

# Safety and Accountability: The Specialist Domestic Violence Court

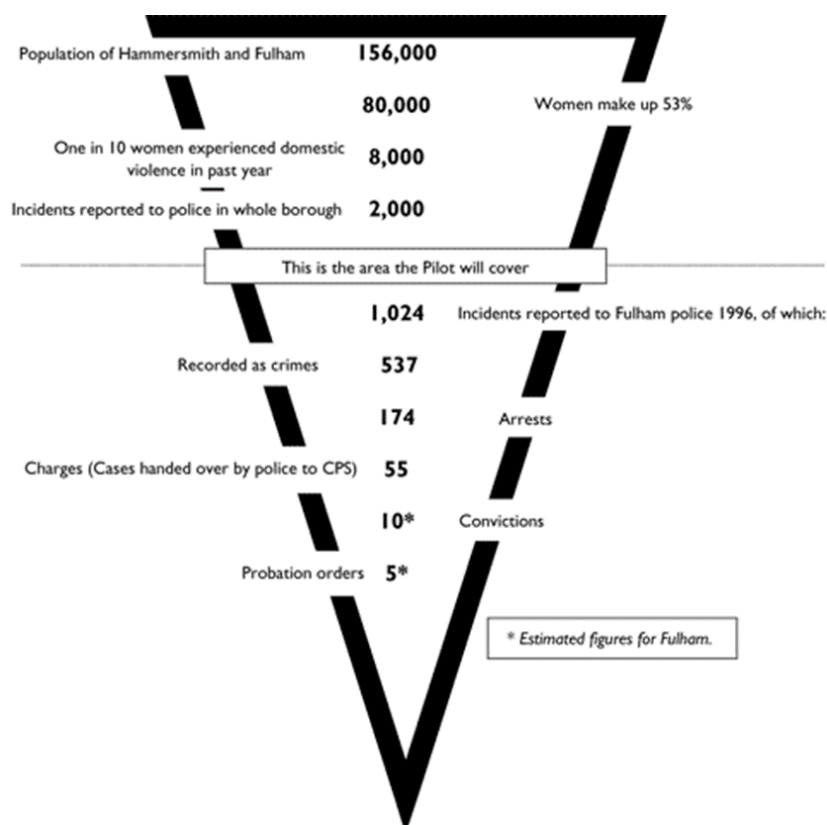
## Introduction: Standing Together and the Coordinated Community Response

The Coordinated Community Response (CCR) is a model of a whole-system response to a whole person, recognising the wellbeing and safety needs of victims and survivors, with communities and organisations working alongside them. Thus, the CCR recognises that:

- Responsibility for safety should not rest solely with individual victims but also with the community and services
- Perpetrators must be held to account for the harm they inflict and offered routes to change their abusive behaviours

Within a CCR framework, every agency has a responsibility for safely supporting victims of violence against women and girls and their children within their own agency AND with all the other agencies who also have that responsibility in order to secure the safety of the victim and their children and hold perpetrators to account.

Standing Together Against Domestic Violence (Standing Together) pioneered the CCR model in West London in the 1990s with guidance from its creator Ellen Pence. From the beginning, the model aimed to tackle the huge gap in the criminal justice system in terms of the low reporting of domestic abuse to police and the even lower conviction rates, as shown in the diagram below:



The Specialist Domestic Violence Court thus became a key component of the newly-implemented CCR model within the local criminal justice system.

## The Specialist Domestic Violence Court: History and Definition

Standing Together helped set up and coordinate one of the first Specialist Domestic Violence Courts (SDVCs) in England and Wales in October 2002<sup>1</sup>. Based at Hammersmith Magistrates' Court (then known as West London Magistrates' Court – WLMC), the SDVC was initially set up as a pilot project. The main objectives of the pilot were set out in the London Borough of Hammersmith and Fulham's Public Service Agreement (PSA) approved by the Government on 5<sup>th</sup> February 2002:

1. to increase the effectiveness of the judicial system in providing
  - protection and support to victims and witnesses of domestic violence
  - appropriate sanctions to perpetratorsand by reducing delay through effective case management.
2. to further increase co-ordination of agencies, including the Crown Court, involved in supporting victims and witnesses and dealing with perpetrators.
3. to explore the potential for linking civil courts in to the criminal justice process at WLMC.

