

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

Part Three:

Survivors' experience of court and applying for compensation



October 2019

Survivor G

"My main struggle with all this is that we go through a criminal process, but you've nothing before and there's nothing after... They'll put you through the process and then say 'see you later.'"

Foreword by Sarah Champion MP

Survivors of childhood sexual abuse often have a difficult experience when attending court as a witness to the trial of their abuser. While some elements of the trial are, by their very nature, always likely to be challenging for survivors as they recount their experience of abuse, other aspects could be dramatically improved.

This is the third report which completes the inquiry of the APPG on Adult Survivors of Childhood Sexual Abuse on survivors' experiences of accessing support and pursuing justice. It details professionals' poor communication with survivors about the court process and trial outcomes, the challenges survivors face in attending as witnesses, the absence of after-court support and the byzantine process of applying for compensation. We cannot expect survivors to come forward and report the trauma of their abuse without the promise of a criminal justice system that will, at the very least, try to minimise the possibility of re-traumatising them.

Already our campaigning has seen successes. The Government recently announced plans to adopt the APPG's recommendation of a single point of contact and a pledge card for police to give to survivors with details of their key rights and information about where they can access further support. I will continue to be active in campaigning for the uptake of our recommendations, not least in encouraging the Government to increase funding for specialist sexual violence and abuse services.

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

Throughout 2019, the APPG has explored survivors' experience of accessing support services and the criminal justice system through its first inquiry.

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

This report is the third to be published this year and presents the findings from the APPG's inquiry. Prior reports were titled:

- i) 'Achieving quality information and support for survivors.'
- ii) 'Survivors experiences of police and the Crown Prosecution Service.'

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.³ 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 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

Survivors of child sexual abuse receive a paucity of information prior to their case going to trial. **69 per cent of survivors said they were not given appropriate explanation or support when attending court as a witness.** Many survivors experienced delays and adjournments that were not explained, causing anxiety about whether their case would progress and practical implications for their employment and childcare arrangements.

Survivors find it challenging to afford time off work to attend court as a witness as employers are under no obligation to pay them during their absence. Survivors attending voluntarily without a police warning letter or court summons can be forced to take annual leave. **Survivors found it hard to discuss attending court with their employers as it meant discussing their abuse.** Currently there is no appropriate information and resources to direct employers towards guidance or information that explains the process and expectations.

While at court, survivors described horrific instances of being forced to stay in entrance halls or waiting rooms with their abuser, despite having been clear that they did not want to see them.

Two in five survivors were not given the opportunity to give evidence remotely or from behind a screen. The inquiry heard that **adversarial cross-**

examination continues, defence barristers often using character witnesses to attest to the defendant's good standing, putting traumatising questions to survivors and deliberately using rape myths to influence jurors.

Survivors highly value the support of an Independent Sexual Violence Adviser (ISVA), however half of the survivors responding to our survey were not offered their support. Survivors also described issues where ISVAs were prevented from supporting them in some parts of the court building, thereby creating more stress for survivors who had expected them to be present throughout.

Survivors often saw their abuser's charges changed by the Crown Prosecution Service - sometimes immediately before trial. Survivors felt this was often done without proper consultation and contributed to a feeling that **the trauma of the abuse was not properly recognised by the criminal justice agencies.** Other survivors felt it was unfair that abusers could change their plea on the day of the trial, stating that this returned power to the abuser who was then able to frustrate the justice process for months or years while the prosecution prepared for trial. A number of survivors described being confused about the outcome at the end of the trial and were not aware that a dismissal or a hung jury could occur.

Many felt the sentences their abusers received were not commensurate with the crime. The inquiry found that 3,234 offenders received immediate custodial sentences for child sexual abuse offences in 2017, 628 received sentences of less than a year. **Four out of five survivors did not feel listened to as part of the sentencing process.** Survivors are currently limited in applying to the Unduly Lenient Scheme for sentencing as not all child sexual abuse offences are eligible under the current scheme.

After the court case had concluded, regardless of outcome, **many survivors described feeling discarded by the criminal justice system.** Few survivors felt they were referred on to appropriate services at this critical moment in their journey.

75 per cent of survivors said they had not been informed about parole. The inquiry heard how survivors sometimes found out by accident that their abuser was living in close proximity to them without being notified by criminal justice agencies. Others discovered via the media that convicted abusers were set to be released into the community. The inquiry heard evidence that the threshold for appropriate remorse to qualify for early release is too low.

