

# Can adult survivors of childhood sexual abuse access justice and support?

Part Two:

Survivors' experiences of the police and Crown Prosecution Service.



July 2019

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Survivor C

*The police told [the] perpetrator my name because I am the 'site of the crime'. I found this very dehumanising .*

## **Foreword by Sarah Champion MP**

Fear of the way the criminal justice system treats victims was a common factor for many survivors that we spoke to during this inquiry. Building faith in the system is vital to encouraging more people to come forward. This can only be done through improving the process from start to finish. The Ministry of Justice's primary consideration should be increasing survivors' confidence that if they choose to report they will be treated fairly and supported appropriately.

Some survivors of child sexual abuse wait decades before feeling able to report the crime to police. Due to this, it is incumbent upon the Government to aspire to a criminal justice system where responses to disclosure are exemplary. However, this report finds that this is not currently survivors' experience. At the very least, survivors should be confident that when they report they will not experience a system that retraumatises them. While great improvements have been made to the police response in recent years, and many positive examples were given, our inquiry found that most survivors were dissatisfied with their experience of police and the Crown Prosecution Service.

On behalf of the APPG, I would like to thank the survivors who gave their time to submit evidence to the inquiry and responded to our survey. I am especially grateful to those survivors who gave evidence in person to MPs and Peers in Parliament. I would also like to thank the organisations who contributed evidence, and to The Survivors Trust for providing the Secretariat.

*Chair of the APPG on Adult Survivors of Childhood Sexual Abuse and Ambassador of National Counselling Society.*



## **The APPG for Adult Survivors of Childhood Sexual Abuse**

The All-Party Parliamentary Group (APPG) for Adult Survivors of Childhood Sexual Abuse was formed in November 2018. The purpose of forming the APPG was to highlight the needs of victims and survivors across the country and to give a voice to their concerns in Parliament.

The Secretariat for the APPG is provided by The Survivors Trust (TST), the largest umbrella agency for specialist voluntary sector rape and sexual abuse services in Europe. It comprises a network of 130 voluntary sector agencies providing a wide range of services for victims and survivors of all ages, male and female, of all forms of sexual violence, sexual abuse and sexual exploitation, including support for partners and family members.

## Introduction

As its first inquiry, the APPG explored survivors' experiences of accessing support services and the criminal justice system. This report is the second of three to be published through 2019 that presents the findings from the APPG's inquiry.

The third report will cover:

- the court process, after court care and compensation.

The findings were gathered in four ways:

- ◇ Survivor evidence session in Parliament.
- ◇ Sector professional evidence session in Parliament.
- ◇ Online survey of survivors with 365 respondents.
- ◇ Written evidence submitted to the APPG.

Data that is presented in this report, unless otherwise stated, is drawn from the APPG's online survey of 365 survivors of childhood sexual abuse.<sup>3</sup> The scale of the data set is both rare and valuable given the challenges of obtaining the views of significant numbers of adult survivors. The data is new and presented in public for the first time in this report.

## Terminology

Throughout this report, the term 'survivor' is used to describe individuals who have experienced child sexual abuse in the past, where the abuse is not current and ongoing. At its' inaugural meeting the APPG decided to use the term 'survivor' whilst accepting that some individuals who have experienced abuse prefer the term 'victim'. The APPG also acknowledges the tragic truth that not all individuals who experience childhood sexual abuse survive.

Where a 'disclosure' of abuse is discussed, this should be taken to mean a survivor telling any other person about the abuse for the first time. Our survey found 56 per cent of survivors first disclosed to a partner, family member or friend. Counsellors or therapists (12 per cent) were the most likely professional for survivors to disclose to, followed by teachers (seven per cent), police (seven per cent) and doctors (five per cent).



Where you see a speech bubble in this report, this is the opinion of one of the nearly 400 survivors who contributed to the inquiry.

## Executive Summary

The APPG's inquiry revealed that many survivors lack confidence in the criminal justice system. **Only 54 per cent of survivors responding to our survey had reported to police the sexual abuse that happened to them as a child.** Reasons for not reporting were varied and include: 'not believing the police would successfully prosecute' - 30 per cent or: 'believing the police would be unsupportive' - 27 per cent.

Survivors want to see a transformation in the response from police officers to disclosures of abuse. Shockingly, **two in five survivors said they were not taken seriously by police when reporting.** Nearly half said they were not told what the next steps with their case would be. Survivors said they want regular communication, realistic expectations and compassionate officers who understand the impact of trauma. The inquiry recognises that police are under strain from increased reporting and limited resources. **Child sexual abuse offences recorded by the police increased by 178 per cent between the years ending March 2007 and March 2017,** and a 511 per cent increase in the abuse of children through sexual exploitation.<sup>1</sup>

The inquiry's unique research uncovered an alarming drop in the use of pre-charge bail since reforms in the Policing and Crime Act 2017. In the year after the Act became law, **the number of people suspected of a sexual offence against**

**a child released with pre-charge bail conditions fell by 56 per cent.** In the same year, the number of suspects 'released under investigation' increased by 1,047 per cent. 2,993 suspected child sex offenders were released without conditions in 2017/2018. When a suspect is 'released under investigation', police cannot place safeguarding conditions on them, for example, preventing them from contacting the survivor or from attending the survivor's home or workplace. This has had serious ramifications for the safety of survivors and their confidence in police to keep them and their families safe if they report abuse. Pertinently, one in five survivors told our survey they did not report to police as they feared further violence from the perpetrator.

The inquiry found survivors of child sexual abuse are being asked to hand over their private data to police. This is leading some survivors to withdraw from the criminal justice process as they feel forced to choose between consenting to their personal information being in the public domain - or ending the investigation.

Our inquiry uncovered issues with the taking of, and subsequent use of, the Victim Personal Statement. Survivors are not always aware of its function, are ill prepared to make one and are later taken by surprise at its use in court proceedings.

Of those reporting abuse:

- 64 per cent did not see a charge brought in their case.
- 77 per cent said the communication of this information was poor or very poor.
- Nine out of 10 said the support provided to them at this devastating moment in their journey was poor or very poor.

