

# Interim IDVA court service report and end of first year grant report to Charles Hayward Foundation

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## 1. Introduction

Our grant application was made to provide a Court IDVA to support victims of domestic abuse through the Specialised Domestic Violence Courts (SDVC). This was to relieve fear and anxiety; promote safety and wellbeing; and, if this created opportunity, to assess any further needs and link service users with resources to rebuild their lives. We also envisaged potential to work more closely with Local Police Areas to provide broader intervention and increase the safety of victims at different levels of risk.

In the event, we put in place arrangements with the criminal courts last February but, due to the pandemic, the courts closed from March. Utilising a separate 'COVID budget' we employed the post holder from March to August to help meet the 40% increase in demand for our core IDVA service for victims at high risk. We then established the Court IDVA service in September when the courts reopened.

Our budget for the service to date reflects the cost of the initial establishment of the service (£400) and then costs since September. Our report on activity and outcomes and broader impact of the new service covers these first six months.



## 2. About the service

### i. Range of activity and outcomes of the court IDVA service

The court IDVA received 72<sup>1</sup> referrals over the first six months of the service. This compares with the 50 envisaged in our bid as the total for the first year. A summary of all cases supported is below. Even the shape of our service is different from that envisaged in our bid.

Because of COVID restrictions (due to which only half of the available court rooms have been open) and despite a waiting list of cases, it has taken time for the momentum of hearings through the criminal courts to build. In total we have worked with **29** cases through the criminal courts:

- There has been a verdict in twelve: 2 guilty pleas, 8 guilty verdicts and 2 not guilty.
- Three were hearings where we had applied for changes in the terms of a restraining order.
- One led to no further action.
- In one the case was dropped when the victim decided not to support prosecution (see below for further details) and 12 are still with the court.

In all cases, whatever the outcome, we were able to support the victim to ensure their ongoing safety.

However, in part because of the delays in criminal proceedings, the need to keep victims safe in the community has become paramount. The work of the post holder has therefore been much wider than we envisaged:

- proactively supporting and advising those waiting for criminal hearings including seeking civil orders when court bail has ended
- more widely advising and supporting service users to obtain civil orders (non-molestation orders, occupation orders, prohibitive steps orders, and child arrangement orders) through the civil and family courts.

One significant development for the service is an initiative by Oxfordshire's Judiciary to ensure that all judges are aware of the IDVA role and apply a more consistent approach when they are involved in applications. Judicial Advice is that the IDVA service ensures that applicant's statements contain the wording: ***I hereby consent to all information and all documents concerning my application to be shared by the Court with the Independent Domestic Violence Adviser (IDVA) service who are assisting me with the preparation, service, making and pursuing my application to the court.*** On the application form itself,

<sup>1</sup> We received an additional six referrals: one was from out of area and we referred on, two we could not contact, and three were complex family law cases which we referred immediately for legal advice.

applicants can also put under part 9 (At the court) that they would like to be assisted by the IDVA in making the application including the IDVA being allowed to address the court if the applicant is unable to do this themselves.

The court IDVA has advised and supported **43** service users in relation to civil orders. In 13 cases she led on the making of their application to the court. She supported victims in drafting 13 DIY non molestation orders, together with 5 occupation orders. These were in circumstances where they had no entitlement to legal aid but they could not afford legal costs. In addition, she pursued an application that had already been made on behalf of a service user in complex circumstances and clarified it so that it was granted.

- She referred 7 victims who were entitled to legal aid to legal aid solicitors, and a further service user already had legal support. We sustained involvement for as long as needed to safety plan, reassure and refer to other services for emotional and practical support once legal measures were in place.
- She advised a further 14 victims on non-molestation orders which were not pursued. However in all these cases speaking with someone who understood their circumstances and fears, who provided safety planning and reassured, together with the knowledge that there were steps they could take if necessary, was sufficient to reduce their fear, increase confidence and help to empower them in thinking about options for the future.
- The remaining cases included:
  - o providing indirect support through a social worker seeking information,
  - o working with two service users referred for advice by social worker and police respectively where it was clear they were reluctant – both disengaged afterwards,
  - o two cases where seeking orders was too great a stress for victims who were extremely emotionally vulnerable. The IDVA worked closely with mental health services to help ensure safety and provide support,
  - o and one where there was insufficient grounds to apply for an order.