Applying to the Criminal Injuries Compensation Scheme was raised as a key concern for many survivors who found the process unnecessarily lengthy and traumatising. Many saw the process as something of a 'second trial' after the conclusion of the criminal case. Survivors highlighted several issues with the rules of the Scheme including: consent; survivors denied compensation due to 'complying' with their abuser; non-contact forms of child sexual abuse not recognised by the Scheme; unrelated unspent convictions; survivors prevented from applying due to unspent convictions gained through exploitation by their abuser; the two-year time limit on applications disincentivising applications from survivors abused decades before.

The inquiry also heard how judges are not using their powers to issue Criminal Compensation Orders at the conclusion of a trial, with only 26 issued in 2017. Of those awarded, some were as low as £20 for the 'rape of a male child under 13'.

Key Recommendations

1. All court staff should undergo mandatory training that gives them a basic knowledge of trauma and its impact on witnesses.
2. The Government should legislate so that witnesses attending a criminal trial under a court summons or police warning have a statutory right to paid leave and witnesses *without* a court summons or police warning have a right to unpaid leave.
3. All survivors of sexual violence and abuse should have an automatic right to special measures such as video links to give evidence; it should not be at the judge's discretion.
4. The Government should urgently make an assessment of the number of Independent Sexual Violence Advisers (ISVAs), their geographical spread, their average caseload and the variability in quality of service.
5. The Government should ensure justice is commensurate with the crime by:
 - Consulting with survivors of childhood sexual abuse on the appropriate length of sentences for offenders, taking into consideration the lifelong impact of abuse
 - Extending the Unduly Lenient Scheme to include all child sexual abuse offences in order that survivors can appeal lenient sentences
 - Legislating so that Parole Board always whether offenders seeking parole have fully disclosed information about their victims
6. Government should publish a revised Criminal Injuries Compensation Scheme without delay and ensure it consults thoroughly with specialist sexual violence and abuse services (SSVSS) so that the needs of survivors are reflected in the new Scheme. The Scheme should include measures to:
 - Abolish the unspent convictions rule for survivors of child sexual abuse.
 - Abolish the time limit for application for compensation for crimes of sexual violence and abuse.
 - Extend the definition of violent crime, and thereby eligibility for the Scheme, to include non-contact forms of child sexual abuse including online.
 - Recognise children can't consent to their own sexual abuse.

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1. Attending court as a survivor

Communication

Survivors of childhood sexual abuse felt there was a lack of appropriate information communicated to them both prior to, and when attending, court. This echoes findings from the APPG's second report on 'survivors' experiences of police and the Crown Prosecution Service' that survivors feel ill-informed about the progress of their case, what to expect from the criminal justice process and the next steps. Giving evidence at court can be extremely distressing, and in-court support, communication and preparation is vital to improving the survivors' experience.

- Survivors described a positive experience of court as including:
- clear information about the process
- being shown different areas of the court
- being told what to expect, and when to expect it
- knowledge of where family and friends can be present to support

Survivors praised the Witness Service for being a helpful presence, but some argued they could have an enhanced role in liaising with the families of survivors to improve understanding of the court process.

Unfortunately, best practice was not always apparent, with many survivors describing being surprised by events that occurred at court. One survivor, attending court for sentencing, had not been informed that her statement would be

read out in front of other victims of the alleged perpetrator – something that was greatly distressing for her. Other survivors were not sure of where they should be waiting, or whether family could sit with them. In general, court staff were usually helpful, but they were not always able to answer all of the questions survivors had or able to signpost them to readily available information. Some survivors did not have a positive experience of court staff and were given conflicting information about where to go and who could accompany them. Such instances further contributed to a stressful situation.

When attending court as a witness, 69 per cent of survivors felt that they were not given appropriate explanations and support.

The Victims Strategy proposes to introduce a 'new tone of voice for written and spoken court communication with victims', yet this does not go far enough in recognising the trauma that many vulnerable witnesses at court have experienced. Court staff need to have a better awareness of the impact of trauma and the likelihood that many survivors are at risk of re-traumatisation during trial, also to have knowledge of how best to respond to survivors' needs. Court staff could familiarise themselves with information on how to support vulnerable witnesses alleging sexual abuse and the relevant court procedures as well as the special measures that can be taken to provide appropriate support.

