for the delivery of the National CJS DA Best Practice Framework' (SDAC Programme Resource Manual, 2018). The Domestic Abuse Act 2021 and its associated Statutory Guidance (published 2022) further confirm the interconnectedness between the SDAC model and the DABPF by stressing the importance of the DABPF in strengthening the criminal justice system's response to domestic abuse.

Standing Together welcomed the DABPF for its sound recommendations. Since its roll-out in the local SDAC partnership areas, Standing Together has been instrumental in highlighting the synergies between the DABPF and the SDAC model, in particular how an effective SDAC is crucial to delivering these components most visibly and effectively.

## 4. The Mentor Court Project

In 2021, the Tampon Tax Fund awarded funding to Standing Together for a pioneering two-year project designed to reinvigorate the SDAC model across England and Wales. The key aim of the project was to improve victims' and survivors' experiences of the Criminal Justice System and support the delivery of the DABPF by:

1. Developing the existing SDAC partnership at Westminster Magistrates' Court into a 'Mentor Court' that will provide information, advice, and support to other sites seeking to enhance their own provision and learn from this approach;
2. Conducting national mapping work to build a picture of existing SDACs in England and Wales;
3. Funding the provision of Criminal Justice IDVAs who provide specialist support to victims and survivors navigating the SDAC.

This report presents the findings of the national mapping work carried out by the project.

# 5. Aims and Methodology

Standing Together conducted the national mapping work of existing SDACs in magistrates' courts in England and Wales to build a picture of how they operate. This exercise employed a methodology consisting of scoping and mapping, fieldwork, and stakeholder interviews.

## Scoping and mapping

A database was set up to identify where SDACs exist in England and Wales. Figures were based on areas confirming whether they had a local SDAC in operation. We did not cross-check or screen self-reported SDACs against any of the 12 SDAC components. 57 SDACs were identified, constituting 37% of Magistrates Courts. A further 38 courts reported they referred their domestic abuse cases to an SDAC. Thus, a total of 95 courts reported as benefiting from an identified SDAC.

These figures also indicate that 39% (n=61) of Magistrates Courts in England & Wales do not operate an SDAC.

43 of the identified SDACs<sup>2</sup> had previously been accredited, constituting 75%. 14 had never been accredited but reported to be operating as SDACs.

30 magistrates' courts had previously been accredited, but no longer operate an SDAC.

Using the software ArcGIS Online, we developed a map of magistrates' courts in England and Wales, which we also used to show changes to the number (due to court closures) over time.

## Fieldwork

Observations of identified SDACs were conducted by the Standing Together project team. Between 01/04/2021 and 31/03/2023, 39 SDACs in session were observed, as well as another 16 courts which had not identified themselves as SDACs but where domestic abuse cases were heard. This provided a basis for comparison. Some courts were visited more than once, so a total of 73 court sessions were observed (50 SDACs; 23 non SDACs).

## Stakeholder interviews

36 stakeholder interviews were conducted with 77 key stakeholders from various agencies in the observation areas. The aim of the interviews was to understand the workings of the local SDAC, including its partnership and governance structures, and stakeholders' assessments of the benefits of the SDAC as well as its operational and strategic challenges. The interviews also informed some of the fieldwork visits as information was obtained about where SDACs operated and on which days. An anonymised list of stakeholders interviewed is provided in Appendix 1, and a sample interview guide is provided in Appendix 2. A number of other stakeholders were also spoken to during the fieldwork exercise.

Notes from fieldwork and stakeholder interviews were gathered and subsequently analysed to identify key themes. The aim was to look at general trends across SDACs, rather than identifying issues within specific courts or areas. In keeping with the project's key aim and to demonstrate the links between the SDAC model and the DABPF, we used the four DABPF components as a benchmark for our analysis, examining how these components manifested themselves in the work of the local SDAC.

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<sup>2</sup> Not including those reportedly referring cases to a court with an SDAC

## 6. Limitations

As mentioned above, the number of SDACs identified was based on self-reporting by local areas. This number was itself subject to various fluctuations caused by – and persisting after – the Covid 19 pandemic, with many courts changing their operational procedures (e.g. frequency or listing framework) over the course of the project. Therefore, the national landscape of SDACs which emerged from this mapping exercise is by no means a definite one.

We encountered significant difficulties contacting courts. Some did not answer the phone, others sent callers on a loop, and many required us to send emails, which went unanswered. In many areas the route for enquiries were via a central call centre, which did not have the detail of individual courts and the listing configurations.

Some areas would not engage with our project unless it had been formally signed off by the Senior Presiding Judge (SPJ) due to the mistaken impression that the project was a new pilot. Due to the lack of communication from HMCTS and the SPJ, which prevented the project from being signed off, we had to review our approaches to local areas, finding alternative contact details and contact methods. Initial meetings and discussions also led our project team to contact other stakeholders. Towards the end of the project, we identified missing areas and used our own contacts within the organisation to identify relevant stakeholders. This was a time-consuming process which incurred lengthy delays. Additionally, while we aimed to combine court observations with stakeholder interviews in every area visited, this was not always possible due to difficulty establishing contact and/or engaging with relevant stakeholders in some areas.

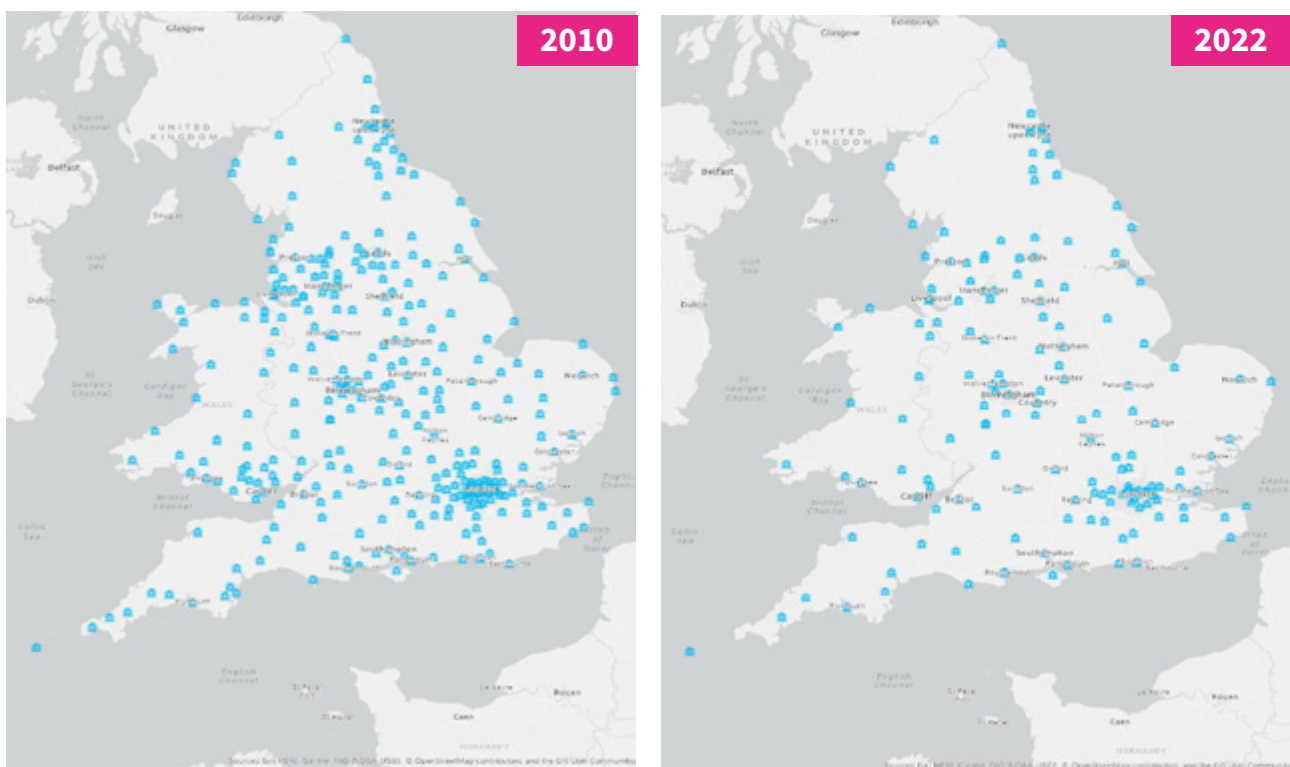
Several SDACs were held on the same day of the week, which meant only one SDAC could be visited per week. Some courts were found to be closed upon attendance despite information to the contrary from enquiries. Some courts had changed from a weekly SDAC to a fortnightly one, or some other configuration, but this information was not always available or kept up-to-date, and in some cases courts did not answer the phone so confirmation could not be obtained for visits to be conducted. This limited the total number of SDACs we were able to observe.

Due to the nature of fieldwork (court observations) and the length and focus of stakeholder interviews (on general SDAC practices and challenges), it was not possible to gain insight into issues relating to equality and diversity, in particular Black and Minoritised victims and survivors. However, as part of the Mentor Court project, research was conducted on experiences of Black and Minoritised victims and survivors in the criminal justice system and the value of specialist advocacy for Black and Minoritised victims and survivors in contact with the criminal justice system.

It is also worth noting that as we did not observe trials, we were unable to assess the full extent of the fourth DABPF component in terms of witness services/pre-trial familiarisation visits/appropriate use of special measures.