While the PSA was specific to the London Borough of Hammersmith and Fulham (LBHF), it was agreed that all domestic abuse cases coming before WLMC would be subject to the SDVC protocol. Thus, the SDVC at WLMC dealt with cases from both LBHF and Royal Borough of Kensington and Chelsea (RBKC).

As demonstrated by its objectives, the SDVC signaled the local community safety partnership's appetite for, and commitment to, the CCR model as an innovative response to domestic abuse. It formed, and continue to form, part of a combined approach to tackling domestic abuse by Police, Crown Prosecution Service (CPS), Magistrates, Courts, Probation, and Specialist Domestic Abuse Support Services. In accordance with its 3<sup>rd</sup> objective, the SDVC aimed to enhance information-sharing with the family courts.

The signatories to the 2003 SDVC Protocol were:

- West London Magistrates' Court
- LBHF Police
- RBKC Police
- Crown Prosecution Service
- National Probation Service

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<sup>1</sup> It was the first SDVC in London and the first SDVC in the country to hear trials.

# STANDING together

against domestic violence

- ADVANCE (local Independent Domestic Violence Advocacy (IDVA) service, also the 1<sup>st</sup> IDVA service in England and Wales)
- Women's Aid
- Victim Support
- Witness Service
- Inner London and City Family Proceedings Court
- Standing Together as the coordinating service

The approach espoused by the SDVC situates the court and the wider criminal justice system as part of a community-wide response to domestic abuse, whereby all agencies work together to identify, track, and risk assess domestic abuse, support victims, and share information better so that more offenders are brought to justice. Of particular importance was ensuring victim/witness safety and managing risk effectively through specialist IDVA services. It was agreed then, and remains true today, that support for victims and witnesses is of the utmost importance not only on the trial date but during the case preparation process and after the trial/sentence.

The SDVC at WLMC became an example of best practice, and other SDVCs soon followed.

In 2006, inspired by the SDVC at WLMC, and recognising that SDVCs should be a fundamental part of the government's efforts to improve the support and care provided to victims of domestic abuse, the National Specialist Domestic Violence Court Steering Group produced a Resource Manual to support partnerships across the UK in achieving and monitoring accredited SDVCs in their areas. Through the national SDVC roll-out programme (operational in 2005), the Government aimed to establish at least 128 accredited SDVCs by 2011. By 2009, over 140 SDVCs had successfully achieved accreditation. As of 1<sup>st</sup> April 2010, the Local Criminal Justice Boards (LCJBs) assumed responsibility for aspects of monitoring and performance of SDVCs.

In Autumn 2004, Standing Together commissioned the University of Bristol to assess the recording and monitoring of data and evaluation methods used at the SDVC against its aims and objectives, especially those regarding safety and accountability<sup>2</sup>. This pioneering piece of work demonstrated the organisation's instinctive understanding of the importance of performance monitoring and impact measurement. Based on the findings of the evaluation, in 2006 Standing Together reviewed the aims of the SDVC with the partner agencies involved with the court with the view to ensure its aims and objectives were intimately to its outcomes and activities.

The Dedicated Domestic Abuse Court (DDAC) at Westminster Magistrates' Court was set up in 2012 with the same aims and protocols and operates on the same principles and operational practices as an SDVC.

In 2017, following the closure of the Hammersmith Magistrates' Court building, the SDVC at Hammersmith was re-located to Westminster Magistrates' Court, where it now operates alongside the DDAC.

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<sup>2</sup> Hester, M. and Westmarland, N. (2005), *Recording the Process of Change: A Review of the Data Monitoring Systems at the Standing Together Specialist Domestic Violence Court.*

## The Specialist Domestic Violence Court: Key Components

Based on the Standing Together SDVC model, the 2006 National SDVC Resource Manual set out guidance for local partnership areas that were planning to embark on ‘developing a specialist domestic violence (DV) court system’ (National SDVC Steering Group, 2008, p. 4). The Manual made explicit reference to the fact that although the SDVC had court processes at its heart, it related to a broader, whole-system process including the early identification of DV incidents particularly policing, health and social care interventions, through to specialist support for victims and the management of offenders’ (Ibid, p. 4)<sup>3</sup>.