Recommendations

- **All court staff should undergo mandatory training that gives them a basic knowledge of trauma and its impact on witnesses.** The training should support court staff to undertake their duties in such a way as to prevent further re-traumatisation of witnesses.
- Ensure survivors are aware of their right to a court familiarisation visit under the Victims Code.
- Her Majesty's Courts and Tribunal Service should expedite work to ensure all survivors are able to access a 'virtual tour' of the court, given that many survivors may be unable to attend a familiarisation visit and the trial location often changes at short notice (rendering familiarisation visits redundant). Whilst not currently widely available, the Government should give survivors the right to a 'virtual tour,' and describe an ambition to deliver on this within three years.
- **Survivors need to have a minimum standard of support through the court process.** Ideally, this should be through the specialist support from an Independent Sexual Violence Adviser (ISVA) or other SSVS practitioner, or as a minimum through a Victim Support worker. Survivors should be strongly encouraged to take up support from either an ISVA or a Victim Support worker.

Delays

Multiple survivors gave testimony to the length of time it took for their case to reach court, and then to progress to a conclusion. Survivors described existing in a high state of anxiety in anticipation of the court date, often with limited information from police or the Crown Prosecution Service.

“Our experience of the justice system was that it was a very long process in which there were long periods of time where it seemed that nothing was happening and no information was being fed back to us.”

The inquiry repeatedly heard how survivors had their cases adjourned, but it was not always explained to them why this had occurred. Survivors overwhelmingly felt that adjournments occurred because of reasons put forward by the defence. Survivors felt this was yet another method of the abuser keeping the upper hand, delaying justice and prolonging the trauma of the court process.

Survivors did not always feel that they understood how a case progressed through the courts and this left them surprised and worried by unexpected adjournments. This had significant impact on their emotional wellbeing and often caused them to question whether their case would still be prosecuted.

Recommendation

The Government should set out how it intends to ensure survivors are informed as early as possible about adjournments, including the reasons why. The revised Victims Code should place responsibilities on key agencies to: provide realistic timelines to survivors at the start of the criminal justice process; rapid notification of adjournments; explanation of the reason for adjournment.

“It [the court case] was adjourned and I’d booked time off work. You’re all hyped up and a few days later you’re at court and it’s been cancelled.”

Adjournments also have a profound effect on the practicalities of survivors’ lives as arranging travel, childcare and time off work become ever more burdensome with every delay. This can cause untold strain as survivors attempt to maintain their family life and work alongside traumatic court cases and, often, attending related health appointments.

The inquiry heard that the wait for sexual offences cases to reach trial is an average of 280 days from when a defendant is charged until the conclusion of the court case. Long, unexpected delays can cause great distress to survivors and may even result in them withdrawing from the criminal justice process. It is therefore essential that survivors are given appropriate information so that they understand the possibility of adjournments, the reasons for each adjournment and the likely length of the court process from start to finish. As the APPG’s second report found, survivors most value police officers who provide them with realistic expectations at the beginning of the criminal justice process.

“The court case kept getting adjourned... four times.”

Getting time off work

Almost every survivor described the enormous toll of engaging with services in relation to the abuse they experienced as a child which often included but was not limited to:

- Interviews with police
- meetings with ISVAs
- attending counselling or therapy sessions
- attending medical appointments
- attending court

As well as the physical and emotional toll of juggling so many appointments alongside their busy personal lives, **survivors described the difficulties they faced in getting time off work in order to attend court.**

While some survivors are given paid leave from work by their employers, others were only granted unpaid leave, for which they could claim expenses for up to £67 a day (£85.90 if self-employed). Further still, one survivor who spoke to the inquiry was prevented by their employer from taking unpaid leave, and was forced to take annual leave to attend court. Such instances can occur when a survivor has been asked to attend court as a witness voluntarily and did not have a warning letter or court summons to prove that they needed to attend court.

“My partner went through a rollercoaster at work. There were times when they were supportive and other times where they treated her like she was taking the mick...”

For some survivors, this led additional stress over how to manage their employers. Many survivors felt forced to share personal details of their abuse with employers, which they would not have voluntarily chosen to do. Others, worried about the implications of taking too much time off work, used all their annual leave to meet police and court requirements. This issue was further exacerbated by unexpected court delays and adjournments.

“Holidays are taken up with court visits and meetings with police.”

The APPG’s first inquiry found that 72 per cent of survivors said their career had been negatively impacted by abuse, with 46 per cent stating that their financial situation had been negatively impacted. Survivors already face a considerable personal toll on their relationships and financial stability. Survivors who desire to see justice done in their case, but are not court mandated to attend, will not automatically receive paid leave to attend court.