Finally, the service does not promote itself as providing family court advice and is clear that it is not qualified to give legal advice. However many service users had deep and pervasive fears about the safety and wellbeing of their children. The IDVA was able to provide reassurance and support for victims where there were court processes in relation to finding of fact, living arrangements for children, parental rights, and to care or potential care proceedings. It was significant that in these cases anxiety was often very high, with significant emotional impact, and in two cases the IDVA also made referrals for both parent and children for ongoing emotional support (see below).

## ii. Needs assessment and links with other resources

We had envisaged that, through the relationship forged by court support, the IDVA would also be in a position to assess further needs that service users may have and help them access additional resources to rebuild their lives. To date the services the IDVA has linked victims with for further support encompass:

- 6 referrals for ongoing support with domestic abuse outreach services
- 7 referrals to ensure ongoing support for emotional wellbeing for adult and children. These included referrals to the 'freedom' and 'own my life' therapeutic groups and to 'Safe' – a service for the emotional support of children. In two further cases the court IDVA worked closely with mental health services
- support related to establishing new lives:
  - o housing: in particular further safety measures when service users had fled to another home including 'sig flags'<sup>2</sup> with the police and in one instance installing a guard camera
  - o referral to citizens advice
  - o in one instance linking with a new local school and providing encouragement in seeking employment

## iii. Sources of referrals to the service and service take up

Referrals to the new service have come through a wide range of sources: self-referral (13) family member (1) Reducing the Risk (21), other Domestic Abuse services (5) police (13) Child social care (9) housing (2) Health (1) school (1) solicitor (1) Victims First support service (3) Voluntary sector (1).

One benefit we had hoped from the service was opportunity to reach victims who do not have current support. In practice 29% of referrals were from the high risk IDVA service itself. This was a reflection of the increased demand for the service through COVID (a 40% increase in cases assessed as at high risk). It was also a reflection of the initially relatively slow pace of hearings through the criminal court which limited access to criminal court preventative orders (restraining orders). The recognition by civil courts of the status of the court IDVA enabled relatively rapid and efficient application for non-molestation orders instead.

However, 48% of referrals were from other services of which only 7% were specialist domestic abuse services - and 22% were from victims and their families. 63% of service users were not in touch with specialist domestic abuse support before they referred themselves or were referred to the service.

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<sup>2</sup> A system for the police to prioritise any calls for help from the address.

### 3. Impact of the Service

#### i. Impact on safety and emotional wellbeing

It is clear that being advised by an IDVA who has expertise in court processes, in safety planning, and in providing emotional support for victims traumatised through abuse, has been transformative for the majority of our service users. The service has turned their need for support through the courts into an opportunity to ensure their safety and build their confidence.

- The IDVA provided safety planning and emotional support for 63 of the service users (88%). The majority were extremely anxious and fearful when referred or self-referred. All have had opportunity to talk about their safety and developed new or updated safety plans and all have had emotional support. 56 are now safer and 54 have gained in confidence. This is true irrespective of the nature of the court advice provided or whether they were witnesses in a criminal case or seeking legal remedy through a civil court.
- The exceptions were service users who had significant mental health issues, or where support by another agency meant that confidence was already established, together with two cases where the service users had not wished to use the service but had been referred by police and child social care respectively.

Particularly notable has been that advice given about non molestation orders, combined with safety planning and support, was empowering for service users whether or not they decided to apply for an order. Civil remedy remained an option open to them and the majority became significantly less anxious and more confident.

The service also provided opportunity to identify victims who were particularly vulnerable and traumatised to provide immediate intense support and then refer to further services for practical, therapeutic or mental health support. In three cases (one following no further action in relation to the criminal proceedings ) the service users fled their homes so that non molestation orders were no longer needed. Instead the IDVA was able to talk with them about safety planning in their new homes, 'sig flagged' the new address with the police to ensure prompt response if necessary, and in one case also liaised with the local school.

These conclusions are drawn primarily from observations of the IDVA and verbal feedback at the time. We are exploring how best to obtain feedback about the longer term impact of the service.

'Thank you so much for all you have done. I would not have done it without you'.  
'You are an angel. I don't think I would have been able to do this on my own'

## ii. Criminal justice

The support the court IDVA has given to victims in criminal hearings has ensured they in turn continue to support the criminal justice process. Victims typically experience extremely high levels of anxiety when facing criminal proceedings and not uncommonly withdraw from prosecutions.