Thus, it outlined **12** components which should be present in an SDVC and formed the basis of the accreditation criteria. These are:

### **1. Multi-agency partnerships with protocols**

The SDVC to be situated within a broader CCR structure and subject to an effective system of governance, with:

- A strategic steering group
- An operational group
- A Coordinator
- Multi-Agency protocols

### **2. Multi-Agency Risk Assessment Conferences (MARACs) and Multi-Agency Public Protection Arrangements (MAPPAs)**

Within an effective SDVC system, there should be robust information-sharing arrangements between key public protection arrangements such as MARAC and MAPPAs, as well as with the local LSCB, to ensure relevant information on the risk and safety of adult victims, children, and the risk posed by perpetrators is managed in a timely manner.

At the time of the publication of the Manual (2006 and 2008 for its 2<sup>nd</sup> edition), the MARAC was a very recent development. The Manual duly provided a detailed description of the MARAC process.

### **3. Identification of cases**

The correct identification of DV cases is an essential aspect of the SDVC system and the wider CCR structure. Within the SDVC process, key agencies to ensure accurate identification of DV cases are: Police, CPS, Her Majesty’s Courts Services, Probation, and IDVA / Voluntary sector. In particular, early identification and flagging of DV cases by the police are absolutely essential to the SDVC’s objective.

### **4. Independent DV Advisers (IDVAs) and other Specialist DV support services**

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<sup>3</sup> National SDVC Steering Group (2008), *Specialist Domestic Violence Court Programme Resource Manual*, 2<sup>nd</sup> edition.

IDVAs are invaluable in the work of the SDVC and as part of a CCR structure. IDVAs can contribute to increased victim safety and satisfaction, reductions in repeat victimisation, maintaining victim engagement with the CJS and increased reporting and support for children at risk of harm from DV.

Working with criminal justice agencies, the IDVA can ensure that the victim stays informed throughout the criminal justice process. They can also coordinate the protection of the civil and criminal courts to avoid a victim being left with no protection. Additionally, the IDVAs can work alongside the Witness Care Unit and the Witness Service to avoid duplication of services and provide the safest and most seamless service for DV victims and witnesses.

## **5. Trained and dedicated criminal justice staff**

Training for all agencies which form part of the SDVC system should be continual to ensure new personnel are trained and existing personnel have access to refresher training.

Additionally, the identification and allocation of dedicated personnel with allocated time to carry out SDVC-related work (e.g. dedicated Prosecutor, Legal Advisor, or court IDVAs) is crucial for a consistency of approach and high standard of service throughout the system.

## **6. Court listing considerations**

The type of listing approach adopted can have a significant impact on the success of the whole approach to DV in the magistrates' courts. In the 2007 SDVC Review, evidence suggested that some form of clustering approach was the most effective in ensuring the focus on victim safety and confidence was maintained throughout the court process. A cluster court ensured the availability of wrap around support services, specialist support and the deployment of dedicated personnel from all agencies.

## **7. Equality and diversity issues**

To ensure improved prosecution outcomes and victim safety and satisfaction, equality and diversity issues need to be addressed in each SDVC, addressing the needs within the local population.

## **8. Performance management**

Collection, collation, and analysis of data on the performance of the SDVC, ideally through a named contact, is key to ensure arising issues are properly addressed. The data should be presented to the local governing body of the SDVC to enable progress to be monitored, at least quarterly, at a local level.

Local areas also need to build some evaluative processes into their SDVC work.

## **9. Court facilities**

Court facilities can play an important role in improving the court experience for victims of DV.

Whilst court buildings vary in design and facilities available, the following components are desirable in an SDVC:

- Separate entrance / exits or making special provision
- Separate waiting facilities within or outside the courthouse

In all areas, local arrangements should be made to minimise the fear or threat of intimidation to victims attending at court. Facilities for child witnesses should also be available in the court (see Component 10). Applications to the courts to use special measures, such as screens and video links should be made wherever it is felt to be needed. Victims should also be made aware of the system for having fares paid to court.

## **10. Children and young people**

The SDVC needs to be sensitised to the specific needs of children as witnesses in DV cases and be able to rely on the strength of the wider wrap-around services to effectively identify, support and safeguard children experiencing DV.

When deciding on the SDVC listing, consideration should be given to the childcare issues of victims and witnesses.

## **11. Managing perpetrators**

Fast Delivery Pre-Sentence Reports (PSRs) are not usually appropriate in DV cases due to the need to undertake a full risk assessment and obtain collateral information from local police domestic abuse or community safety units, and address victim issues.

Consideration to be given to court-mandated perpetrator programmes supervised by Probation<sup>4</sup>. The wider CCR partnership can also make use of community-based perpetrator programmes being run outside the CJS. At the time of the publication of the Manual, Respect had just been funded by the Home Office to develop accreditation for such programmes and associated support services.