# 7. The national landscape of Magistrates' courts and SDACs

In 2010, there were 321 magistrates' courts open across England and Wales<sup>3</sup>, of which around 145<sup>4</sup> were accredited as SDACs (45%). By 2022, there were 156 magistrates' courts open across England and Wales. Thus, between 2010 and 2022, over half of magistrates' courts had closed:



Of the 156 open magistrates' courts across England and Wales as of 2022, our mapping exercise identified 57 SDACs and a further 38 courts which referred their domestic abuse cases to an SDAC. From one perspective, this presents a positive picture insofar that a higher proportion of courts benefit from some sort of SDAC response<sup>5</sup>. However, it is important to recognise that nearly quarter of magistrates' courts do not have an SDAC operating from the courthouse but refer domestic abuse cases elsewhere.

3 <https://justiceinnovation.org/publications/safe-place-and-safe-time>

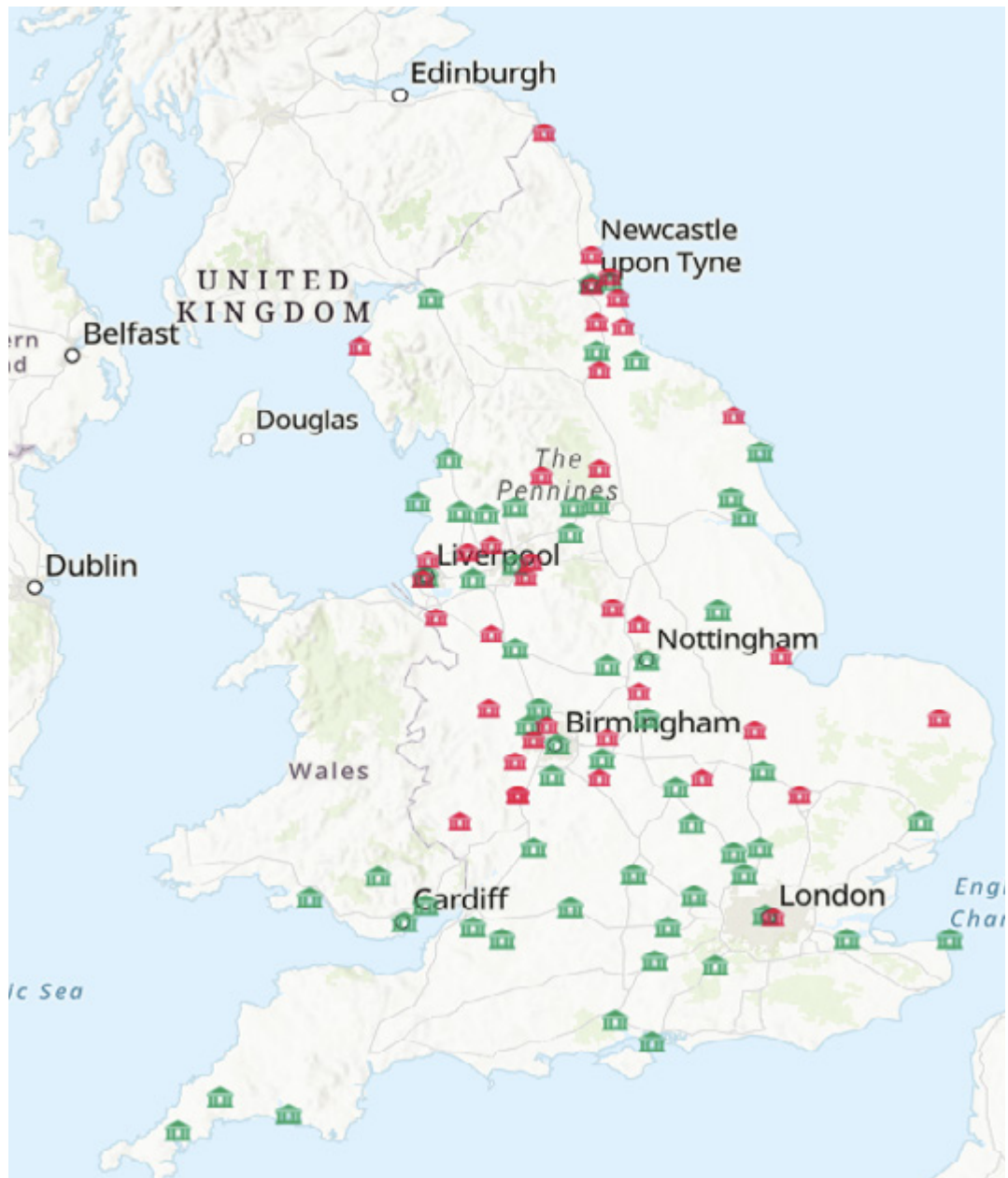
4 <https://commonslibrary.parliament.uk/constituency-data-magistrates-court-closures/>

5 57 courts report having an SDAC, plus 38 courts which refer DA cases to an SDAC, totalling 95 and constituting 61% of open courts in 2022.

There are several implications of this arrangement, namely erosion of perceived local justice, with some victims and defendants having to travel some distance to access courts. The same applies for IDVA and other specialist support services which may not have resources to engage with SDACs fully if they are not located in the region that they cover.

Thus, 37% of magistrates' courts are reported to operate an SDAC and this indicates that court closures over the past decade have had an adverse impact on the number of SDACs in operation.

The map below shows self-reported SDACs in operation in 2022 (🏛️) and courts which do not operate an SDAC but refer domestic abuse cases to an SDAC within the region (🏠).



# 8. A ‘patchwork’ of practice: findings from fieldwork and stakeholder interviews

As mentioned in Section 5, we used the four DABPF components as a benchmark to examine how these components manifested themselves in the work of local SDACs. We also referred to the six essential elements of an effective SDAC (as outlined in Section 2) as indicators of good practice in achieving these DABPF components.

Thus, an effective SDAC sits firmly within a **Coordinated Community Response** to domestic abuse, linking criminal justice, statutory and voluntary sector services and interventions that places **victims and their safety** at the heart of the criminal justice system and holds perpetrators to account (SDAC Resource Manual, 2018). Such a holistic multi-agency partnership requires careful and consistent **coordination** to ensure effective communication and accountability structures are in place:

The DABPF components	What good practice looks like through the SDAC	
1. A clear multi-agency/ community approach which addresses risk management and safeguarding procedures	<p>A coordinated response and partnership working, within which all agencies are connected, enabling detailed information gathering and tracking of cases.</p> <p>Multi-agency protocols and procedures with clearly defined roles and responsibilities and robust operational structures and strategic governance. There are regular multiagency meetings which include: the police, CPS, HMCTS, IDVAs, judiciary, Witness Care Units, Witness Service and as appropriate: health services, local government (housing/social services), drug and alcohol and children’s and adult social services.</p> <p>Robust monitoring, feedback, and evaluation frameworks.</p>	Focus on victim safety
	<p>An independent SDAC Coordinator who oversees the coordinated response of effective partnerships</p>	
	2. Independent Domestic Violence Advisor (IDVA) support	
<p>An independent SDAC Coordinator who oversees the coordinated response of effective partnerships</p>		



<p>3. Trained and consistently deployed staff across all agencies</p>	<p>A coordinated response and partnership working, within which police, prosecutors, legal advisers, the judiciary and probation officers have received a high level of domestic abuse training and are experienced in domestic abuse. They possess a good level of local knowledge and sit in the same courts on a regular basis. There are strong working relationships across the agencies.</p>	<p><b>Focus on victim safety</b></p>
<p>An independent SDAC Coordinator who oversees the coordinated response of effective partnerships</p>	<p><b>Focus on victim safety</b></p>	
<p>4. In-court services: proactive witness services/pre-trial familiarisation visits/appropriate use of special measures</p>		<p>A coordinated response and partnership working, within which at-court services are staffed with fully domestic abuse-trained and dedicated staff members, and all relevant CJS staff are aware and trained in the use of special measures and consider their appropriate application which are made at the first hearing. Key points of contact at the court are available to victims/witnesses. Familiarisation visits and post-trial meetings are offered.</p>
<p>An independent SDAC Coordinator who oversees the coordinated response of effective partnerships</p>		



**The table above highlights a number of key observations:**

- The six SDAC essential elements developed by Standing Together complement DABPF by providing tools and processes which ensure the DABPF can be manifestly delivered;
- An SDAC Coordinator (SDAC Essential Element #3) is crucial to every component;
- Every component is underpinned by a focus on victim safety (SDAC Essential Element #6);
- All elements and components have to happen within a coordinated response in order to be effective.

## 8.1 A clear multi-agency/community approach which addresses risk management and safeguarding procedures

### 8.1.1 Multi-agency and partnership working frameworks

Most areas reported having strategic and operational partnerships in place, although **memberships and agency engagement levels varied greatly or are individual-dependent** as opposed to being embedded within core agency structures.

‘Generally partnership working is really good, but [it’s] down to individuals and the consistency of them being in place’

**Stakeholder**

‘[We’re] concerned that it’s based on personalities and that when those people leave it will all fall apart’

**Stakeholder**

Where an effective SDAC steering group was available, stakeholders spoke highly of its benefits, especially in terms of communication and resolution of issues:

‘[When we used to have a steering group], people knew each other, we could keep the focus [on the court], which meant that issues could be dealt with.’

**Stakeholder**

Several areas reported to have **good information-sharing and general communication** among partner agencies, which was greatly enhanced by **co-location**. This, in turn, helped maintain effective communication channels outside formal operational meetings:



**Good practice: Co-location** enhances communication among partner agencies, especially with local IDVA services, and helps establish an effective system for referrals or notification of cases from police to the IDVAs.

Some stakeholders question, however, whether good communication on the frontline may hamper the effectiveness of an operational group. We refer to this as the paradox of **‘individual engagement vs. institutional apathy’**: issues being addressed dynamically and informally among partner agencies, largely thanks to the drive of individuals, may lead to less emphasis on a formal discussion forum where these issues can be raised and, ultimately, less commitment by senior management and strategic leads to embedding good practice. Thus, partnership working is neither sustained nor sustainable in the long run. It was clear from some stakeholder interviews that the tenacity and persistence of individuals were often the main drive for progress.