Survivors expressed confusion at the role of the Crown Prosecution Service (CPS), not least as frustrated police often end up

delivering decisions made on their behalf.

The letters from CPS justifying their reasons for not bringing charges can seem insensitive and unclear. Survivors deserve better after a lengthy and intrusive police investigation.

The Victim's Code is the key document outlining survivors' rights, however the inquiry found survivors have very little knowledge of its existence, their rights detailed within it or where to locate it. There is a desperate need for a simplified, easily accessible Victim's Code that is legally enforceable with clear pathways for complaints.

## Key Recommendations

1. Government should bring forward, without delay, a Victim's Law which includes: an updated, accessible Victim's Code with national standards for timelines and updates for survivors, a clear complaints process that removes the role of the MP referring to the Parliamentary and Health Ombudsman and a resourced and empowered Victims' Commissioner to hold national and local bodies to account.
2. Government should amend the Policing and Crime Act 2017 to create a presumption that suspects under investigation for sexual offences against children and adults (or other significant safeguarding issues) only be released from police custody on bail.
3. Government should publish a national cross-government strategy on addressing childhood trauma and adverse experiences. This should include training and support for police officers in how to recognise and respond to abuse in a trauma-informed way and in particular how to communicate investigation outcomes sensitively.
4. Police should produce a national, standardised leaflet for officers to provide survivors with the information they need when they report the crime, to include: next steps, timelines, expectations for updates, complaints process, police contacts, sources of information and specialist support.
5. Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) should undertake a national thematic review of non-recent 'child sexual abuse' which focusses on the experiences of adult survivors. This should explore in depth the issues highlighted in this report: the police response to adult survivors including communication, the safety of survivors (including use of pre-charge bail), survivors' privacy and the effectiveness of disclosure consent forms.

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# **1. Why survivors of child sexual abuse choose not to report to police**

Nearly half of survivors, according to our survey, have so far chosen not to report to police. Their responses explaining why suggest there is a considerable way to go to build the confidence of survivors in the criminal justice process. Justice can only be seen to be served if crimes are punished and that requires reporting. It is essential that progress continues to be made in improving the experience of survivors so that perpetrators are successfully prosecuted and the abuse of other children is prevented.

## **54% of respondents had reported their abuse to police at the time of the survey.**

There are many reasons why survivors do not report abuse to police. The APPG believes it is the right of every survivor to decide whether to pursue a criminal justice outcome. Given the, at times, parlous state of the criminal justice system for survivors of sexual violence and abuse, it is understandable that many survivors decide not to report the crime to police.

To better understand some of the obstacles, our survey asked survivors to give their reasons for not reporting:

- **40% of survivors who did not report said they wanted to protect friends or family.**
- **1 in 3 said they did not want to re-live the trauma of abuse.**
- **30% said they didn't think the police would successfully apprehend and prosecute the perpetrator.**
- **27% thought the police would be unsupportive.**
- **1 in 5 said they were afraid of further violence from the perpetrator.**

## 2. Police response to survivors

**40% of survivors felt they were not taken seriously by police when reporting the abuse.**

**48% of survivors were not told what the next steps in their case would be after reporting.**

Shockingly, as many as two in five survivors did not have a positive interaction with police after disclosing the sexual abuse that happened to them as a child.

Survivors experienced police using insensitive language. One survivor of abuse was repeatedly referred to by officers as the: 'site of the crime'.

*The police told [the] perpetrator my name because I am the 'site of the crime'. I found this very dehumanising.*

Survivors felt there was a lack of personal interest in their case from officers. This was exacerbated by survivors often having to repeat their account of abuse numerous times to different officers, without any sense of the information having been recorded and shared to spare their re-traumatisation.

*It took me 40 years to pick up the phone [to police].*

*My case was passed from police to the National Crime Agency (NCA) after eight months. I had to be re-interviewed because the statements weren't good enough. I asked the NCA what the police had been doing? They said: 'you don't want to know'.*

Survivors were not always clear who they should contact to get information about their investigation and many were contacted by officers they had not previously known to be working on the case. One survivor described an unknown police officer visiting her home to deliver a decision of 'no further action' after months of investigation but without any further information about the reasons for the decision.



*I called the police myself. They never called me. I had to explain myself in detail to three different officers, over four different phone calls. The third police force called me by the name of another victim. Incredibly careless.*

Time and again, survivors and supporting organisations described irregular and poor quality communication from police after the moment of first disclosure. Many waited months to hear from police about how their case was progressing. Many survivors found this enhanced their levels of stress and anxiety about the process. Some survivors found themselves chasing the police for information and this increased their sense of guilt for feeling as if they were 'wasting police time'.

*The National Crime Agency (NCA) and the police didn't know what each other were doing. Six or seven months would go by and nothing would be done.*

Survivors described living in 'limbo' as they awaited updates and information regarding their case.

*Even a quick phone call means: 'I haven't been forgotten and they are taking me seriously'.*

**The inquiry found that survivors' anxieties about their case, and the criminal justice process as a whole, would be assuaged by regular updates from the police. Survivors highly praised police officers who provided regular briefings and were responsive to queries, although this experience was rare.**

The inquiry heard from specialist sexual violence and support services how the police are under increasing strain due to limited resources. The Home Affairs Select Committee report on 'Policing for the future' (October 2018)<sup>2</sup> found that 'non-recent allegations represent a growing demand on policing'. Child sexual abuse offences recorded by the police increased by 178 per cent between the years ending March 2007 and March 2017, and a 511 per cent increase in the abuse of children through sexual exploitation.<sup>3</sup> The inquiry heard that due to limited resources, non-recent child sexual abuse is often deemed to be less of a priority than recent 'active' cases, despite the continuing risk perpetrators pose. Commenting on their experience at one of their centres, Rape Crisis lamented the lack of officers working within the Child Abuse Investigation Team (CAIT). High turnover of staff has led survivors to feel some officers are not fully aware of their case, damaging their faith in the system. Echoing evidence heard from survivors who spoke directly to the inquiry, Rape Crisis said survivors are regularly asked to repeat their account and, when cases are not pursued, there is often insufficient explanation given to survivors. The result is that survivors living with trauma feel as if the investigation into their abuse is not important.