## **12. Other services**

DV victims who have cases progressing through an SDVC will have a range of issues that need to be addressed. The SDVC forms part of a wider CCR and as such work should be undertaken to ensure that the wider range of services they may need to access are appropriate and adequately resourced, such as Housing, Health services, Substance use services, Sexual Assault Referral Centres (SARCs) and Independent Sexual Violence Advisors (ISVAs).

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<sup>4</sup> Please note that since the Manual was published, the Probation service has undergone considerable changes which have affected, among others, the delivery and supervision of its perpetrator programmes in England and Wales.

The 12 components clearly reflect an SDVC that is firmly situated within a wider CCR framework, which many areas do not have. Around the country, SDVCs exist in many different forms, some of which may not feature some of these components.

## The Specialist Domestic Violence Courts coordinated by Standing Together

Standing Together coordinates two SDVCs in West London: the SDVC (now called SDAC, or Specialist Domestic Abuse Court<sup>5</sup>) at Hammersmith and the DDAC at Westminster. They will hereafter be referred to as SDAC and DDAC, respectively.

In accordance with the 12 components set out by the SDVC Resource Manual, which themselves were inspired by the SDAC, both the SDAC and DDAC are best practice examples of an SDVC operating within a broader CCR structure in response to domestic abuse. Below are some of their characteristics:

	SDAC	DDAC
Length of operation	Since 2002	Since 2012
Type of listing	Cluster court Weekly – Every Thursday	Cluster court Weekly – Every Tuesday
Area covered	LBHF and RBKC	Westminster, City of London, and British Transport Police (BTP)
Coordinator	Tanya Allen	Karen Senogles
IDVA at Court	Yes – Dedicated Criminal Justice IDVA <sup>6</sup>	Yes – Roster of IDVAs attending court
Operational Group	Court Management Group meeting quarterly	Court Management Group meeting quarterly
Strategic Steering Group	Tri-Borough VAWG Strategic Group	
Protocol	Protocol for the Specialist/Dedicated Domestic Abuse Courts at Westminster Magistrates Court	
Dedicated CJ personnel	<p><b>Police:</b></p> <ul style="list-style-type: none"> <li>- No specific dedicated officer; however the SDAC and DDAC coordinators are co-located at the Community Safety Unit and help with gathering information to support expeditious case management. Additionally, the Impact Project Case Development Analyst role dovetails with the role of the SDVC coordinator to support effective communication between police, CPS and the Court</li> </ul> <p><b>Her Majesty's Courts Service:</b></p> <ul style="list-style-type: none"> <li>- Nominated Legal Advisors who act as points of contact for members of the partnership and as DV champions for their colleagues</li> </ul>	

<sup>5</sup> The DA Court Partnership agreed that it would be more appropriate to refer to the courts as Domestic Abuse Courts rather than Domestic Violence Courts, to reflect the reality that domestic abuse does not always manifest itself in physical violence. However, the terms Specialist/Dedicated Domestic Abuse Court and Specialist/Dedicated Domestic Violence Courts are often used interchangeably.

<sup>6</sup> Thanks to the Impact Project, funded by LBHF Council, which aims to improve CJ outcomes for DA cases through better case-building, early referrals to specialist support service, and links to the SDVC.

	<ul style="list-style-type: none"> <li>- Two Magistrates who act as DV Liaison Magistrates and represent the Magistrates on the Court Management Group</li> </ul> <p><b>Crown Prosecution Service:</b></p> <ul style="list-style-type: none"> <li>- Dedicated Prosecutor for the SDAC</li> <li>- Two designated Prosecutors rostered for the DDAC</li> </ul> <p><b>Probation:</b></p> <ul style="list-style-type: none"> <li>- Dedicated Probation Officer for the SDAC and DDAC, providing consistency of expertise and information-sharing</li> </ul>
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**The role of the SDVC Coordinators:**

However comprehensive the multi-agency protocol and written procedures developed for the SDVC are, it is what actually happens on each court day and how information flows between agencies at and after court that is the key test of the effectiveness of the court’s operation. Many practical tasks are involved in the operational coordination of an SDVC. This work often goes on behind the scenes but is essential in supporting the work of the court and all the agencies who are party to the protocol.