There was a **lack of clearly defined pathways**, for example around data sharing among partner agencies, due to lack of multi-agency protocols.

Partnership working at times suffered from **unequal relationships** and lack of genuine collaboration, with statutory agencies failing to consult with partner agencies such as IDVAs. In particular, IDVA services in some areas described difficulties in ensuring that they were included in partnership meetings and that partnerships were informed by the voices of victim/survivors.



**Practice issue:** In one area, the SDAC day was changed repeatedly without any consultation with or notice given to the IDVA service, and consequently the court IDVA had to adjust her work schedule every time this happened.

In some areas, SDAC steering or operational groups have been **subsumed under generic Local Justice Area (LJA) meetings** which have a much wider remit, thus diluting the focus on domestic abuse, and issues relating to the SDAC and DABPF may not be fully addressed in those fora. Of particular concern was the fact that generic LJA meetings would also tend to exclude 3rd sector specialist support services. On the other hand, some SDAC steering or operational groups have been subsumed under **wider domestic abuse boards**, within which, while the focus is firmly on domestic abuse, there is insufficient specific attention to CJS processes and court-related issues are not fully discussed there either.

### 8.1.2 Partnership working and information sharing in practice

We observed several examples of good practice relating to partnership working and information sharing within and around the SDAC:



**Good practice:** In one area, the **casework unit** within the police ensured that domestic abuse cases were correctly bailed to the local SDAC and that DA-flagged cases were prioritised for processing.



**Good practice:** Another area held routine **pre-court meetings** with probation, legal advisors, list callers, police, and defence lawyers to ensure all charge information (including dates) was accurate and relevant case processes were up to date. No victim personal details were discussed in front of Defence. These meetings were also used to prioritise and order cases in court. Any immediate action to be undertaken by police would be tasked to the police representative during these meetings.

However, we observed a general **inconsistency around the key information available or required** to deal with domestic abuse cases effectively in the SDAC, such as callout history and victim's wishes with regard to restraining orders. It was unclear how thoroughly the information had been gathered beforehand and, in some courts, we observed a **reliance on key information being obtained on the day by the IDVA**.

While we saw many good examples of legal advisors providing a full overview of the facts for the Judiciary before each sentencing, **open justice was not always observed**, as the information shared in open court did not always make clear what the offences were or what the facts were, probably because the Judiciary and CPS already had the facts in front of them. This, however, completely overlooked other concerned parties in the courtroom, such as the defendant, family members, other professionals, or the victims should they be present in the public gallery.

**Callout history** was **inconsistently available** (or shared) in the SDACs we observed:

- Some prosecutors relayed detailed history of callouts, some summarised them, while others only presented previous convictions.
- It was not always clear which previous convictions might be domestic abuse related.
- At times, there was a lack of information altogether on previous convictions relating to other victims, either partners or family members, which might be relevant to decisions about risk.



### **Point of Discussion: Callout History**

The Overarching Principles<sup>6</sup> outlined by the Sentencing Council in relation to cases of domestic abuse states the following:

- Domestic abuse is rarely a one-off incident and it is the cumulative and interlinked physical, psychological, sexual, emotional or financial abuse that has a particularly damaging effect on the victims and those around them.
- Cases in which the victim has withdrawn from the prosecution do not indicate a lack of seriousness and no inference should be made regarding the lack of involvement of the victim in a case.
- ... factors are of particular relevance to offences committed in a domestic context, and should be considered alongside offence specific factors [include]...
  - **A proven history of violence or threats by the offender in a domestic context**
  - **A history of disobedience to court orders** (such as, but not limited to, Domestic Violence Protection Orders, non-molestation orders, restraining orders)
- A history of callouts to police will be documented by the relevant police service and as such forms a record of a pattern of behaviour and background and as such context to the offence.
- A callout history might involve the defendant and other victims in a domestic context, thereby indicating serial perpetration of domestic abuse which is a recognised risk factor. History of callouts/incidents with family members also fall within the definition of domestic abuse.
- Whilst the ‘proven’ element of call out histories relate to contact with police, the court will give appropriate weight to recorded offences which have not passed the criminal test.

We spoke to some prosecutors who cited the lack of information on callout history as a specific barrier to an effective response from the CPS, while some mentioned Defence opposing the use of callout history and the Judiciary refusing to hear callout history unless limited to ‘proven’ offences, thus limiting their ability to share the full callout history available to them.

Where **callout history** was available and shared at the first hearing, which included previous domestic abuse related convictions, it **did not always lead to a bad character application** being made prior to trial.

<sup>6</sup> <https://www.sentencingcouncil.org.uk/overarching-guides/magistrates-court/item/domestic-abuse/>



**Good practice:** In one area, it was standard procedure for the SDAC prosecutor to make a bad character application **at the first hearing**. This relies on all relevant information being provided to CPS by police ahead of the hearing and is therefore an example of effective partnership working.



**Good practice:** Victim Personal Statements (VPSs) were routinely referred to during sentencing, demonstrating consistent efforts by relevant agencies to gather information on victims' experiences.



**Practice issue:** Due to the need for Probation to undertake a full risk assessment and obtain information from key agencies, the use of Fast Delivery (Pre-Sentence) Reports (FDRs) is strongly advised against. Despite this, we noted several examples of FDRs for sentencing in the SDAC.

At the other end of the spectrum, the use of oral Pre-Sentence Reports (PSRs) led to potentially disproportionate information-sharing in open court.

### 8.1.3 Risk management and safeguarding procedures

**Bail conditions and protective orders** are two of the most common measures of risk management and safeguarding of vulnerable victims in a domestic abuse case. This is where the different components of the DABPF (and an effective SDAC model) strongly intersect: a multi-agency approach enables detailed information gathering and sharing among CJS agencies, as well as between CJS agencies and other community organisations; a well-funded and dedicated IDVA service is crucial to assessing risk to and understanding the needs of victims and survivors; and well-trained CJS staff are cognisant of the dynamics of domestic abuse (and coercive control in particular) and specific risk factors when deciding on bail and protective orders.

In this respect, we noted that many courts put in place **robust bail conditions** (e.g., consistent non-contact and exclusion from streets of the victim/witness's home and work). This, in turn, relied on accurate and up-to-date information being available to prosecutors, thus highlighting good practice around information sharing and partnership working.

On the other hand, we observed a number of **unsafe practices relating to bail conditions and protective orders**. For instance, there was **little evidence of robust bail address checks** when considering bail.

In addition, **post-conviction bail conditions** were often **dropped** or **reduced for adjournments for pre-sentence reports**. This indicates that the safety and protection of victims were often deemed more important when they were still witnesses for the Crown than when they were established victims. It is important to note that prior to sentencing, risk management processes are no longer in place and therefore the need for protection of bail conditions remains.

There was a significant number of cases arriving at the SDACs on Postal Requisitions (PCRs), thus without any police bail conditions imposed on the defendant. There appeared to be an assumption that in these cases, the court should automatically impose unconditional bail due to the absence of prior police bail.

**Reminder: While it might be expected of Defence to argue for unconditional bail, or subsequently argue against the need for a restraining order, using PCR as a justification, it should be incumbent on the court to take into account all the relevant risk in an individual case while considering bail.**



### **Point of Discussion: Postal Requisitions**

Changes to pre-charge bail legislation caused an increase in cases in which a suspect was 'Released Under Investigation' (RUI'd). A key implication of this was delays in cases being investigated and brought to court. Suspects were not restricted by any bail conditions, either prior to charge or post charge, as the legislation dictated that police were unable to impose bail conditions upon charging any suspect who had been RUI'd. Rather, a charged suspect would be postally requisitioned to court, effectively a written summons.

The Covid 19 pandemic exacerbated all processes and in the case of charging suspects, emergency protocols were put in place which determined the length of time a case would be listed in court following charge in order to manage cases entering the court system during periods of lockdown. Cases were categorised according to seriousness and risk. Unfortunately, it followed that the use of RUI and PCRs was deemed indicative of the system's view of risk in a case, and cases in which the suspect had been RUI'd were subsequently seen as low priority and suffered the lengthiest delays to get to court due to extended listing timescales.

Following the recovery from Covid 19 measures, the use of RUI and therefore PCRs continued and over time have become quite commonplace in domestic abuse cases, despite agency leaders stating otherwise.

It is difficult to conclude that any domestic abuse case would be appropriate for lengthy investigations with no protective conditions, let alone a post-charge summons. The inherent risk associated with domestic abuse does not appear to correlate with the practice of RUI / PCR. On the contrary, protection for the victim becomes the price of failures to comply with timescales afforded in legislation.

Fortunately, these issues contributed to reform of the pre-charge bail system. However areas must consider the implications on safety of the practice of RUI in domestic abuse cases.

We also observed a number of cases where the court did not impose conditional bail because of an existing protective order (such as a Non-Molestation Order or Restraining Order), despite the fact that the defendant had been precisely charged with breaching such an order.