One aspect of the Court IDVA's service to victims is oversight of applications for Restraining Orders (ROs). ROs are an important tool for keeping victims safe. They are made by the court after a criminal conviction or acquittal on the application of the prosecutor, who is usually acting on the request of the officer in charge. However, the opportunity to apply for them can be missed. The court IDVA has either supported application for, advised on, or helped seek variation of 9 ROs and has supervised the wording of the ROs. For example, the IDVA has added zonal orders, and orders for dealing with child contact. Crucially, the court IDVA has also prevented ROs from including information which might undermine the victim's safety – in one case removing a reference to the victim's address where this was unknown to the perpetrator. Because the service focuses on the ongoing safety of the victim beyond the conclusion of the court case it is well placed to gauge the ongoing effectiveness of ROs. In three cases the court IDVA has initiated variation applications to reflect updated circumstances and to keep ROs maximally effective.

The court IDVA has had a key role in helping victims to write Victim Impact Statements. These are usually produced by the officer in charge in criminal cases, but can be missed, or can be produced earlier than is optimal in the court process. The court IDVA helped service users write Victim Impact Statements which were all produced after trial in a context where the victim and IDVA had a fuller perspective on the toll of the perpetrator's behaviour than the officer in charge would have had at the start of proceedings, leading to a strengthened statement. The production was an empowering process for the victims.

In circumstances where a victim is particularly reluctant to attend court they can be summoned to attend – and arrested if they disobey the summons. Reluctance to attend is often symptomatic of victims' extreme anxiety. The court IDVA has worked with two service users who had been summoned to attend the criminal court but who might have disobeyed the summons. With emotional support from the service they were persuaded to attend. In one case the victim's presence at court caused the perpetrator to plead guilty on the day of trial. In the second case, the court IDVA supported the victim to attend and give evidence. The court IDVA helped ensure that the hearing went ahead, and was not adjourned to another day, in circumstances where it was about to be adjourned. In that case the victim's evidence led to a guilty verdict – and this proved an extraordinarily affirming and confidence building experience for her.

Other support which the service offers in criminal cases (but which is not unique to the criminal context; it is also given in civil and family cases) includes:

- arranging pre-trial visits to the court with the Witness Service, to increase the victim's familiarity;
- ensuring that special measures are applied for – most commonly a screen to separate the victim from the perpetrator when the victim is giving evidence (5 applications made);
- making arrangements through the Witness Service for the victim to enter the court building through a entrance separate from that used by the perpetrator, and to wait in a separate, private, waiting room
- physically driving the victim to court;
- Communicating and explaining court outcomes – including where the victim has chosen not to return to court to hear the outcome. This includes communicating the verdict in criminal cases.

It is clear that the service has increased service users' emotional wellbeing and safety through criminal proceedings. But it is equally clear that the service has benefitted the criminal justice system. Guilty pleas and guilty verdicts have resulted from service users attending court and giving evidence, when, without the court IDVA's input, it is not clear they would have done so.

Two not guilty verdicts have been delivered in respect of service users in the six month period. In the first of these it is notable that the Court IDVA was nevertheless able to increase the safety of the victim. ROs are usually only made after guilty verdicts, but in this case at the suggestion of the court IDVA an RO that had been made in relation to another family member was varied to include the service user in respect of whom the perpetrator had been found not guilty. This helped maintain the service user's trust in the criminal justice system despite the disappointment of the not guilty verdict. The outcome in the second case was less positive. The non-guilty verdict was delivered in circumstances where the criminal trial had been adjourned part-way through – resulting in a two week delay after the victim gave evidence and before the perpetrator gave his. The victim felt that the impact of her evidence was diminished by the delay. Her confidence and faith in the justice system are low.

One service user has withdrawn her support from a criminal prosecution in the six month period. The withdrawal was motivated by the service user's concern that if the perpetrator was found guilty he would be deported, and she was anxious about what this would mean in relation to their child. While the criminal case has lapsed, the service has instead worked with her to successfully secure a non-molestation order in the civil courts.

### iii. Impact on work with the Police

One additional aspiration we had for the service was that it would enable the development of stronger links with local police services in addition to specialist police services – and help strengthen support for victims of abuse within local areas. This has happened in three ways.

- The court IDVA was asked to pilot a weekend shift 'safety car' service for a month by a local police area and to use the opportunity to provide informal training and consultancy to local shift officers.
- Our training team have been asked to and have delivered training to local police area officers in North Oxfordshire (and in Buckinghamshire) in responding to and engaging with victims of abuse.
- Where perpetrators have been issued with a Domestic Violence Prevention Order by the Local Police, Reducing the Risk has been asked to provide a follow up service with the victim. DVPOs provide opportunity to offer support and advice and talk about longer term measures for safety The Court IDVA has received 7 requests to date. She has supported three victims in applications for non-molestation and occupation orders to take effect on the DVPO expiry date to continue to keep the victim safe and two have been granted. One perpetrator has been recalled and it has not been possible or safe to contact two of the victims concerned.