### ***The communication survivors want to receive from police***

The inquiry found that positive examples of police responses to reporting child abuse are characterised by:

- clear, respectful communication,
- being taken seriously and
- being provided with realistic timeframes.

After disclosing abuse to police, survivors praised officers who were 'very understanding, caring and compassionate'. Police who earned plaudits from survivors offered 'good explanations at the start of the process, and lots of reassurance'. Survivors felt it vital that a female officer is available to speak to if required.

The data from the survey shows that police have some way to go before survivors can feel confident that they will be listened to and taken seriously when disclosing abuse. **Survivors highly value good quality information about next steps, yet only slightly more than half of respondents received this.** Victim Support emphasised that good practice includes regular communication and meetings with the investigation team for survivors.

Survivors stressed that police officers should be realistic with survivors about the shortfalls of the criminal justice process from the moment of first disclosure. This includes: acknowledging that a survivor's case may not progress, that it may end in acquittal or be quashed on appeal even after years of

engagement with police, the CPS and courts. The need for realism and managed expectations from police was reiterated by Victim Support as good practice.

*I personally feel I would have found the experience a little easier had the officers been more realistic from the start.*

It was a distressing experience for some survivors who had not been explained the length of time before a case may come to trial. Survivors highly valued police officers who described the length of the process and anticipated where delays may arise. The negative impact of a lengthy criminal justice process could, in part, be mitigated by anticipating delays, explaining them to survivors and providing regular updates.

The inquiry also heard that where potential media coverage is likely or even possible, survivors should receive information on what to expect and how to handle press inquiries before, during and after trial.

*The CID (Criminal Investigation Department) officer was brilliant start to end. She worked really hard to find the evidence. She told me it [court process] could take up to two years, and it did.*

Survivors and police officers would benefit from a national, standardised leaflet that police could provide to survivors when they report. This should be co-constructed with the voluntary sector and dovetail with the forthcoming Government reforms to simplify the Victim's Code.

The leaflet should be as accessible as possible and detail:

- Next steps of criminal justice process including interviews, charging and court.
- Realistic timelines for each step of the process.
- Maximum waiting time for updates from police.
- Named police contacts.
- Clear complaints process.
- Sources of information and support (including specialist sexual violence and abuse services).

### ***Responding to trauma***

The inquiry heard from constabularies that are working in partnership with local authorities, health agencies and the voluntary sector to improve their response to childhood trauma, including sexual abuse. Much of this work is based on evidence that demonstrates the correlation between early life adversity and an increased prevalence of health and social problems in adulthood.<sup>4</sup> This research was supported by findings in the APPG's first report which uncovered the devastating impact of child sexual abuse on a survivor's relationships, mental

health, education, career and financial stability.<sup>5</sup>

The inquiry heard that some Health and Wellbeing boards are creating strategies for early identification of childhood trauma and adverse experiences, and support packages to address its negative effects. This mirrors the Scottish<sup>6</sup> and Welsh<sup>7</sup> Governments who have developed strategies for preventing and mitigating the impact of Adverse Childhood Experiences (ACEs). Further to this, some constabularies have introduced a trauma-informed approach to policing with an ambition for all officers and staff to become trained in trauma-informed practice so that they are able to recognise what may have happened to the people presenting to their service.<sup>8</sup>

The ACEs framework can help to provide a common language for professionals working in different sectors and, if supplemented with training in trauma-informed approaches, has the potential to drive co-operation between statutory and voluntary agencies and transform the service survivors receive.

It is also important to acknowledge the difficult work police officers do, in a climate of reduced resources. Dealing with traumatic incidents, and traumatised individuals, can impact the health and wellbeing of officers<sup>9</sup> which, in turn, can inhibit their ability to provide an empathic, supportive service to survivors.

### ***Increased demand, limited resources***

In evidence to the Home Affairs Select Committee about the growing pressures on police for investigations relating to child sexual abuse, Chief Constable Simon Bailey, lead for Child Protection, National Police Chiefs Council, said:

*“There is no doubt that as a country we are having to come to terms with the failings of the past - so, non-recent reports of sexual abuse, and the numbers still coming into Operation Hydrant (the police coordination hub for non-recent child sexual abuse investigations involving persons of public prominence or within institutions) are 125 a month. There are now getting towards 6,000 victims within our database and only 4,500 alleged offenders. That is placing a significant demand across policing... we*

*know we are not capturing the full picture.*

*“We are seeing a number of victims that are now coming forward and reporting non-recent abuse, and we are starting to understand why they did not come forward. However, I cannot help but think there will still be a generation of children that still are ashamed, have been told they will not be believed, and are still not coming forward. I genuinely think we are still only seeing the tip of the iceberg.”<sup>10</sup>*

Dame Vera Baird, in her former role as Police and Crime Commissioner for Northumbria, highlighted in evidence to the committee that the police have committed more attention to sexual violence and abuse despite ‘draconian funding cuts’.<sup>11</sup> This has coincided with budget cuts for other statutory services like mental health and local government,<sup>12</sup> further contributing to the changing nature of the police role.

### **Recommendations**

- Government should publish a national strategy for addressing childhood trauma and adverse experiences - as the Scottish and Welsh governments have recently done. This should include training for all frontline professionals, including police, in how to recognise and respond to abuse in a trauma-informed way.
- Government should mandate and resource an appropriate body, perhaps the National Police Chiefs Council or Victims’ Commissioner to produce a national, standardised leaflet for police to provide to survivors when they report. This should be co-constructed with the voluntary sector and dovetail with the forthcoming Government reforms to simplify the Victim’s Code. The leaflet should be as accessible as possible and deliver the information survivors told our inquiry they need:
  - \* Next steps of criminal justice process including interviews, charging and court.
  - \* Realistic timelines for each step of the process.
  - \* Maximum waiting time for updates from police.
  - \* Named police contacts.
  - \* Clear complaints process.
  - \* Sources of information and support (including specialist sexual violence and abuse services).
- The Home Office should acknowledge the additional resource requirements on police to deliver a professional and supportive service to survivors. They must also acknowledge the impact of working with traumatised survivors on officers’ wellbeing and morale.