**Reminder: It is good practice to still impose court bail conditions, in line with the stipulations of an existing protective order (unless these are unclear or inappropriately worded), as a breach of court conditional bail is dealt with differently, and often more promptly.**

When a defendant was remanded in custody by the court, which meant there were no specific bail conditions in place preventing the defendant from contacting the victim(s) or witness(es), there was often **no warning** made by the Judiciary against such contact from prison. There was **no mention** of any wider **protocols or procedures to prevent contact from prison.**

**Reminder: The Witness Intimidation Protocol (now archived) contained a process by which domestic abuse cases were identified and key information shared between police, CPS and HMCTS. While it is possible that this process is activated without it being expressly said in open court, there is expected to be some mention of restrictions on contact from custody to the defendant, if only to remind them that such contact is monitored and to provide warning of the severity of witness intimidation.**

**More recently, the Unwanted Prisoner Contact Service has been rolled out which provides a gateway for requests to be made to restrict communication from prisons. It should be noted that this service seemingly places more onus on recipients of unwanted contact, rather than requiring CJS agencies to identify and communicate the need to protect victims of DA from coercion and intimidation.**

There was considerable **variation in practice with regard to** the application for and **granting of restraining orders** in the courts we observed, such as:

- Chosen lengths of orders often appeared to be arbitrary instead of being specified based on circumstances, with some asking for 6 months and some asking for indefinite orders.
- Wording of orders were at times ambiguous, potentially causing difficulty in enforcing them. This included prohibiting the defendant from attending “any address the victim is known to reside” and offering protection that did not appear to be tailored to the specific circumstances of the victim. In SDACs where there was clear IDVA presence (whether in person or remotely), conditions on restraining order requests appeared to be more specific.
- Similar to court bail conditions, existing civil protection orders (such as Non-Molestation Orders) were often considered against imposing a restraining order.



### **Point of Discussion: Restraining Orders**

The **Overarching Principles** outlined by the Sentencing Council in relation to cases of domestic abuse do not provide guidance on how the length of a restraining order should be decided, leading to areas coming up with their own directions. This is where inconsistency arises.

While consideration of the length of a restraining order should be informed by appropriate risk assessment (itself partly informed by the victim’s views), a case may be made for imposing an order for longer than the period of supervision to ensure the victim can still benefit from some protection after supervision ends.

From a risk management and safeguarding perspective, the primary focus of restraining order proceedings appeared to be **efficiency rather than victim safety or voice**. In addition, the validity of the information provided by the defendant, likely because of their physical presence in court, appeared to be weighted in favour of the information available to court at the time. Generally, it was not evident that information was sought from the victim to confirm whether what was being claimed by the defendant was accurate.



**Practice issue:** Some applications for restraining orders made explicit reference to the victim's wishes, potentially increasing risk to the victim. In some areas, decisions on restraining orders were made without having sought the victim's views (despite this being recommended practice in the domestic abuse sentencing overarching principles).

In others, IDVAs would be asked to contact victims to ascertain their wishes regarding a restraining order on the day. This 'real-time' information gathering does not give the IDVA sufficient time to explain about the order and which conditions are most appropriate to provide protection, nor does it give a victim time to consider it as something they would want.

There **lacked a robust process** for dealing with applications to **discharge or vary restraining orders**, with little or no consideration given to risk assessment and information gathering to help inform the decision (e.g. lack of information from outside agencies such as children's services).

**Reminder: At the Westminster SDACs, there is a process in place to ensure all appropriate enquiries are made through the SDAC Coordinator and all relevant information is shared with the court to assist with the decision to vary or discharge a restraining order. This includes confirming the victim's views and conducting a thorough risk assessment with the victim thanks to the dedicated Criminal Justice IDVA, as well as seeking updated assessments on risk and safety concerns from police, probation, substance use or mental health services, and children's services as relevant. Thus, the victim's voice and wishes are respected without compromise to their safety.**



### **Point of Discussion: Information gathering and sharing in the SDAC as part of a wider system**

A clear multi-agency/community approach which addresses risk management and safeguarding procedures (DABPF Component 1) encompasses several elements as outlined in this section. Information gathering and sharing in the SDAC are but the visible part of an effectively coordinated partnership, within which consistency is key.

An independent **SDAC Coordinator** can help oversee the coordinated response of an effective partnership by bringing about consistency. They will develop and maintain effective processes for information sharing (via protocols) between agencies, as well as develop and implement practical resources to support partner agencies in and around the court, such as training, data collection and analysis, and identifying practice issues.

Thus, the role of a coordinator satisfies not only the short-term need for timely information gathering and sharing in the SDAC, but also the long-term need to develop and maintain clear, consistent structures for information to be obtained and shared within a multi-agency/community approach.



## 8.2 Independent Domestic Violence Advisor (IDVA) or other specialist domestic abuse support

**Dedicated IDVA provision** has been a key pillar of the SDAC model since its inception and, for this reason, a key part of the Mentor Court project. Its importance has been emphasised recently by the Domestic Abuse Act 2021 and the work of the Domestic Abuse Commissioner. Just as this work revealed a patchy national picture of court IDVA support (SafeLives, 2021), our mapping exercise also found, in relation to this core DABPF component, considerable variation in IDVA provision, compounded by familiar concerns around resource constraints and short-term funding.

A clear finding from our court observations and stakeholder interviews was that the **IDVA** was both **critical to the SDAC** and **highly valued by SDAC partners**.

‘By the IDVA being there, asking for restraining orders, etc., it’s always going to be a benefit for the victim. [They] have a chance at better outcomes.’

**Stakeholder**

‘Being present in the court, being able to give information to the prosecutor that they wouldn’t ordinarily have, being able to give what the victim wants, how she feels, any concerns, having more immediate knowledge supports the process, [and the] ability to give the information back quickly as it’s passed on’

**Stakeholder**

Indeed, we observed a high level of **reliance on the IDVA by prosecutors** for obtaining information. At times, as previously mentioned in Section 8.1.2, they were asked to seek and share information on the day, with court in session. While this demonstrates the benefits of having IDVAs present in court, it contributed to the issue of **exposure of IDVAs in court** and increased risk to both the IDVA and the victims and survivors they are supporting.



### **Point of Discussion: IDVAs in the SDAC - striking the balance**

It has been a long-held view that identifying IDVAs in court increases the risk to the victim and to the IDVA. It becomes apparent to the perpetrator that the victim has sought advice and support from an agency. IDVAs being identified in court can lead to them being followed and intimidated by perpetrators wishing to further manipulate and isolate victims from support. Knowing that the perpetrator is aware that they are being supported may make some victims reluctant to engage with support.

While the DABPF advocates a closer working relationship with local IDVA services, this does not need to be an explicit relationship exposed in open court which further exacerbates the risk to the victim by identifying the fact that the victim is working with authorities to assist with a prosecution. Yet, in some areas, CPS see this as working directly with IDVAs, especially as their presence in court makes them more readily available for information gathering than, for instance, contacting the police given the close working relationship between IDVAs and police.

This may lead to lack of clarity around the boundaries of an IDVA’s role: are they in the SDAC to support the victim or to assist the prosecution? Even details which may appear unimportant such as sitting arrangements in

court can sometimes exacerbate this confusion, with IDVAs seated behind or alongside CPS, creating the impression they are an extension of the prosecution process. This, in turn, may lead to the IDVA being questioned directly in court by the Judiciary or asked to contribute orally by CPS.

There may also be implications for IDVAs' independence. If they are perceived to be an extension of CPS, this may hamper their ability to advocate for their clients when required, which might become evident when a victim is reluctant to give evidence: is there an expectation then that the IDVA will convince the victim not to withdraw support, so that a 'successful' CJ outcome can be obtained?

**Reminder: IDVAs can liaise with the OICs to provide relevant information to CPS and, in the Westminster SDACs, do so routinely through the SDAC Coordinator. There is no need for IDVAs to be questioned directly in court, as all information should be provided to CPS prior to court, and any information needed to be updated on the day can be provided either by email or by the CPS asking for some time to make enquiries. In particular, direct questioning of IDVAs by both Judiciary and CPS regarding a victim's wishes is not good practice.**



**Practice issue:** Reliance on the IDVA by prosecutors for obtaining information on the day is not only ineffective use of IDVA support, but also indicates a weakness in partnership structure. IDVAs are commonly asked to contact the victim for the first time on an SDAC day, showing the lack of robust referral pathways whereby a victim is provided with access to specialist support at the earliest opportunity.

There was **not always a clear understanding** by some agencies, in particular HMCTS, **of the role and value of IDVAs**, viewing them as a source of information rather than a service for victims and survivors. Some IDVA stakeholders also reported variation in the level of engagement from statutory partner agencies (e.g. certain prosecutors choosing not to engage with the Court IDVA). This perhaps reflects the unequal relationships between statutory and voluntary agencies previously discussed in earlier in Section 8.1.1.

Perhaps unsurprisingly, one of the biggest challenges to effective IDVA support in the SDAC (and through the wider CJS process as well as in the community) was reported to be **inconsistency in commissioning practices** as well as **variety and duplication of commissioned services**. This created complex and overlapping referral pathways which further confused victims and survivors, while complicating communication channels among different support services. Additionally, commissioning structures (often within local authorities) do not align with court areas, resulting in courts hearing cases from a number of regions often covered by different IDVA services. This highlights the importance of a truly coordinated response and partnership structure within which seamless specialist support for victims and survivors of domestic abuse is carefully conceived and funded.

Our stakeholder interviews also confirmed previous findings on funding for and capacity of court support for victims of domestic abuse (Safelives, 2021), whereby **not all SDACs** in operation can **provide** victims and survivors with access to **specialist Criminal Justice IDVAs**.

As part of this component, the DABPF places emphasis on 'well-funded and sustainable IDVA support'. From this point of view, none of the SDAC areas we visited could say with confidence it is achieving this component, with all areas reporting **inconsistent and insecure funding**.



**Good practice:** In some areas, IDVA services were funded by **multiple sources**. It is important for these funding streams to be coordinated.

The recent evaluation of the Westminster SDAC partnership by the Centre for Justice Innovation (2022) found that provision of dedicated specialist Criminal Justice IDVAs to accompany victims and survivors through the entire CJS process was one of the key features through which the SDAC model can achieve impact. Previous research had also highlighted how essential IDVAs were to an effective SDAC (Baird, V. *et al.*, 2018).