Survivors lamented the fact that there was no readily available information they could provide to employers about the criminal justice process and, because they felt ill-informed themselves, they did not feel able to provide sufficient explanation. This echoes findings from elsewhere in the APPG’s inquiry, that survivors are disempowered by the lack of appropriate information provided to them at the start of the criminal justice process about what to expect at each stage.

“(When I met with HR to discuss return to work) the crux of the meeting was to return to an area where they had already agreed was not conducive with my mental health or leave the hospital [employer]. I feel that since I made them aware of my court case I have been systematically discriminated against making me feel more isolated and vulnerable.”

means that survivors who are experiencing trauma reactions, including Post-Traumatic Stress Disorder, and/or those with ongoing criminal justice investigations and court cases, are not given the necessary support to enable them to work. The Survivors Trust have found that when providing training to human resource providers, staff are dismayed that their processes and decisions may have contributed to further trauma and distress for survivors.

The inquiry heard from specialist sexual violence and abuse services (SSVSS) how **employers and human resources departments fail to support survivors of child sexual abuse**. After disclosing to an employer that they have been sexually abused, survivors often find their employer does not have policies or procedures necessary to provide a sensitive and supportive response. This

“My employer said, ‘When your trial’s taking place, we’ll honour you a week’s special leave but any other time after that you’ll have to take annual leave.’ If I was on jury service that wouldn’t be the case, I’d get the time off.”

Recommendations

- The Government should undertake research on the number of witnesses who are forced to take annual leave in order to attend court as a witness and on the number of discontinued trials that occur due to financial strain or work pressures on witnesses.
- **The Government should legislate so that witnesses attending a criminal trial under a court summons or police warning have a statutory right to paid leave.**
- **The Government should legislate so that witnesses attending a criminal trial *without* a court summons or police warning have a right to unpaid leave.**
- The Department for Work and Pensions and Ministry of Justice should issue guidance to employers and witnesses so that survivors are supported in explaining the court process and possible requirements for time away from work to employers. Readily available online information may reduce survivors’ perceived need to disclose abuse to prove the need for time away from work.
- The guidance should provide advice to employers on appropriate responses to disclosures of child sexual abuse and other trauma. It is both desirable and achievable for employers to have ready access to information about their employee attending court. This is beneficial for the individual, employer and wider economy and serves to reduce stigma.

2. Improving the court experience

The Victims Strategy is correct in identifying that many survivors find the court environment challenging. The APPG heard from survivors whose families felt confused about proceedings on the day, and who wished they were in receipt of support and information right through the process. One survivor felt there should be **clearly demarcated waiting areas for survivors and another for their abusers** so that they did not accidentally cross paths and others felt that court staff should be trained in the importance of keeping them separated. Victim Support expressed concern that survivors approach court in fear of meeting their abuser in hallways and waiting rooms and more must be done to secure separate facilities, entrances and waiting rooms.

The Government has expressed an ambition to meet some of the above requirements, stating 'separate waiting areas and entrances for vulnerable victims and witnesses are provided for in the Design Guide.' The Government also stated that it will consider the needs of vulnerable witnesses to provide video links, perhaps via remote locations if necessary, at a non-HMCTS venue. HMCTS' Design Guide, published May 2019, has specific provision for vulnerable victims and witnesses.

Recommendations

- Her Majesty's Courts and Tribunal Service should expedite work to **ensure all survivors are able to access a 'virtual tour' of the court** given that many survivors may be unable to attend a familiarisation visit and the trial location often changes at short notice (rendering familiarisation visits redundant). Whilst not currently widely available, the Government should give victims the right to a 'virtual tour,' and describe an ambition to deliver on this within three years.
- The Government should review the current resource allocation to the court estate for capital spending and investment and publish a prioritisation plan for investing in the court estate, **separate waiting areas and entrances for vulnerable witnesses, video evidence rooms and appropriate areas for child and teenage witnesses.**
- The Government should consider how they could expand the number of 'model waiting rooms' beyond the five provided for in the Victims Strategy.

"On the day of sentencing, I was attending under special measures to go behind a screen and read my Victim Personal Statement. Everything was going OK, I was met at the side entrance and taken upstairs to a private room. Then eventually I was met by an elderly gentleman who led me downstairs and left me in a small passageway outside the court room, sat just yards away from [my abuser]. This experience broke me."