### **3. Safety of survivors after they report to police**

**Only 35% of those who reported the abuse to the police said they were given any measures to make them feel safer.**

**1 in 5 survivors said they did not report to police because they were afraid of further violence from the perpetrator.**

The safety of survivors is essential to the workings of an effective criminal justice system. If survivors are concerned that their, or their families', safety could be jeopardised by reporting to police then they are less likely to come forward and disclose abuse. It is concerning that bail as a measure available to police to protect survivors is not explicitly mentioned in the Victim's Strategy.

#### **Pre-charge bail**

Of particular concern to the APPG is the drastic fall in use of pre-charge bail by police following reforms in the Policing and Crime Act 2017. Under the changes, police should now only use bail when 'necessary and proportionate' and for a 28-day period. An extension of up to three months can be obtained if signed off by a senior police officer. In exceptional circumstances, a longer period can be granted if approved by a magistrate. Police looking into an allegation of child sexual abuse may find it necessary to arrest a suspect early in the investigation but will likely find it difficult to gather enough evidence to finalise the investigation within the 28-day limit due to the complex nature of the crime. This results in police having to use 'release under investigation' as opposed to imposing pre-charge bail conditions.

Bail conditions commonly used to protect survivors of child sexual abuse include:

- preventing suspects from contacting a survivor and their family directly or indirectly
- preventing suspects from attending a named place, including homes, schools or child sexual exploitation hotspots like parks or takeaways
- placing the suspect under curfew

Research by Sarah Champion MP, published for the first time in this report, found that since the changes came into effect on 3 April 2017 there has been a rapid decline in the use of pre-charge bail and a steep rise in the number of suspects 'released under investigation' (a condition whereupon a person is informed

they are still a suspect but there are no conditional requirements attached to their release). The information was obtained from 20 of the 43 constabularies in England and Wales via Freedom of Information requests.

**In the year following the introduction of bail reforms in the Policing and Crime Act 2017:**

↓ 56% fall in the number of child sexual suspects placed on bail.

↑ 1,047% increase in suspects 'released under investigation.'

	2016/17	2017/18	% +/-
Pre-charge bail	4,657	2,036	-56%
RUI	261	2,993	+1,047%

**2,993 suspected child sexual offenders were released without conditions in 2017/2018.**

The 2017 changes were made after several high-profile suspects accused of child sexual abuse were held on police bail for long periods and no charge was later brought against them. Our research discovered that after the introduction of the new rules in just one constabulary, as many as 70 per cent of individuals later charged with a child sexual abuse offence were released with no pre-charge bail conditions. Due to differences in recording data across constabularies it is not possible to make national comparisons, however it indicates that there may be a significant number of dangerous child sexual abusers, against whom there is subsequently enough evidence with which to charge, who are released into the community without condition.

Under the Victim's Right to Review, survivors are entitled to a review of police decisions not to bring proceedings

against a suspect (in cases where police have authority to charge) or where police decide not to refer a case to the Crown Prosecution Service for a charging decision. Specialist sexual violence and abuse services (SSVSS) raised concerns to the inquiry that when a case is reopened under Victim's Right to Review, it is not clear whether police can apply to extend pre-charge bail conditions on the suspect. This puts the safety of survivors at risk. SSVSS highlighted an apparent absence of guidance for police in this situation. There is also an apparent contradiction in procedure in that for a survivor's Right to Review application to be successful there must be a determination that the original decision (to take no further action) was wrong, yet an approved bail period can only be extended when the investigation has been conducted 'diligently and expeditiously'.<sup>13</sup>

A February 2019 report<sup>14</sup> into ‘the police response to domestic abuse’ by Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) found a 65 per cent drop in the use of police bail in cases of domestic abuse. HMICFRS expressed a concern that the unintended consequence of the changes to pre-charge bail has placed survivors at increased risk by making it easier for perpetrators to return to abusive relationships. HMICFRS’ report highlights the pressing need for the Home Office, College of Policing, Ministry of Justice and others to improve data collection on the use of bail. This activity is essential to getting a better understanding of the impact of bail changes to the safety of survivors and the general public.

In June 2019,<sup>15</sup> the Joint Committee on

the Draft Domestic Abuse Bill found that there were real challenges for police resources when attempting to complete domestic abuse investigations within 28 days and even within an extended timeframe of three months. The Joint Committee report stated that: *‘The 28 days bail combined with a rigid test for extension does not take into account the need to protect victims from perpetrators and allow the police time to do their job within the resources available.’*

Police face the same challenges when attempting to complete investigations of sexual violence and abuse within a 28-day timeframe and the data gathered by the APPG suggests that, due to the bail reforms, the rights of perpetrators have been enhanced at the expense of survivors’ safety.

## Recommendations

- Government should amend the Policing and Crime Act 2017 to create a presumption that suspects under investigation for sexual offences against children and adults, or other significant safeguarding issues, only be released from police custody on bail.
- Government should introduce legislation that would allow police to set a period of pre-charge bail longer than 28 days in sexual violence and abuse cases (and other offences where safeguarding is a concern) so that police are not disincentivised from using bail by the attached short deadlines to complete complex investigations. Survivors’ safety must be a priority consideration for authorities considering bail and extensions to pre-charge bail.
- Government should urgently clarify through guidance whether police are able to extend pre-charge bail where a survivor has successfully sought the reopening of their case under the Victim’s Right to Review. If current legislation does not allow for this protection, the Government should legislate to ensure pre-charge bail conditions can be extended in these situations.
- HMICFRS should undertake a national thematic review of non-recent ‘child sexual abuse’ which focusses on the experiences of adult survivors. Under the current ‘core inspection’ programme, HMICFRS looks at ‘child protection’, however this does not sufficiently explore the specific issues of non-recent child sexual abuse as experienced by adult survivors. This should explore in-depth the issues highlighted in this report: police responses to survivors including communication, safety of survivors including use of pre-charge bail, survivor privacy and the effectiveness of disclosure consent forms.