**Reminder: Every week, the Westminster SDACs are attended by Specialist Criminal Justice IDVAs, who have specialist knowledge and understanding of domestic abuse within the criminal justice system and the SDAC process. The CJS can be daunting, and these IDVAs keep victims engaged by demystifying the process and breaking down what different outcomes mean and the available options. Specialist Criminal Justice IDVAs are best placed to address victims' needs, give specialist CJS support, and help with wider support needs.**

### **The Impact Project:**

The Impact Project is a partnership of the London Borough of Hammersmith and Fulham, criminal justice system agencies, and the charities Advance and Standing Together. It is integral to the work of the Westminster SDACs.

The Impact Project focuses on improving the progress of cases through the CJS, ensuring efficient and effective justice for offenders and fast, proactive support for victims and survivors of domestic abuse who report to the police. The vision and success of the Impact Project are a result of dedicated, specialist professionals who have come together to share information and take action. This has included specialist IDVAs, trained police officers within the Public Protection team, and a Performance Review Coordinator to monitor and improve the criminal justice system's response to domestic abuse. An evaluation of the Impact Project (2020) found that its most significant element is the provision of Criminal Justice IDVAs, and that the high levels of engagement and increased confidence levels in victim/survivors can be attributed to both this dedicated resource and the partnership approach through co-location and effective communication with police and other CJS partners.

## 8.3 Trained and consistently deployed staff across all agencies

We observed a **good level of general knowledge** by all court staff, in particular reception and list-calling teams, about the existence **of the SDAC** and cases that should go into the SDAC on the SDAC day. Most prosecutors and legal advisers observed in court demonstrated a **good understanding of the relevant law and guidelines**, and probation officers were generally well integrated into the SDAC.

Our stakeholder interviews confirmed that there were **dedicated staff deployed in the SDAC**, such as prosecutors. It is worth noting, however, that during most of our observation, probation representatives in court were Probation Support Officers (PSOs) only, with qualified probation officers available for PSRs, albeit from a remote location rather than being present in court.

**Reminder: Every week, the Westminster SDACs are consistently attended, in person, by a dedicated qualified probation officer who shares relevant, timely information with the CPS and the Judiciary, with a clear focus on risk relating to domestic abuse and criminal justice. They consistently demonstrate their extensive expertise in risk management, knowledge of interventions available, and partnership working. The Judiciary regularly compliments the quality of their Pre-Sentence Reports and shows appreciation for their insight and guidance, which help ensure fair criminal justice outcomes as well as keep victim safety a priority. Thus, they are an integral and invaluable part of the SDACs and the partnership.**

Stakeholders agreed on the **importance of dedicated and trained court staff**:

‘[There are] benefits to having specialists across the board. Yes DA cases always take longer to deal with, but when you have people who understand the process and the ins and outs and what’s required and what the court needs to know, you eradicate some of the delay because the right questions are asked and the right information is given.’

**Stakeholder**

‘[We have] better charging and outcomes because the court understands coercion and control.’

**Stakeholder**

The recent evaluation of the Westminster SDAC partnership by the Centre for Justice Innovation (2022) found that ‘**improved awareness of DA issues** from court staff was perceived to improve the quality of recommendations and interventions issued by magistrates and probation. Court staff were able to draw on training to better identify important information when assessing victim-survivor safety during proceedings.’

**Reminder: A distinctive and impactful aspect of the SDAC model is that cases are handled by a dedicated prosecutor, a dedicated probation officer and by specialist magistrates with significant experience and expertise dealing with domestic abuse issues and dynamics as well as an awareness of the impact of trauma on victim-survivor’s experiences.**

However, stakeholders also reported ongoing **challenges to improving and sustaining domestic abuse awareness**, especially among the Judiciary due to lack of time or avenues afforded to train them, while high turnover of staff such as police officers affected their knowledge and experience of local support pathways or structures, causing inconsistency among victims' experiences of services.

A notable finding from our court observations was how **sound understanding of law and guidelines did not always go hand in hand with a good understanding of the nuances of domestic abuse**.



### **Point of Discussion: What constitutes 'good knowledge' in the SDAC?**

The level of specific knowledge of domestic abuse dynamics among prosecutors, legal advisers, and the Judiciary, varied greatly. While most showed fluent understanding of relevant law and guidelines, this did not always go hand in hand with understanding of the nuances of domestic abuse and did not always translate into thoughtful risk assessment and management. As a result, key evidence-based risk factors such as **conflict over child contact or jealousy** were often misrepresented or misidentified as mitigating factors, and derogatory assertions and minimisation by Defence, some of which verged on claims of provocation, were left unchallenged.

**Examples of unchallenged mitigation used by Defence in some SDACs we observed:**

**'Defendant thought the victim was having an affair – his harassment was simply trying to catch her out'**

**'Defendant was frustrated that he couldn't see his kids and handled it the wrong way'**

**'Defendant spoke with frustration and struggled with the breakdown of the relationship and not seeing the children'**

**'It was a toxic relationship of 2 years where the victim claimed a bogus pregnancy'**

**Reminder: CPS guidance states that 'the prosecution advocate should challenge any assertion made by the defence in mitigation that is inaccurate, misleading or derogatory. Prosecuting advocates should be proactive in ensuring that derogatory or defamatory statements in mitigation are handled robustly. The duties and responsibilities of advocates relating to derogatory or defamatory mitigation are contained in Paragraph E of the Attorney General's Guidelines on Acceptance of Pleas and the Prosecutor's Role in the Sentencing Exercise [revised 2009] and Section 58 of the of the Criminal Procedure and Investigation Act 1996 (CPIA) introduces an additional safeguard by providing for orders to be made by the court preventing the media from reporting derogatory or defamatory mitigation.'**

## 8.4 In-court services: proactive witness services/pre-trial familiarisation visits/appropriate use of special measures

As mentioned in Section 6, as we did not observe trials, we were unable to assess how aspects of this component were implemented in practice. However, most of the SDACs we visited were situated in courtrooms with safe layouts, including secure docks, equipment for live links, and facilities for special measures (such as screens).



**Good practice:** One area reported having a **remote evidence site**, consisting of a user-friendly room located near specialist domestic abuse support services, whence a victim can give evidence. The site is also staffed with dedicated police officers tasked with contacting victims and survivors going through the CJS process to discuss special measures available to them.

On the specific issue of **special measures**, we noted that they were routinely mentioned at the first hearing but **not applied for due to the lack of information on file** (linked to Section 8.1.2; Partnership working). Although special measures are now automatically available for victims of domestic abuse, they are not for other witnesses in the case. Where special measures applications were observed, there was **no mention** of what **measures** were **needed**. There appeared to be an assumption that screens would be required or offered, without consideration given for live links or remote links.

On a basic practical level, court services suffered from **technical issues with Common Platform**, the software recently rolled out by HMCTS for national use, which caused significant delay and apparent frustration among legal staff. More importantly, the software created a barrier to identifying (flagging) domestic abuse cases, with some areas reporting being unable to put 'domestic abuse' flags on Common Platform.

The use of **Cloud Video Platform (CVP)** across all HMCTS facilities increased during the Covid 19 pandemic, when courts across England and Wales held remote hearings. Its use has continued in the aftermath of the pandemic despite **several reported disadvantages**, such as lengthening proceedings due to technical disruptions and auditory difficulties, reducing accountability and engagement of legal professionals, and barriers faced by victims. It appears that the use of CVP has been designed for benefit of agencies and their processes rather safety or convenience for victims and witnesses.

While not directly related to in-court services, we observed several instances where the **IDVA did not have any allocated space in the courtroom**. This led to IDVAs:

'trying to discreetly put themselves in corners to try and speak to women, going into side rooms and being ousted by defence solicitors.'

This lack of dedicated court space for IDVAs goes beyond mere logistics to jeopardise victim and IDVA safety.

As outlined in Section 6, our project team experienced **difficulties contacting courts** during the mapping exercise. There were also **discrepancies** between information available on the website (if any) and how some courts operated on the ground (e.g. closed when we attended). This indicates how confusing and time-consuming court processes or services might be for lay court users and victims and survivors in particular, especially in the absence of specialist support.

## 8.5 Delivering ‘safety with justice’: Challenges for the SDAC model

Cutting across – and underpinning – the four DABPF components and the six essential elements of the SDAC model is a firm focus on victim safety. Such a focus is at the heart of any effective SDAC, just as it lies at the heart of a coordinated community response to domestic abuse. As we examined the themes emerging from our mapping exercise against the benchmark of the DABPF, and drawing on our stakeholder interviews, we observed several factors which impacted on this victim focus and, ultimately, on the SDAC’s ability to deliver safety with justice in the long term.

### 8.5.1 The pitfalls of processes

In many of the SDACs we observed, we noted highly efficient processes in place and, as mentioned in Section 8.3, court staff with good general knowledge of relevant law and guidelines. Thus, cases were dealt with promptly, hearing dates were fixed quickly, and there was a good flow of information. Yet, with their primary focus on efficiency, these **efficient processes** appeared to **lose sight of the victims and survivors** at their heart, paying insufficient attention to their safety:



**Practice issue:** While professionals demonstrated a high level of efficiency and experience with processes and got through ‘case management’ very quickly, little consideration given to imposing bail conditions on the defendant, for instance. This crucial oversight in victim safety often went unnoticed by all involved.

Across the four DABPF components discussed in this report, we found examples of practices which both overlooked victim safety (as seen in Section 8.1.3) and failed to hold offenders to account (for instance by leaving derogatory assertions and claims of provocation unchallenged, as seen in Section 8.3). One might argue that the lack of training might account for these shortcomings. Inversely, we contend that without a firm commitment to victim focus, even training would become a mere process among others.