The Government is, however, limited by its resource allocation and whilst it purports to hold ambition to create separate waiting areas and entrances for survivors where possible, for the foreseeable future many courts will be hamstrung by the fact they are housed in old buildings designed without this consideration and with little prospect of renewal.

HMCTS is currently exploring the potential of diagrams and 'virtual tours' for all courts as a way of familiarising victims and witnesses with the surroundings in advance. This needs to be actioned with immediate effect.

Special measures

Victims of sexual offences, and therefore adult survivors of child sexual abuse, are automatically eligible for special measures at the court's discretion on the grounds that the quality of the witness' evidence is likely to be diminished due to their fear or distress about testifying.

Special measures include the ability to:

- Give evidence from behind a screen
- Give evidence in private (without the public in court)
- Give evidence via a live link
- Have cross-examination evidence pre-recorded and played during the trial

Survivors stressed to the inquiry that special measures are vital to improving their experience at court and reducing the likelihood of re-traumatisation. However, our survey found that too few survivors were offered the provisions.

44 per cent were not given the opportunity to give evidence remotely.

Video links allow vulnerable victims to provide evidence remotely. Located elsewhere in the court building, these rooms provide a live link to the court room. Survivors thereby avoid the prospect of having to confront their abuser in court.

44 per cent were not offered the opportunity to give evidence from behind a screen.

Giving evidence behind a screen is also an important option for survivors, however it was less popular than the ability to give evidence remotely. For some survivors, the screen offered little protection and they had mixed feelings about its effectiveness as a means of safeguarding them from the perpetrator.

The rollout of **pre-recorded cross-examination** (also known as Section 28) has stalled after a successful pilot. The Government states this is due to issues with technology. It should be a priority for the Ministry of Justice to expand pre-recorded cross examination as it shortens the time survivors need to wait before being cross-examined and there is a possible improvement in the quality of evidence due to enhanced recall.

Survivors also highly valued the option of making recorded video evidence that could be submitted at court. For some survivors, this meant they did not need to attend the court hearing to give evidence in person. This took a considerable amount of pressure off the survivor.

The inquiry supports survivors being able to give evidence remotely via ‘live links.’ Such provision facilitates evidence from vulnerable witnesses while upholding the integrity of the trial. This is particularly important for younger child witnesses, who are able to give evidence in age-appropriate settings far removed from the court environment. The court may also determine that a witness can be supported by an Independent Sexual Violence Adviser (ISVA) in these circumstances.

For most, the reality of the deficit of available special measures is that **many survivors feel unsupported at court, and are unaware of the protections**

available to them. Some find out that certain special measures were available to them after the trial has concluded, which exacerbates frustration with the system. Currently, **special measures are granted at the discretion of the judge** after application by the Crown Prosecution Service.

The inquiry heard of one survivor who was told that utilising special measures in court would potentially be damaging to their case. It is crucial that this myth is dispelled. Special measures exist to protect vulnerable witnesses and are essential to building survivors’ faith that the criminal justice system will not be re-traumatising.

Recommendations

- **All survivors of sexual violence and abuse should have an automatic right to special measures.** This could be removed at the discretion of the judge in exceptional circumstances. All survivors should have special measures explained to them in full and should understand that they can opt out if they prefer.
- The revised Victims Code should clarify the availability of special measures and provide information that empowers survivors to seek and obtain special measures in advance of their trial. The crucial aspect of this is providing the survivor with choice so that they feel in control of the process. It is also critical that the survivor understands that special measures are designed to support the gathering of quality evidence at trial and will not be used to undermine the case.
- Recognition of the role of the ISVA in providing support to victims as they give evidence in live link rooms should be promoted through guidance to court staff.
- The Government should work with survivors to consider how to best expand the number of appropriate off-site facilities for giving evidence. This should take into consideration: appropriate settings for children and teenagers; space for professionals supporting witnesses; accessibility and location.

Cross-examination

The inquiry heard that **adversarial cross-examination of victims as witnesses continues to present huge difficulties for survivors**. In a trial the survivor becomes a witness and does not therefore have the same level of support afforded to the defendant. The cross-examination is geared towards undermining the evidence. In cases where the evidence comes down to the word of the victim against the word of the alleged perpetrator, this means undermining the evidence that the victim gives as a witness in their own case. This is rarely explained in advance to survivors.