## 4. Survivors' privacy

The inquiry heard that there is a climate whereby survivors of sexual offences are being pressured into handing over private data to police, even where it is not strictly related to the case.

Contributors to the inquiry argued the situation has arisen primarily as a result of *R v Allan* (2017),<sup>16</sup> where the defendant's rape trial collapsed after police failed to disclose vital, digital evidence to the defence. In this case, the Metropolitan Police apologised to Liam Allan, who was charged with six rapes and one sexual assault (of an adult), after its errors in handling the investigation led to the CPS dropping the case at trial when the digital data emerged. The case garnered widespread media concern about false allegations, survivors' rights to privacy and police capacity to review extensive digital data that may prove or disprove allegations.

The inquiry heard that adult survivors of child sexual abuse are routinely having their personal lives disproportionately investigated and disclosed in criminal trials. When survivors sign a data consent form, they appear to give police and the CPS access to extensive personal data including their education, medical (including counselling notes) and data from electronic devices including social media, instant messaging and images. This leaves survivors without any future say over their private data, the majority of which is irrelevant to the case. Managing such a vast amount of data is resource-intensive for police and much of it is of little or no relevance to the case.

Specialist sexual violence and abuse services (SSVSS) told the inquiry

survivors are routinely being asked for police access to mobile phones and electronic devices, sometimes dating back to periods when the abuse took place, when mobile phones were not in widespread use and when there was no phone contact between survivor and perpetrator. Survivors feel that there has been a shift in the focus of the investigation, from the potential offence, to their credibility as alleged victim. Since *R v Allan* (2017), the length of time for decisions to be made by CPS over cases has increased and SSVSS are observing more survivors withdrawing from the criminal justice system than in the last five years. In 2017, Rape Crisis South London supported 33 survivors through to charge, in 2018, just one. Data from the Crown Prosecution Service shows that prosecutions resulting in conviction for child sexual abuse offences fell by 9.2 per cent in 2017/18 on the previous year.<sup>17</sup> Referrals to CPS by police for child sexual abuse during this period fell 9.9 per cent.

One SSVSS told the inquiry:

*"It increasingly feels as though the culture of police investigations is shifting to investigate survivors as opposed to investigating those who have enacted harm."*

A new standardised national 'Digital Device Extraction' consent form<sup>18</sup> has recently been introduced to formalise the process and in the last year 93,000 police officers and staff have undergone disclosure training according to the College of Policing.<sup>19</sup> There are concerns that the new consent form may contribute to survivors feeling forced to choose between submitting all private data or not having their abuse investigated.



The form states:

*“If you refuse permission for the police to investigate, or for the prosecution to disclose material which would enable the defendant to have a fair trial then it may not be possible for the investigation or prosecution to continue.”*

It is essential that the consent form does not create a false choice in the minds of survivors. Many survivors of child sexual abuse experience investigations and trials that question their honesty and sexual history. Survivors often hear: ‘she wanted it,’ or: ‘he asked for it.’ A new national consent form which grants police unlimited access to irrelevant personal

information, conversations and images, may only serve to reinforce existing prejudices.

It is welcome that the National Police Chiefs Council (NPCC), Crown Prosecution Service (CPS) and College of Policing have invited specialist sexual violence and abuse agencies to shape the development of the forms. The Government must ensure a reasonable balance is found so that survivors can have confidence in the justice system.

## **Recommendations**

- The Home Office should work with criminal justice agencies and specialist sexual violence and abuse services to assess whether the new national consent form for survivors disclosing digital evidence (‘Digital Device Extraction’ form) deters survivors of sexual violence and abuse from coming forward to report and whether the form is used appropriately with survivors of child sexual abuse.

## 5. Victim Personal Statements (VPS)

**Only 1 in 6 victims of crime are offered the opportunity to make a Victim Personal Statement.**

A Victim Personal Statement (VPS) gives a survivor the opportunity to explain how the abuse has impacted on them emotionally, physically, mentally and financially. A VPS will be considered by all criminal justice agencies involved in the case and can play a key part in sentencing, when the court must pay regard to the harm caused by the offence and the impact on the survivor.

**Evidence from Victim Support showed that only one in six victims are offered the chance to make a VPS.**

Existing research has found victims have been asked to give statements immediately after experiencing trauma, when they are unprepared, or are overly directed by well-intentioned police.<sup>20</sup>

In speaking to the inquiry, some survivors described confusion at court when their statement was read out in front of other survivors, contrary to their expectations. Others described frustration that they missed opportunities to have their statement read out and were not made fully aware of the reasons why. Some survivors felt pressured to have a VPS; therefore, it is important that police make clear they are not obliged to do so.

Specialist sexual violence and abuse services (SSVSS) argued that survivors should be entitled to nominate a friend or

family member to provide a Victim Personal Statement in their place if they do not feel able to re-live the trauma. Survivors told the inquiry that close family members are often victimised, for example, parents are often groomed by the abuser. Currently, other people affected by the crime can be offered to make a VPS at the discretion of the police.<sup>21</sup> Bereaved close relatives of a victim are also entitled to make a VPS. This principle should be widened so that survivors can nominate individuals to provide an account of the ways in which the abuse has impacted the survivor and their family and the VPS should be applicable in court.

It is welcome that the Victim's Strategy seeks to rectify these issues by enhancing survivors' ability to choose how their statement is used, and by issuing new guidance.

The inquiry found that many survivors were disillusioned by the sentences their abuser received and did not feel listened to as part of the sentencing process. The VPS is a crucial tool in empowering survivors during the criminal justice process and they should be given information that clearly sets out the role of the VPS in the sentencing process.

### Recommendations

- The revised Victim's Code should clearly set out survivors' rights to make a Victim Personal Statement so that the information is easily accessible and simplified. Survivors must be aware of their entitlements to make a VPS from the beginning of the criminal justice process.
- The Ministry of Justice should trial taking Victim Personal Statements from nominated friends, family members or professionals so that the court is fully aware of the impact of trauma and all survivors feel that their voice is heard during the criminal justice process.