At the SDAC and DDAC, the operational coordination is carried out by Standing Together and some of the tasks involved are:

- Liaising with the different agencies that work in the court
- Monitoring practice in the court to ensure that the protocol is adhered to
- Capturing good practice and identifying areas for improvement, particularly in relation to the safety of victims and their children

This is done by the coordinators observing the SDVC every week. Their observations are recorded in a weekly observation summary that is sent to managers and practitioners, detailing case information and issues.

Information from the weekly summaries is subsequently collated into a quarterly report presented at the respective Court Management Group. The report identifies trends, issues, and practice concerns.

The coordinators track all cases that go through the SDAC and DDAC and beyond, providing updates on cases to Police and support agencies to help inform the victim and to ensure all agencies are up to date with what has happened in the SDVC. In addition, tracking cases allows the coordinators to gather performance data against which the aims and objectives of the SDVC can be measured and analysed.

The coordinators are also involved in developing and implementing protocols and processes relating to the SDVC.

They contribute to training the judiciary and key CJS personnel as a way of increasing understanding of the SDVC process, its benefits, as well as of roles and responsibilities of the various agencies involved in the SDVC.

The coordinators at Standing Together have continued to share best practice relating to the SDVC process locally and nationally.



### **Benefits of the SDVCs:**

Local SDVC data shows that, since the court started:

- More defendants are prosecuted and therefore brought to Court
- More defendants are convicted
- There is a higher proportion of early guilty pleas, which is a positive indicator as it reduced the length of case, the resource that it put into it to prepare for a trial and the trauma of giving evidence for the victim
- There are fewer hearings per case
- The length of a case from start to finish is reduced
- More victims are given access to specialist IDVA support

### **Challenges to the SDVCs:**

The local SDVCs and coordinators face a number of challenges which are also of relevance to other areas, of which the main concerns are:

#### **1. Training for frontline police:**

Frontline police officers are likely to represent to victims of domestic abuse the face of the criminal justice system. They must have a sound understanding of the dynamics of domestic abuse, the ability and confidence to identify risk, as well as a believing approach to the victim. High officer turn-over and lack of time for in-depth training are barriers to a consistent and high-standard training offer in our areas. The Standing Together coordinators are based within the Community Safety Unit at Charing Cross Police Station and work closely with the unit not only to provide ongoing consultancy and support to its investigating officers but also to detect training opportunities to frontline officers as they present themselves.

Additionally, over the last few years, the DDAC coordinator has worked closely with City of London police and BTP to raise awareness on the SDVC process. As a result, there has been an increase in the number of City of London and BTP cases flagged as DV coming into the DDAC. Both City of London and BTP have representatives at the DDAC Court Management Group. Ongoing efforts are being made by the coordinator to provide training to officers from these two forces.

#### **2. IDVA resources:**

As consistently mentioned in the SDVC Resource Manual and demonstrated locally, an SDVC cannot function effectively without an IDVA provision. Funding for this provision therefore needs to be adequate and long-term. All SDVC agencies should be aware of the importance of IDVAs and consideration should be given to this provision when agencies are making internal decisions. These decisions can have a serious impact on these voluntary sector agencies.

In London and beyond, many courts cover more than one borough or area, which can be problematic when there are different provisions and referral criteria to IDVA services. This can create confusion and can lead to a gap in support for victims. Consideration should be given, whenever possible, to the provision of a dedicated IDVA who could, especially in a court serving several areas, act a single point of initial contact for victims and a conduit facilitating their access to relevant local support services.

**3. Recognition of the importance of the Coordinator role:**

The coordinator is key in identifying gaps and barriers in the SDVC process and in helping the SDVC partnership resolve operational issues. In a context of increasing financial constraints facing wider DA and VAWG partnerships, the importance of their role risks being undermined, especially as most of their work is carried out behind the scenes.

**4. Changes in agency structures and wider resources:**

Over the last decade, some of the key agencies that are fundamental to the successful operations of an SDVC have undergone considerable changes to their structures and seen their resources significantly reduced. These include, to name but a few, the privatisation of the National Probation Service, the move from IDAP (Integrated Domestic Abuse Programme) to BBR (Building Better Relationships), court building closures, and inconsistencies in the provision of Witness Service in London.

Such changes have had a direct and indirect impact on support for victims of DV, 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. It is even more important, therefore, that the SDVC process be supported by a robust governance structure through which these challenges can be discussed and mitigated.

The successes of, and challenges faced by, our local SDVCs reflect how interconnected these systems are.