### 8.5.2 The de-prioritisation of domestic abuse

In every area we observed, we noted indicators of domestic abuse cases being de-prioritised and, consequently, the SDAC and its operational model being devalued. This was perhaps most evident in the widespread **neglect of the clustered court format**, one of the most crucial elements of an effective SDAC, as it has been evidenced to help enable effective tracking of cases and allow court staff to gain significant experience working on domestic abuse cases.

In many of the courts we visited, clustering was reported and observed to be a secondary consideration after NGAP, GAP, Sentencing, and Remands, both in respect of the court’s listing frameworks and in practice, whereby domestic abuse cases were moved on the day to other courtrooms for convenience. The latter practice undermines any informal information sharing that might take place within the SDAC, as this is lost if a case is transferred to another courtroom.



**Practice issue:** One SDAC observed had very few domestic cases listed on the day. Meanwhile, there were several domestic abuse matters being dealt with in the Remand court. No consideration was given to transferring into the SDAC.

On the other hand, conflicting priorities for HMCTS led to the use of domestic abuse ‘slots’ for other non-domestic abuse cases in order to address the high caseload. Thus, non-domestic abuse cases are heard alongside domestic abuse cases in the SDAC, diluting its specificity and importance.

Where SDACs had a mixture of domestic abuse and non-domestic abuse cases in the list, many courts did not appear to weight the domestic abuse cases in favour of other types of cases, further diluting the efficacy of clustering.

Adapting to changes in listing can be challenging, as not all agencies follow suit. For instance, police do not always ensure that their systems are configured to reflect any new listing arrangements. The lack of robust multi-agency and partnership working structures in a local area also leads to decisions being taken without any consultation with other key partner agencies.

Other factors contribute to pushing domestic abuse down the priority list. For instance, remand cases tend to be sent to a specific court (regardless of whether it is a domestic abuse related case), although a domestic abuse related case should always come into the SDAC if possible. This is an example of **listing considerations overriding the SDAC**.



**Practice issue:** In some areas, while an SDAC was reported to be in operation, domestic abuse cases were not always consistently listed in the allocated court. Such inconsistency fundamentally diluted the meaning of a functioning SDAC.

Meanwhile, areas we visited reported how the low domestic abuse caseload has lent further support to the de-prioritisation of domestic abuse by HMCTS, justifying the listing of non-domestic abuse cases in the SDAC in the absence of domestic abuse cases. This, in turn, makes it increasingly harder to maintain both operational and strategic commitment to the SDAC in a local area, as a stakeholder remarked:

‘People argue that volumes don’t justify a SDAC.’

#### Stakeholder

The low number of charged domestic cases has been identified as an issue nationwide, and indeed many stakeholders cited the use of alternative out-of-court disposals, such as Domestic Violence Protection Orders (DVPOs) or cautions, as a potential contributing factor. A number of DVPO applications were observed during the fieldwork, and in several of those cases it appeared that a DVPO might not have been the appropriate disposal, based on what was heard about the situation, risk, and the evidence which might have been available (and therefore suitable for consideration for charging).

It is clear that while the DABPF is highlighted in the Domestic Abuse Statutory Guidance (2022) as a key framework for measuring good practice by local areas with regard to support for victims and survivors of domestic abuse through the CJS process, and ending Violence Against Women and Girls (VAWG) is confirmed to be a government priority, this does not translate into practice on the ground, where there continues to be an erosion of the SDAC model through the lack of prioritisation of domestic abuse.

### 8.5.3 Lack of buy-in and strategic commitment

Buy-in from agencies is essential for the SDAC model to operate, given that that multi-agency and partnership working is the central principle of the CCR framework. We observed, however:

- A lack of commitment by core agencies to be part of the partnership (such as attending and engaging in meetings, etc.).
- Assessments of the value or importance of the SDAC were often based on the understanding (or lack thereof) and views of individuals in positions of authority, who hold the key to whether an SDAC is beneficial, if it should remain in place, or how effective it is. This exacerbates the ‘patchwork’ nature of the SDAC model around the country.
- In some areas, the lack of an SDAC evidence base was reported as a barrier to making the case for establishing or maintaining an SDAC within the local partnership.



Linked to all of the above, we noted throughout our mapping exercise what the Domestic Abuse Commissioner for England and Wales has elsewhere observed as a ‘lack of institutional memory’ of the SDAC model, of when and how it started, and what has happened since its beginnings. As a result, the synergies between the SDAC model and the DABPF are not fully understood, and not all decision-makers understand how the SDAC works or, even more importantly, how beneficial it can be to the effective implementation and delivery of the DABPF in their local criminal justice partnerships.

#### **8.5.4 Impact of Covid exacerbating existing resource and system issues**

Over the last decade, some of the key agencies that are fundamental to the successful operations of an SDAC have undergone considerable changes to their structures and seen their resources significantly reduced. Such changes have had a direct and indirect impact on support for victims and survivors of domestic abuse, their access to justice and safety, as well as institutional mechanisms in place to hold perpetrators to account. In short, they have threatened the core components of an effective CCR framework.

The Covid 19 pandemic was the perfect storm which came to exacerbate these changes to an unprecedented degree, further reducing agency resources and increasing their conflicting demands and pressures, thus pushing the resilience of partnership structures to the limit. The pandemic and its devastating aftermath featured prominently in our stakeholder interviews, with many areas reporting its direct and indirect impact.

‘A lot of things were disappearing before Covid, but Covid made things worse and was just an excuse. After Covid it’s been hard to get people back into the meetings. It also affected things like data provision from CPS which completely stopped.’

##### **Stakeholder**

We would argue that a properly implemented DABPF which pays close attention to all of the four components could have sustained the effects of the Covid 19 pandemic. Because the Westminster SDAC partnership had a robust protocol, highly experienced full-time coordinators, and engaged partners, it was able not only to weather the storm, but also make improvements. This is a crucial reminder, therefore, that the SDAC process must be supported by a robust governance structure through which operational challenges can be discussed and mitigated.

## **8.6 Summary of findings**

### **8.6.1 A depleted national landscape of magistrates’ courts and SDACs**

As seen in Section 7, between 2010 and 2022, over half of magistrates’ courts had closed across England and Wales, from 321 to 156. Such a depletion has not only affected the number of SDACs in operation, but also made it much harder for justice to be delivered locally, forcing victims to travel long distances to give evidence with little consideration for other challenges that may be present in their lives. Those living in rural areas face even more barriers in accessing justice, and initiatives such as remote evidence sites are examples of good practice in this respect.

### **8.6.2 A ‘patchwork’ of practice**

We observed examples of good practice in operation, and that many practitioners at different levels are committed to delivering an effective response to domestic abuse. There is a real commitment to partnership working on the ground, but rarely is every component of the DABPF fully delivered. This hampers its overall effectiveness in ensuring victim safety and engagement. While some courts may operate brilliantly on the ground, there is no steering group to help provide strategic drive and governance (which we have called the paradox of ‘individual engagement vs. institutional apathy’, as discussed in Section 8.1.1). Others may have an engaged IDVA service, but the lack of effective

clustering means the IDVAs cannot always be present in court to support victims, thus significantly eroding a core DABPF component and essential SDAC element.

### **8.6.3 Lack of victim focus and de-prioritisation of domestic abuse**

At Standing Together, we are committed to the 12 core SDAC principles, which remain ‘the gold standard’ for the delivery of the national DABPF at LJA level, and which we have distilled into six essential SDAC elements. In particular, we believe that these core principles are underpinned, just as the four DABPF components are, by a firm commitment to and focus on victim safety. Our mapping exercise highlighted considerable inconsistency in this respect, with efficiency of process taking priority over safety considerations. At times, efficiency and safety appeared to be seen as antitheses in a context of time and labour constraint.

The lack of victim focus within SDAC/court proceedings both reflects and is underscored by a process of de-prioritisation of domestic abuse within wider CJS processes which was most ostensibly manifested in low caseload and ineffective or inconsistent clustering. As domestic abuse cases either failed to make it to court or failed to make it to an SDAC due to other overriding listing considerations, victims and survivors were denied safe and timely support through the CJS.

Inevitably, this dual process of de-prioritisation of victim safety and domestic abuse reveals the lack of a wider coordinated community response to domestic abuse, where there is little strategic appetite and operational support for victim-centred practice, all against a backdrop of resource depletion, namely severe cuts to essential public services and funding uncertainty among the specialist voluntary sector.

### **8.6.4 Impacts of the Covid 19 pandemic**

From our stakeholder interviews, it was evident that all areas were still recovering from the short- and medium-term impacts of the Covid 19 pandemic, and that many of the operational challenges their SDACs and wider CJS processes faced had either arisen from or been exacerbated by the pandemic. Most notable of these were the HMCTS backlog and resulting disruptions to effective clustering, as well as changes to staffing commitments. However, we must not lose sight of the various degrees of long-term structural deterioration which had occurred before the pandemic. It is equally important to note that areas with robust multi-agency partnerships in place were better equipped to weather these impacts. The pandemic has also yielded crucial learning opportunities (such as in relation to the use of PCRs, as discussed in Section 8.1.3) and led to lasting practical adjustments (such as remote working and remote evidence), all of which are of great benefit.

### **8.6.5 The value of dedicated IDVA support**

Amid the ‘patchwork’ of practice observed, a constant theme which emerged from our mapping exercise was the value of dedicated IDVA support within the SDAC. IDVAs were found to be both well-integrated and well-respected within local partnerships, although they were not always included in operational decisions, their role in the SDAC not always clearly defined or understood, and their effectiveness often hampered by the ‘patchwork of provision’ caused by insufficient, inconsistent, and insecure funding. All areas agreed on the importance of specialist CJ IDVAs, especially those which had benefited from this provision and subsequently lost it. This was in line with previous and contemporaneous research on the value of specialist court advocacy support (Baird, V. *et al.*, 2018; SafeLives, 2021; The Centre for Justice Innovation, 2023) and further highlighted the best practice model in place at the Westminster SDACs.