## 6. Crown Prosecution Service (CPS)

The Government's Victim's Strategy contains scant detail about improving CPS responses to survivors of sexual violence and abuse. This is a missed opportunity at a time when survivors have been clear that their needs are often not met by the CPS.

It is of note that while the percentage of sexual violence and abuse cases successfully prosecuted by the CPS is high, the number of these cases prosecuted is falling. SSVSS expressed concern to the inquiry that **CPS may be choosing to focus resources on pursuing cases with a higher chance of success at trial.** It is notable that in June 2019, the End Violence Against Women Coalition began legal action against the CPS claiming that the CPS has covertly changed its police and practice in relation to decision making on rape cases, leading to a dramatic fall in the number being charged.

### ***When CPS decides to charge:***

A number of survivors voiced frustration about poor communication from the police and Crown Prosecution Service when a charge was brought in their case. Reporting a crime and navigating the legal system is a stressful experience. Excellent communication and support by police and the Crown Prosecution Service is essential.

**Only 31% of survivors felt they were given appropriate explanation and support when a charge was brought in their case.**

Survivors were sometimes confused about which professional should be providing them with information, and where they could go to for support. As with other stages of the investigation, many survivors expressed guilt at having to call up and chase information from police or CPS.

**Only 1 in 4 survivors felt they were listened to when a charge was brought in their case.**

### ***When CPS decides not to charge:***

**Of those who reported the abuse to the police, 63% didn't see a charge brought against their abuser.**

Many survivors felt their views were not considered when deciding how the case should proceed. Survivors felt disappointed with CPS decisions not to progress their case and the way in which they were communicated. This is especially devastating when many have waited for 'too long' to have a decision made.

Survivors described that it is usually the police who deliver a decision not to charge, despite the decision being made by the CPS. This can cause confusion for survivors as the police often cannot fully represent the reasons for not progressing the case, or they demonstrate frustration about the decision themselves. Survivors were often not aware of the Victim's Right to Review scheme which allows for survivors to seek a review of a police or CPS decision not to charge.

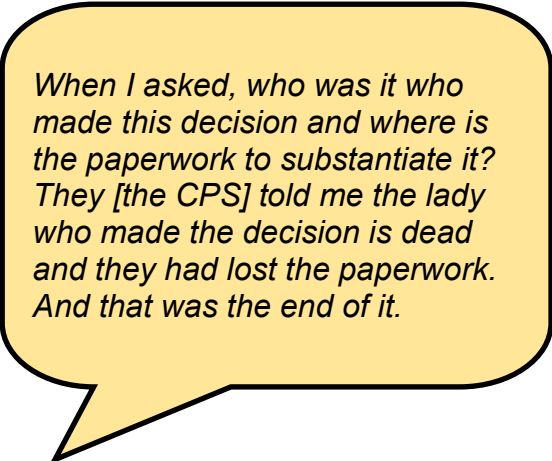
### **77% felt the communication they received about no charge being brought was very poor or poor.**

After hearing that their case would not progress, some survivors described having to go through the onerous process of travelling across the country, at their own expense, to receive an explanation for CPS decisions. The explanation given was rarely adequate.

### **9 out of 10 felt the support they received when no charge was brought was either very poor or poor.**

At such a devastating moment in their journey, the support provided to survivors of child sexual abuse is not good enough. Survivors felt it was vital that, as an absolute minimum, the CPS be clear in its reasoning for cases not meeting threshold.

The CPS must overhaul how they deliver information about charges to survivors. Information should be clear and accessible, and not hidden behind jargon. When a charge is not brought, letters should be therapeutic in tone, so that survivors understand their time and effort has been appreciated and the lack of charging is not because they are not believed. Such letters should also include information about where survivors can access support services. It should be clear whether the survivor can expect the case to reopen in the future and on what grounds.



*When I asked, who was it who made this decision and where is the paperwork to substantiate it? They [the CPS] told me the lady who made the decision is dead and they had lost the paperwork. And that was the end of it.*

### **Recommendations**

- The CPS should review the tone and content of letters informing survivors that their case will not progress to court and consult specialist sexual violence and abuse services on how they can develop a form of letter writing that is empathic to survivors' needs.
- The Victim's Right to Review police and CPS decisions should be made clear to survivors at the start of the criminal justice process and they should be supported in applying for a review by SSVSS or ISVAs. This should be clarified and simplified in a revised Victim's Code and enshrined in the Victim's Law.
- The CPS should reimburse survivors for their travel to attend meetings about decisions not to charge. All survivors should be aware that this is their right.

## 7. The Victim's Code

The Government's Code of Practice for Victims of Crime (Victim's Code)<sup>22</sup> is the key document outlining the services survivors are entitled to receive from the criminal justice system. It applies to all criminal justice agencies, including police, CPS, courts and probation services.

Almost all of the findings of this report relate to survivors' entitlements under the Victim's Code. This section focusses on specific reforms to the Code itself.

The Code was first introduced in 2006 and was last updated in October 2015. It sets out what each criminal justice agency must do for survivors and the timeframe in which they must do it. The Victim's Strategy,<sup>23</sup> published 2018, committed Government to consulting on a revised version of the Code. At the time of writing, the amended Code is yet to have been published.

During the inquiry, in evidence gathered through direct testimony and written submissions, none of the near 400 survivors participating in the inquiry made explicit reference to the Victim's Code. This omission is notable and suggests the Ministry of Justice is accurate in its assumption that the code is too obtuse and lengthy to be of much use to survivors in its current state. The Victim's Strategy itself states only 18 per cent of victims are aware of the Code.

In evidence to the inquiry, Victim Support was one of a number of supporting organisations and professionals that made reference to the Victim's Code. They argued that the Code already delineates extensive rights for survivors, and that any attempt to enhance and improve survivors' experiences should be

founded upon this existing framework. Specifically, Victim Support highlighted the below key rights for adult survivors of childhood sexual abuse:

- The right to timely information about their case
- The right to make a Victim Personal Statement
- The right to be referred to support services
- The right to a needs assessment
- The right to be treated in a respectful, sensitive, tailored and professional manner

The inquiry heard there is currently a lot of confusion around survivors' rights under the Victim's Code, including where and how to raise concerns or make a complaint. Currently, survivors' rights under the Code are not monitored or enforced. If survivors' rights are not being upheld under the Code, they must pursue a complaint with the body that is letting them down. Survivors often feel this does not afford any independence or impartiality. If this fails, they can complain, via their MP, to the Parliamentary and Health Service Ombudsman. MPs are not experts in resolving these complaints and are rarely likely to possess the required information to make a proper judgement on whether to progress a case. Such a resolution mechanism also redresses independent complaints only, and fails to recognise and address systemic failures to uphold the Code.