#### **Appreciation of the service from the perspective of a Local Police Area Commander**

*'The Oxon Court IDVA, Nikkie Gilbert, is very experienced, knowledgeable and engaging. She has seized opportunities to raise the profile of her role with Police and has delivered presentations to front line response teams explaining different civil orders and her role in assisting victims to obtain them. This has directly improved Officers knowledge and confidence in explaining orders to victims and how best to signpost them.*

*She has also completed some additional partnership work with Police as part of a safeguarding car pilot through weekends in November. This included attending some live incidents with an Officer to provide safety planning, following up with some victims who had expressed a desire to withdraw and regaining support for investigation, and being available to the Police teams for tactical advice on cases they were carrying and victim support and management. She received some very positive feedback from each of the teams she worked with and victims benefitting from her attendance.*

*As Domestic Abuse lead on Cherwell and West LPA I cannot emphasise enough the value of the Court IDVA picking up the post DVPO Victim follow up. In many cases, the person the order protects may be much more likely to engage with an IDVA than an Officer, and the expertise and accessibility of the IDVA provides much improved continuity and effectiveness*

*in supporting the person at risk to obtain a more permanent means of protection'.*

- DCI James Holden-White Thames Valley Police

## 4. Budget

### Reducing the Risk Court IDVA budget March 2020 to February 2021

<b>Expenditure</b>	£	<b>Income</b>	£
Setting up costs (salaries)	400	Charles Hayward Foundation grant	20000
Costs Sept 20 - March 21		RTR raised specifically for court post	3588
	1559		
Court IDVA salary, NI, Pension	6	RTR unrestricted donations	4260
Court IDVA expenses, travel etc	1406		
office costs pro rata	1000		
Management costs	1500		
holiday cover	1500		
	<b>2140</b>		
Total	<b>2</b>	Total	<b>27848</b>
Balance	<b>6446</b>		

We have sufficient funding for the service until June 2021 when we would like to request the second instalment of grant funding from the Charles Hayward Foundation.

## 5. Future plans

Reducing the Risk has needed to expand the working days of the court IDVA from three to four to respond to demand. We raised funds to cover this for 2020/21. We will continue to raise funds next year to sustain the level of service.

We will seek to obtain feedback from service users six months after using the service to ask for their feedback and any longer term benefits.

When establishing the service last March, with the enthusiastic support of court staff, we had arranged for a desk in the court building. This has not been possible since COVID – nor have Witness Care referred cases to us. As COVID restrictions lift we hope to establish a base in the court and for the Court IDVA to spend time getting to know more staff including ushers and prosecutors with a view to being more readily offered as a resource to victims of abuse by the court services themselves.

We will write an evaluation in the Autumn when the service will have been running for a year.

We would like to thank the Charles Hayward Foundation for making this pilot service possible.

*Reducing the Risk March 2021 - with appreciation to Sophie Briant for her analysis and contribution*

## Appendix : Case studies

### (i) Criminal proceedings

#### Case study 1

The court IDVA supported a woman, **H**, and her daughter in criminal proceedings brought against H's partner. H had been in an abusive relationship with the perpetrator for ten years and had been at high risk. The referral to the court IDVA came about when, for the first time, the perpetrator was arrested. He faced two charges of assault, one against the client and one against her daughter (his step daughter).

H was terrified about supporting the prosecution of the perpetrator. The court IDVA was able to explain the court processes to her and to ease her anxiety, answering her questions (sent by email and asked over phone calls) about what to expect, and meeting her emotional need for support and reassurance. This was crucial. H gave feedback to the court IDVA that she couldn't have supported the prosecution otherwise. It was also to good effect: the perpetrator pleaded guilty to the assault charge against H at the first hearing.

The court IDVA continued to support the family in relation to the assault charge against the daughter, which was listed for trial. Both H and her daughter were stressed by the prospect of the trial, to the extent that the daughter was signed off work. The court IDVA supported them fully through the process:

- she liaised with Thames Valley's Witness Care Unit for example in relation to the dates of the hearing, and to receive news about the verdict
- she liaised with the court's Witness Service on H's and her daughter's behalf, making arrangements so that they could enter the court through a side entrance and have use of a private waiting room, ensuring that they would not come into contact with the perpetrator on the way into the court hearing room;
- she conducted a court visit with H and her daughter ahead of the trial;
- she ensured that the officer in charge applied for special measures;
- she assisted the daughter to produce her victim impact statement;

- she responded to their question and met their emotional needs through responses to emails, phone calls, and an in person visit (nine contacts in total).