### 8.6.6 Benefits of an SDAC

Despite the ‘patchwork’ of practice observed among SDACs and numerous operational and strategic challenges to an effective SDAC model, stakeholder interviews revealed a real appetite for SDACs. Stakeholders reported the SDAC to have the following benefits:

#### Benefits of an SDAC

- Better **understanding of coercive control** and other dynamics of domestic abuse
- Better **outcomes for victims** in terms of communication and confidence
- **Clustering** enabling agencies to focus resources
- Use of **specialists** minimising the delay inevitably caused by the nature of domestic abuse cases (e.g. volume of information to consider for risk management, etc.)
- Better **case management** resulting in a smoother and more effective trial process (with necessary applications made at first hearing in the SDAC, for instance)
- A more **supportive environment** for practitioners
- **Co-location** in court for IDVAs enhancing their support to victims thanks to fast and accurate information exchange. This also enhances partnership working as IDVAs can build relationships with other professionals in and outside the court.

From the list above, there may be noted a strong alignment between the perceived benefits of the SDAC by relevant stakeholders and the four DABPF components, not to mention enhancement of victim safety and satisfaction.

# 9. What next?

## Recommendations for policy and practice

### Recommendation 1:

The Victims & Prisoners Bill is an opportunity to transform the way services work together to support victims and survivors of domestic abuse and deliver swift justice which holds perpetrators to account. Adoption of the SDACs components described in this report would ensure that the Victims' Code is achieved.

Furthermore, the duty to collaborate is a welcome element of the Bill which will compel agencies to work together more effectively. The SDAC model is undoubtedly the most effective framework for meeting this duty. Therefore, the **Ministry of Justice (MoJ) should urgently consider inclusion of SDAC model into the statutory guidance for the Victims & Prisoners Bill**. To underpin compliance of the Victims' Code, the MoJ and CJS agency leaders should take an active role in ensuring the other recommendations of this report are implemented.

### Recommendation 2:

Our mapping exercise has confirmed that an effective SDAC is crucial to delivering the key DABPF components, and that in order to be effective, an SDAC must ensure that, at the very least, there is a **consistent clustering of domestic abuse cases**.

Without consistent clustering, an SDAC will not be able to achieve consistent IDVA support (DABPF Component 2) or trained and consistently deployed staff across agencies (DABPF Component 3), which will in turn adversely affect its ability to deliver a multi-agency/community approach which addresses risk management and safeguarding procedures (DABPF Component 1).

### Recommendation 3:

Once clustering is consistently achieved, local DA/VAWG partnerships should **carry out an audit** of their existing SDACs against the **six essential SDAC elements** outlined at the start of this report (see Section 2) and ensure their local SDACs operate towards some, if not all, of these elements. In particular, they should focus on:

- Robust **data provision** and **monitoring** against an agreed framework of performance indicators of safety and accountability.
- **IDVA provision**, with focus on dedicated CJ IDVA, to be delivered by local specialist service providers.
- Development of **overarching guidance** for CJ agencies involved in the SDAC on key practice issues, such as sharing callout history information, dealing with applications to vary/remove restraining orders, considerations for bail conditions, etc.

Given the interconnectedness between the SDAC model and the key DABPF components, the six essential **SDAC elements should also set the benchmark for Local Criminal Justice Boards** (LCJBs) when delivering and monitoring their DABPF implementation plans.

## Recommendation 4:

Coordination is frequently overlooked or sacrificed within local SDAC partnerships, and yet it has been demonstrated to sustain the essential elements of an effective SDAC. Areas with existing SDACs or planning to establish an SDAC should therefore give special consideration to **funding coordination**.

While monetary considerations alone (as shown above) demonstrate the value of funding coordination, the benefits of a coordinator are manifold and cannot be underestimated:

‘Court coordinators are the glue that holds the court together, involving stakeholders and making sure that there’s a ready supply of up-to-date information is absolutely crucial.’

**District Crown Prosecutor**

‘One of the things we have to understand, fund, and structure for is the work together of a coordinator and an IDVA along with all of our statutory partners ... We need to acknowledge that having this kind of structure in place saves so much time and energy, and most importantly always really helps support the victim in real time.’

**Domestic Abuse Commissioner for England and Wales**

‘Many systems were never built with domestic abuse in mind, and responses were never created that were really understanding domestic abuse ... The work of Standing Together and partners is to really help create more accountability, more structure, and support in and around victims, which is exactly what the specialist court model does.’

**Domestic Abuse Commissioner for England and Wales**

**A more detailed explanation of the role, responsibilities and value of a coordinator is contained within Standing Together’s Guide to Specialist Domestic Abuse Courts (pages 20-21)**



### Costing of Coordination

If there are 156 magistrates’ courts in England and Wales, not all of which will hear domestic cases, and a coordinator role costs £50,000 to fund, the total cost of coordination nationwide will be **£7.8million**

A research report by the Home Office (2019) which examined the costs of domestic abuse “estimates the total cost of domestic abuse for the criminal legal system as £336 million in 2016/17. Due to the lack of data on sentencing outcomes detailed in Section 2.3.3 and to a paucity of domestic abuse-specific data, this total will be an underestimate.”

## Recommendation 5:

The National Domestic Abuse Best Practice Delivery Group should consider **reinstating a national accreditation framework for SDACs** across England & Wales, underpinned by the SDAC Manual which remains the gold standard for assessing SDACs and crucial to ensuring the implementation, ongoing delivery, and monitoring of the DABPF. This accreditation framework should be designed and delivered by an independent expert organisation.

### **Recommendation 6:**

The SDAC model is reflective of a **wider Coordinated Community Response (CCR) framework** to respond to domestic abuse, on which it can build and sustain its effectiveness. A strong CCR framework is therefore crucial to the success of the SDAC model and to an organised, integrated and successful approach to the elimination of domestic abuse and VAWG more generally. Local areas should refer to Standing Together's In Search of Excellence guidance on developing an effective CCR framework.

### **Recommendation 7:**

This report confirms previous findings on funding for and capacity of court support for victims of domestic abuse and reiterates the need for long-term and secure funding for dedicated Criminal Justice IDVAs. It is crucial, however, that while there should be firm **commitment to funding Criminal Justice IDVAs** from national government, funding should be **devolved to local areas** to allow local partnerships to assess local need and allocate funding appropriately.

The role of the IDVA in the criminal justice process (and specifically in the court process) should be **clearly defined and consistent across areas**. Development of this definition should be informed by the findings of this report, and in consultation with the areas in which specialist support services are properly integrated in the CJS response to domestic abuse.

### **Recommendation 8:**

The SDAC model and the findings from this report should be used by agency leads, LCJBs, and government departments to help inform the development of **sexual violence courts, problem-solving courts**, as well as improvement in the **family courts**.

# 10. Conclusions

- 1** There is a national **'patchwork' of practice** of existing SDACs in England and Wales which leads to a 'postcode lottery' of service available to victims and survivors of domestic abuse going through the Criminal Justice System.
- 2** **Victim focus** is a key element of the SDAC model. It has to be at the heart of any domestic abuse related criminal justice processes so that it can deliver safety with justice for victims and survivors.
- 3** **Tailored, 'well-funded and sustainable' specialist domestic abuse support**, in particular dedicated Criminal Justice IDVA support, is therefore crucial.
- 4** The **SDAC model supports the delivery of the Domestic Abuse Best Practice Framework (DABPF)** and therefore should be considered a key part of a local area's DABPF implementation plan and its wider efforts to improve CJS responses to victims and survivors of domestic abuse. Within this model, consideration should be given to the crucial role of an **independent SDAC Coordinator**.
- 5** The SDAC model is at its most effective when operating within a wider **CCR framework** for ensuring safety and accountability.

# Glossary

DA	Domestic Abuse
SDAC	Specialist Domestic Abuse Court
DABPF	Domestic Abuse Best Practice Framework  Definition: The DABPF was implemented across all magistrates' courts in England and Wales in January 2019. Each region established joint boards to drive forward improvements locally and to review performance which was then monitored by a National DABPF board, where best practice was shared or provide support as and when required.  <i>Chris Philp, Conservative MP for Croydon, question tables for MoJ on 1<sup>st</sup> February 2021</i>
CJS	Criminal Justice System
LJA	Local Justice Area  Definition: An area established for the purposes of the administration of magistrates' courts.
CCR	Coordinated Community Response  Definition: A CCR brings services together to ensure local systems truly keep survivors safe, hold abusers to account and prevent domestic abuse. The CCR enables a whole system response to a whole person. It shifts responsibility for safety away from individual survivors to the community and services existing to support them. Every agency who has a responsibility for dealing with survivors, their children and/or perpetrators, must work effectively within their own agency and with all other agencies who also have that responsibility, to secure the safety of the survivor and their children and hold perpetrators to account. The process by which this work is integrated and managed is known as the CCR.  <i>Standing Together</i>
NCJB	National Criminal Justice Board  Definition: The Criminal Justice Board brings together criminal justice leaders to maintain oversight of the system and promote a collaborative approach to addressing its challenges. The Board is attended by senior leaders from across the Criminal Justice System responsible for representing their own agencies.  <a href="https://www.gov.uk/government/groups/criminal-justice-board">https://www.gov.uk/government/groups/criminal-justice-board</a>
CPS	Crown Prosecution Service  Definition: The CPS prosecutes criminal cases that have been investigated by the police and other investigative organisations in England and Wales. The CPS is independent, and make decisions independently of the police and government.  <i>CPS website</i>
HMCTS	HM Courts & Tribunals Service  Definition: HMCTS is responsible for the administration of criminal, civil and family courts and tribunals in England and Wales.  <a href="https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about">https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about</a>