The Victim's Strategy seeks to address the above issues in a number of ways: by enshrining the Code in a 'Victim's Law'; by simplifying a revised version of the Code, creating a shorter version and making the Code available online; increasing accountability of agencies for the code.

The proposed changes to the Code are substantive and far reaching. However, the Code will continue to lack enforceability and relevance for survivors until it is enshrined in law. It is welcome the Government reiterated its commitment to a Victim's Law in the Victim's Strategy, but a Victim's Law was first promised in 2015,<sup>24</sup> and has still not been introduced. It is essential that accountability for upholding survivors' rights is built into the new law and an independent enforcement body, perhaps the Victims' Commissioner, should be empowered and resourced to hold failing authorities to account.

The reforms to the Code bring an opportunity to be ambitious about its

accessibility for both survivors and frontline professionals. The Government's website [www.victimandwitnessinformation.org.uk](http://www.victimandwitnessinformation.org.uk) is a promising development, linking victims to information about their rights and services.

The APPG's first report, '*Achieving quality information and support for survivors*'<sup>25</sup> recommended the integration of search engines for support services on this site. When the revised Code is approved, it should be fully integrated into this site and widely publicised to the general public and health and criminal justice professionals. We believe that Police and Crime Commissioners, Clinical Commissioning Groups, the specialist sexual violence and abuse specialist services and local authorities are all essential to making this site function effectively for survivors, and that the Ministry of Justice has a key role to play in co-ordinating information.

## Recommendations

- Ministry of Justice should publish a revised Victim's Code that is easily accessible, available online and simplified.
- Ministry of Justice should introduce primary legislation to enshrine the revised Victim's Code in a Victim's Law.
- Ministry of Justice should integrate the updated Victim's Code with [www.victimandwitnessinformation.org.uk](http://www.victimandwitnessinformation.org.uk) so that it is a relevant and up-to-date tool for victims and frontline professionals in sourcing local support.
- Ministry of Justice should reform the complaints procedure. They should start by removing the requirement to pursue a complaint to the Parliamentary and Health Service Ombudsman via an MP. MPs are not experts in the field and should not be expected to make a judgement on whether to progress a case.
- Ensure the Victim's Commissioner is sufficiently empowered and resourced to hold local and national bodies to account for delivering rights under the Code.

## 8. Conclusion

Adult survivors of child sexual abuse lack confidence in the criminal justice system. Many have not had positive experiences when reporting the crime to police.

Survivors told the inquiry they want improved communication, regular updates, realistic timelines and police officers who respond in an empathetic manner. The police are under increased strain due to increased reporting of sexual offences against children and reduced resources. Survivors need clarity about what to expect from the beginning of their journey; police officers need training and support in responding in a trauma-informed way. The Government should address this by publishing a national strategy on tackling childhood trauma and prioritise trauma-informed training for frontline staff, including police. HMICFRS should undertake a thematic review of non-recent child sexual abuse to promote good practice and highlight emerging issues. Police should develop a standardised national leaflet for officers to give survivors at the start of their journey through the criminal justice system,

paying heed to the issues highlighted in this report.

The safety of survivors is of real concern following the shocking drop in use of pre-charge bail and rise in the number of suspects released without conditions. The Government must urgently amend the Policing and Crime Act 2017 to create a presumption that suspects under investigation for sexual offences against children and adults (or other significant safeguarding issues) only be released from police custody on bail.

Specialist sexual violence and abuse services are concerned at the number of survivors being asked to disclose their digital evidence to police. Government should assess the new national consent form to ensure its use is proportionate and that it does not inhibit survivors from coming forward.

The Government should end its delay and introduce a Victim's Law, simplify the complaints process and resource a Victims' Commissioner to hold national and local bodies to account for upholding the Victim's Code.

# Notes

1. See Appendix One for broader context on scale of child sexual abuse. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/sexualoffencesinenglandandwales/yearendingmarch2017>
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# Glossary

## **Adverse Childhood Experiences (ACEs)**

Stressful or traumatic events, including abuse and neglect.

## **Crown Prosecution Service (CPS)**

The principal public prosecuting agency for conducting criminal prosecutions in England and Wales.

## **Police and Crime Commissioners (PCCs)**

Elected representatives who oversee how crime is tackled in a police force area. Their aim is to cut crime and to ensure the police force is effective.

## **National Crime Agency (NCA)**

The UK's lead law enforcement agency against organised crime: human, weapon and drug trafficking, cyber-crime and economic crime.

## **National Police Chiefs Council (NPCC)**

A national coordination body for law enforcement in the United Kingdom and the representative body for British police chief officers.

## **NHS England's Strategic Direction for Sexual Assault and Abuse Services (SAAS)**

An NHS strategic document outlining how services for victims and survivors of sexual assault and abuse, in all settings of the health and care system, need to evolve between publication (2018) and 2023.

## **Specialist Voluntary Sector Sexual Violence and Abuse Services (SSVSS)**

Third sector organisations providing a range of services to survivors of sexual abuse, including counselling, therapy and Independent Sexual Violence Advisors.

## **Trauma-informed care**

A professional approach to care that recognises that a person may have a history of physical, sexual, emotional abuse, and/or other traumas, that trauma impacts upon a person's emotional, psychological and social wellbeing throughout their lifespan and roots a response in empathy and understanding.

## **Victims Commissioner**

An independent person, appointed by Government, with responsibility for promoting the interests of victims and witnesses.

## **Victim Personal Statement**

Provided to police in order to explain the impact of the crime on themselves and their family. Taken into account by all criminal justice agencies and influential in sentencing.