The combination of these steps reduced the emotional toll of the proceedings and increased H's and her daughters' understanding of and confidence in the proceedings (source: feedback from clients and court IDVA's assessment). The court IDVA relieved H and her daughter of having to deal with multiple different professionals as the case progressed to trial, and ensured they did not feel overwhelmed. This meant that they remained engaged and the case did indeed reach trial.

At trial, the perpetrator was acquitted. This was a great disappointment to H and her daughter, and the court IDVA – who relayed the verdict to them – helped them manage their disappointment. She assessed that H's daughter would benefit from participation in the Freedom Project (an information programme helping victims to make sense of their experience of abuse), and made a referral for her.

Throughout her work with them, the court IDVA monitored H's and her daughter's safety. She helped ensure their safety by applying for and securing a non-molestation order against the perpetrator.

## **Case Study 2**

The court IDVA supported **K** in criminal proceedings. The perpetrator had pleaded guilty to assault against K which took place in her car, but disputed that the assault against K had taken place while she was driving and in sight of her five year old child in the back seat as she (and the prosecution) alleged. The judge decided that the context would make a material difference to sentencing. K's anxiety was such that she had been summoned to attend, and she was not going to give evidence. With the support of the court IDVA, K changed her mind and did give evidence on the factual basis of plea. Her version of the facts was upheld by the court, and sentencing is awaited.

### **(ii) Civil proceedings**

## **Case Study 3**

**C** was at high risk from the perpetrator and had previously had support from a (non-court) IDVA at Reducing the Risk of Domestic Abuse. The referral to the court IDVA took place when the perpetrator was released from prison (having been imprisoned for a burglary offence), where the focus was on keeping C safe from him after his release.

The court IDVA told C about the option of applying for a non-molestation order to protect her and her one year old child, a child in need under s 17 of the Children Act 1989, from the

perpetrator. She explained the process for so doing, including the possibility that it would involve a fact-finding hearing at which C would need to be a witness. C was initially very reluctant to make an application to the court because she feared it would provoke the perpetrator. With steady encouragement from the court IDVA, C's perspective changed: her anxiety diminished and she became determined to apply for and secure the order.

The court IDVA recognised that C was likely to be eligible for legal aid. She explained this to C and put C in contact with a well-regarded legal aid solicitor with relevant specialism. She ensured that C knew what to expect on meeting the solicitor and that she had the relevant documents needed for the first meeting to go smoothly, maximising the utility of the legal aid provision.

The solicitor assisted C to apply for a non-molestation order, and one was granted in C's favour, the perpetrator having not attended the hearing.

Subsequent to the non-molestation order being granted, the court IDVA took on another necessary role. For several weeks it was impossible to serve the order on the perpetrator because his address was unknown to C. The police are not able to enforce an order that has not been served. There is limited money for service under the legal aid provisions. The court IDVA used her network to take advice from a process server, a lawyer, and to talk to the police to explore all possible means of serving the perpetrator. Eventually the court IDVA was able to arrange for service to take place at the perpetrator's probation hearing.

### **(iii) Family proceedings**

#### **Case study 4**

The court IDVA supported **J** in family court proceedings concerning hers and the perpetrator's daughter. J was seeking an order that the perpetrator have no contact with the child.

J was referred to the court IDVA by council housing services the day before the court hearing. J had a solicitor, but no specialist domestic abuse support. Until she fled from him, J had been at high risk of harm from the perpetrator and she was extremely scared about the potential for contact with him, including through court proceedings, and fearful that he would be able to learn more about where she was living.

On the day of the referral, the court IDVA had two lengthy conversations with J and was able to reduce her anxiety about the following day's hearing, by explaining how the court could promote her safety and wellbeing, including through use of special measures to limit contact between her and the perpetrator, and by ensuring no information would be disclosed to the perpetrator which might reveal to him where she is now living. The court IDVA

explained to J what to expect, and ensured that special measures were applied for, and a screen was used. The following day NG met J and drove her to court. She sat with her during the hearing, at the end of which the court made an order for no contact between the perpetrator and his daughter.

Before the court IDVA's involvement came to an end she assessed J's need for further support, and referred her to the Freedom Project and to Own my Life, and her daughter to SAFE.