LCJB	Local Criminal Justice Board
	<p>Definition: LCJBs bring together criminal justice partners to identify priorities, address crosscutting issues, reduce reoffending, improve the experiences of victims and witnesses, and deliver agreed objectives to improve the efficiency and effectiveness of the local CJS. LCJBs are organised around police force areas and are mostly chaired by the Police and Crime Commissioner.</p> <p><a href="https://www.gov.uk/government/groups/criminal-justice-board#local-criminal-justice-boards">https://www.gov.uk/government/groups/criminal-justice-board#local-criminal-justice-boards</a></p>
PCR	Postal Requisition
	<p>Definition: a notice of when and where a defendant is required to attend court and specifies the offence(s) in respect of which the requisition is issued. Often served by post.</p>
RUI	Released Under Investigation
	<p>Definition: Used by the police instead of bail. Has no time limits or conditions.</p> <p><a href="https://www.lawsociety.org.uk/campaigns/criminal-justice/release-under-investigation">https://www.lawsociety.org.uk/campaigns/criminal-justice/release-under-investigation</a></p>
PSR	Pre-Sentence Report
	<p>Definition: Prepared by Probation. An expert assessment of the nature and causes of an offender’s behaviour, the risk they pose and to whom, as well as an independent recommendation of the sentencing option(s) available to the court.</p> <p><a href="https://www.gov.uk/guidance/pre-sentence-report-pilot-in-15-magistrates-courts">https://www.gov.uk/guidance/pre-sentence-report-pilot-in-15-magistrates-courts</a></p>
CVP	Cloud Video Platform
	<p>Definition: An internet-based video meeting service. Enables HMCTS and the judiciary to manage and conduct cases with all, or a number of parties, attending the hearing through secure video conference.</p> <p><a href="https://insidehmcts.blog.gov.uk/2020/09/01/building-confidence-in-using-the-cloud-video-platform-for-hearings/">https://insidehmcts.blog.gov.uk/2020/09/01/building-confidence-in-using-the-cloud-video-platform-for-hearings/</a></p>
NGAP	Not Guilty Anticipated Plea
GAP	Guilty Anticipated Plea
DVPO	Domestic Violence Protection Order
	<p>Definition: DVPOs are a civil order that fills a “gap” in providing protection to victims by enabling the police and magistrates’ courts to put in place protective measures in the immediate aftermath of a domestic violence incident where there is insufficient evidence to charge a perpetrator and provide protection to a victim via bail conditions.</p> <p><a href="https://www.gov.uk/government/publications/domestic-violence-protection-orders/domestic-violence-protection-notices-dvpns-and-domestic-violence-protection-orders-dvpos-guidance-sections-24-33-crime-and-security-act-2010">https://www.gov.uk/government/publications/domestic-violence-protection-orders/domestic-violence-protection-notices-dvpns-and-domestic-violence-protection-orders-dvpos-guidance-sections-24-33-crime-and-security-act-2010</a></p>
VAWG	Violence Against Women & Girls
IDVA	Independent Domestic Violence Advisors/Advocates

# Appendix 1 – List of stakeholders interviewed by roles/job titles and types of agency

Stakeholder role/job title	Agency
Deputy Chief Prosecutor	CPS
Senior District Crown Prosecutor	CPS
Senior Legal Team Manager	HCMTS
Head of Legal Operations	HMCTS
Court IDVA	IDVA Service
Chief Executive	IDVA Service
Domestic Abuse Services Operational Manager	IDVA Service
Senior Service Delivery Manager	IDVA Service
Senior Operations Manager	IDVA/DA Support Service
Criminal Justice Policy Manager	LCJB
Criminal Justice Board Manager	LCJB
Project Support Officer	LCJB
Criminal Justice Board Coordinator	LCJB
Business Manager	LCJB
Community Safety and Partnerships Specialist	Local Authority
Criminal Justice and Victims Manager	Local Authority
Senior Commissioning and Policy Officer	Local Authority
Head of Domestic Abuse Partnerships	Local Authority
Development Manager (Domestic Abuse and VAWG)	Local Authority
Domestic Abuse and Safeguarding Partnerships Manager	Local Authority
Strategic Commissioner for Domestic Abuse, Sexual Abuse/Violence & VAWG	Local Authority
Domestic Abuse Coordinator	Local Authority
Head of Commissioning	PCC
Strategy, Policy, and Performance Officer	PCC
Business Manager	PCC
Partnerships and Commissioning Team	PCC
Senior Commissioning and Contract Officer	PCC
Deputy Mayor for Police and Crime	PCC
Superintendent	Police
Police Liaison Officer	Police

<b>Stakeholder role/job title</b>	<b>Agency</b>
Strategic Head of Partnerships and Delivery	Police
Community Safety Officer & Domestic Abuse Champion	Police
Partnership and Performance Manager	Police
Senior Probation Officer	Probation

# Appendix 2 – Interview guide for stakeholder interviews

## Do you have a SDAC in your area?

- If so, how many?
- Where are they located?
- What days do they operate?
- Are cases clustered – do they hear GAP and NGAP in the same court room?
  - 1) What time scales are in place from charge to listing
  - 2) How regular is the use of PCR's
  - 3) Are remand cases heard in the SDAC if they fall appropriately?
- Are trials heard in the SDAC?
  - 1) if not, does sentencing come back to the SDAC?
  - 2) if not,
    - a) is sentencing completed on the day of trial?
    - b) are probation providing on the day reports?
    - c) how many cases go off for full pre-sentence reports and for how long?
    - d) how does probation get the information for risk assessments?

## Do you have an SDAC coordinator?

### Are IDVAs present in the SDAC?

- How are they commissioned and by whom?
- How long is funding generally for?

### Do you have dedicated or consistently deployed personnel in the SDAC?

- What specialist training do agencies receive/deliver regarding DA

### Does the SDAC work to the original 12 components?

- If not, what ones remain?

### Does the SDAC operate to a protocol/SLA/TOR?

### Does the SDAC have a multi-agency steering group?

- If so who are the participant agencies?
- How regularly do you meet?
- Who chairs the meetings?
- Do Defence attend?
- How does it fit in with other strategic groups and who does it report to?

**What benefits do you believe the SDAC offers?**

**Are there any difficulties involved in the operation of the SDAC?**

**Has it been affected by the Covid pandemic and how?**

**If no SDAC**

**How are your cases dealt with in the CJS?**

- Are cases dealt with in mixed courts?
- Are certain days more popular for DA than others?
- How do agencies work together?
- What difficulties/barriers do you encounter?
- What specialist training do agencies receive/deliver regarding DA?

# Appendix 3 – Observation template for visits

## **Purpose of observation:**

To observe DA cases in Magistrates Courts across England & Wales.

## **Administration:**

- Are reception staff aware of DA cases listed?
- Are reception staff able to direct you to where DA cases may be listed?
- Are List Callers/Ushers aware of any DA cases listed in court?
- Are there any DA flags on court list?
- If no flag, how are DA cases identified?
- Any insight into how DA cases are prioritised (if at all) by court staff, prosecutions and/or judiciary?
- How are cases clustered? Does the DA Court hear all DA cases or just certain types of hearing?

## **Court arrangements / layout:**

- Are there Magistrates or a District Judge?
- Which professionals are present in the courtroom?
- What is the lay out of the courtroom? Are there facilities for special measures (screens, TV screen, etc.)
- Is the dock secured? Are defendants consistently placed in the dock?
- Are DA cases identified as such during court proceedings?

## **Information sharing:**

- Are the facts of the case read out – are you able to understand exactly what the case is about – who is involved, is the relationship obvious?
- Does the prosecutor mention any previous offending - DA or non DA?
- Does the prosecutor outline any callout history – with these parties or others?
- Are there any applications to vary or remove restraining orders? How are they dealt with? What information is provided?
- Does information shared in court appear to be proportionate?
- Does it appear that prosecutors have prepared cases before court?

## **IDVAs / victim support services:**

- Are there IDVAs present in court?
- How do they communicate with prosecution, the court, other professionals in court?
- Are the identities of IDVAs exposed in court?
- If not present, is there indication of any links to IDVAs?

### **Victim focus / safety:**

- Has the case come into court on Postal Requisition (PCR), conditional/unconditional bail or in custody?
- Are special measures discussed and clarified (not guilty plea/trial preparation)?
- Is the need for an interpreter for victim/witness clarified (not guilty plea/trial preparation)?
- Do CPS address bail conditions if the defendant is at court on PCR?
- Does the Bench clarify bail conditions and check appropriateness?
- During bail applications, are bail address checked for suitability? If so, how does the checks?
- Are Victim Personal Statements used? Are they available in cases?

### **Case types & evidence:**

- Is BWV available and is it shown to the court or indicated that it is available?
- Trial dates - what length of time between hearing and trial?
- What is the relationship between the defendant and perpetrator?
- What are the genders of the victims and defendants?
- What are the ages of defendants?

### **Sentencing:**

- Are cases adjourned for pre-sentence report (PSR)? How long are the adjournments?
- Are sentencing exercises informed by a PSR?
- Are Probation in court and required to clarify any details in the PSR?
- Are restraining orders applied for? How do CPS make the applications? What's the wording of the application?
- Is it clear whether CPS are in receipt of information about the victim's wishes for a restraining order?
- What conditions are sought on restraining orders? And what is imposed? Are there caveats for child contact or other proceedings?
- What is the length of restraining order imposed?
- What are the sentences?

### **Other:**

- Are there derogatory ascertains made against the victim? how are they manifested? Are they challenged?

# References

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Standing Together Against Domestic Abuse is a national charity bringing communities together to end domestic abuse.

[Criminal.justice@standingtogether.org.uk](mailto:Criminal.justice@standingtogether.org.uk)

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