## **Victims Strategy**

A cross-government strategy that sets out the Government's vision for victims of crime, published September 2018.

## **Victim Support**

An independent charity dedicated to supporting victims of crime and traumatic incidents in England and Wales.

# Appendix One

## The scale of child sexual abuse

It is important for policy makers, politicians and the public to understand the scale of child sexual abuse, both recent and non-recent, so that evidence-based judgments can be made about the salience of the issue and resources can then be prioritised appropriately. Therefore, an assessment must be made of the effectiveness of data capture in identifying the likely number of survivors of both recent and non-recent abuse, any potential trends that suggest an increase in the number of offences over time and the success of prosecuting those crimes.

The latest analysis at the time of writing for recorded crimes in England and Wales found that for the year ending March 2018, the police flagged 55,061 crimes as involving child sexual abuse and 15,045 as involving child sexual exploitation.<sup>26</sup>

Non-recent offences, defined as those that took place more than 12 months before being recorded, accounted for 26 per cent of sexual offences recorded by police in the year ending March 2018. This proportion has remained similar (between 25 per cent and 27 per cent) over the last five years.<sup>27</sup>

On 31 March 2018, 2,180 children in England who were subject to a child protection plan had sexual abuse recorded as the initial type of abuse. That is equivalent to four per cent of all children under a child protection plan. Of children assessed as being in need, 4.1 per cent were at risk of child sexual exploitation and 6.4 per cent of sexual abuse.<sup>28</sup>

Police and local authority data are limited by the fact they only include instances of abuse that are detected or reported to the

agencies involved. The Children's Commissioner for England recently found that only one in eight sexual offences against children come to the attention of police or the local authority.<sup>29</sup>

There has been an increase in the number of sexual offences recorded against children under 16 years of age over time. From 2004/05 to 2012/13 there were marginal increases in recorded crimes, with normal fluctuations. However, police data shows that the number of sexual offences against children aged under 16 in England and Wales more than doubled between 2013 and 2017, increasing from 24,085 to 53,496.<sup>30</sup> This is mirrored by offences against children under 18 years old.

There are several reasons for the steep incline in recorded sexual offences. Firstly, sexual offences against children have been under-reported.

In November 2014, Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) found levels of under-recording by police were particularly pronounced for sexual offences. This coincides with the start of rises in recordings in England and Wales which suggests constabularies may have been, at least in part, driven by the report to improve recording.<sup>31</sup>

Concurrently, public awareness of child sexual abuse increased due to large-scale episodes that received significant media attention including Jimmy Savile (2011), child sexual exploitation in Rochdale (2012) and Rotherham (2014), abuse in the Catholic Church and by Barry Bennell, coach at Crewe Alexandra Football Club (2016). This may have

Finally, technology may also have a role in influencing trends within the data. The now widespread use of online devices by children has led to increased opportunities for abusers to commit sexual offences against them.<sup>32</sup>

This context makes it difficult to conclude that the increase in recorded offences is solely down to an increase in the number of incidences of sexual abuse committed against children, rather that it may be a contributing factor.

Regarding the available data from the Crown Prosecution Service for 2017/18,<sup>33</sup> the number of child abuse-flagged cases referred from the police and prosecuted by the CPS has fallen with a rise in conviction rates for all forms of child abuse

including child sexual abuse. The CPS saw a 9.9 per cent fall for referrals from police for all forms of child abuse during this period. Cases charged fell to 63 per cent, from 67.4 per cent the prior year.

For child sexual abuse offences specifically, prosecutions completed fell by 11.2 per cent while convictions fell by 9.2 per cent. Convictions after trial for child sexual abuse offences rose to 55.7 per cent from 51.9 per cent the previous year.

CPS data showed that the defendant was male in 98.1 per cent of sexual offences. Where the gender of the complainant was recorded for all forms of child abuse (including sexual offences), 75.1 per cent were female and 24.9 per cent were male.

## Appendix Two

### The Survivors Trust

The Survivors Trust (TST) provides the Secretariat for the APPG on Adult Survivors of Childhood Sexual Abuse.

TST is a UK-wide national umbrella agency for 130 specialist organisations for support for the impact of rape, sexual violence and childhood sexual abuse throughout the UK and Ireland.

Its Trustee Board is exclusively made up of managers and directors of rape and sexual abuse support services. The core aim is to empower survivors of rape, sexual violence or childhood sexual abuse through supporting and improving effective responses to survivors. Member organisations provide a range of direct services to survivors including counselling, support, helplines and advocacy services for women, men and children.

The Trust provides support and

networking for member agencies, delivers accredited training, raises awareness about rape and sexual abuse and its effect on survivors, their supporters and society at large and promotes effective responses to rape and sexual abuse on a local, regional and national level. Member agencies work to The Survivors Trust National Service Standards for Specialist Rape and Sexual Abuse Support Services.

TST supports working in ways that recognise human rights and dignity, demonstrates understanding of the role of gender in the impact of sexual violence and abuse on women and men, appreciates the variety of human experience and culture, demonstrates a commitment to showing justice in dealing with all others and encourages development and improvement of responses to all survivors.



## **With grateful thanks to all those who contributed:**

The 365 survivors who responded to the online survey.

The 12 survivors who gave evidence in Parliament to the inquiry.

The MPs and Peers who are officers and members of the APPG.

Advocacy Department at Rape Crisis South London / Rape & Sexual Abuse Support Centre.

Alan Collins, Partner, Hugh James.

Andy Connolly, Director, SurvivorsUK.

Andy Hunt, National Programme Manager, Sexual Assault, NHS England.

Baroness Helen Newlove, Victims Commissioner.

Claire Cunnington, Wellcome Trust Doctoral Researcher, University of Sheffield.

Clean Slate.

David Lean.

Diana Fawcett, Chief Officer, Victim Support.

Dr Lynn Suter, Psychologist and Clinical Director, Lifecentre.

Fay Maxted OBE, Chief Executive, The Survivors Trust.

Faith W.

Jim Pomeroy.

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Nicci Robinson, Chief Executive, SHE UK.

And to the many other organisations and survivors who contributed anonymously.

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