SSVSS and survivors also raised concerns about the relevance of good character witnesses for perpetrators. Perpetrators of child sexual abuse are often sophisticated at manipulating and grooming other adults and are consequently regularly people of good-standing or character within their local community. This should be irrelevant in cases of sexual violence and abuse, which are not witnessed.

It is of particular concern that the defence is allowed to introduce good character witnesses and survivors are not. This is of note because many survivors continue to have their character questioned by defence barristers, often without prosecution barristers or judges sufficiently challenging this before the jury.

CPS guidance to prosecutors published in March 2018, 'Speaking to Witnesses at Court,' rightly encourages barristers to recognise the impact of trauma on witnesses and advises that witnesses should be prepared for what to expect during the trial including giving evidence

and cross-examination. The guidance specifically recognises that young, vulnerable survivors of sexual abuse may be questioned on their character. Survivors should be provided with the information pertaining to the general nature of the defence case and any third-party information disclosed to the defence about the character of the witness in advance of the trial date.

However, SSVSS highlighted to the inquiry that many survivors are informed by police, and other professionals, that defence barristers will not accuse them of lying, or having made up the allegations, at court. Yet when the trial commences, survivors find this is not the case. Some supporting agencies described defence barristers using a survivors' Google search history for the Criminal Injuries Compensation Scheme to suggest they are fabricating allegations in order to obtain money. Other survivors have been accused of making up allegations for attention, particularly if they are one of the first to disclose. Other survivors said defence barristers suggest that survivors sought sexual activity from a young age, and look to evidence this through insinuations about clothing and knowledge of sexual acts such as oral sex. In such circumstances, as a minimum, **judges and prosecution barristers must be more adept at stepping in to combat 'rape myths' and prevent unnecessarily intrusive cross-examination.**

"If you want more people to talk about their abuse and come forward and go to court, then you have to at least support them. And even if they don't do that or can't do that there has to be support for them to be able to live with dignity."

The Crown Court Compendium sets out guidance for judges as to the directions to provide to juries in sexual offences cases. This includes advice on how to explain to juries that:

- People react differently to the trauma of sexual abuse
- Some people may complain immediately, others feel shame and shock and do not complain for some time
- Myths about clothing, emotional displays, sexual activity should be dispelled

The Compendium specifically guides judges:

“There is a possibility that juries will make and/or be invited by advocates to make unwarranted assumptions. It is important that the judge should alert the jury to guard against this.”

The recent Gillen Review on **‘Report into the law and procedures in serious sexual offences in Northern Ireland’** recommended that jurors should be provided with *‘education material, a short video and written education material’* that combat rape myths at the start of the trial. The APPG notes that Professor Cheryl Thomas, commissioned by the president of the Queen’s Bench division, is currently researching the impact of rape myths on juries and the Government has committed to using the findings to influence its policy in this space.

It is essential that juries have all of the necessary information in order to make a fair and reasoned judgement. This should not be discretionary and should be accessible throughout the trial for consideration. Information must include knowledge of the impact of trauma and its impact on memory and the ability to recall traumatic events with accuracy, as well as information dispelling rape myths about

clothing or sexualised behaviour, for example.

Alarmingly, the inquiry heard concerns from SSVSS that **the current information and guidance provided to juries in child sexual abuse cases is insufficient**. If Government is unable to guarantee that juries will be provided with adequate information to make a reasoned judgement, some SSVSS argued that juries should be replaced by specialist sexual violence and abuse courts, replete with judges specifically trained in the science of trauma and able to recognise rape myths.

The inquiry also heard that confusion still exists about pre-trial therapy. Many survivors felt that it was crucial that pre-trial therapy is an option, and that court professionals, including defence advocates, judges and jurors were aware that **being in receipt of pre-trial therapy does not negatively impact the quality of evidence that they provide in court**. The inquiry heard that some survivors were erroneously told by police they could not receive therapy until the court case had concluded. **The Victims Strategy commits Government to the issuing of new guidance that encourages the take-up of pre-trial therapy and trauma therapy where needed and dispels myths**. At the time of writing, the new guidance has yet to be published, however it is essential that Government consults directly with survivors, SSVSS and the Victims Commissioner as part of this process. Many survivors cannot wait until the end of a lengthy criminal justice process before accessing therapy; the Government must clarify survivors’ inviolable right to therapy by addressing concerns in the sector about prejudicing trials.

The inquiry notes that the **current low rate of successful prosecutions for sexual offences means justice is often not served** and it is noted that the falling prosecutions are being challenged by the Centre for Women's Justice and End Violence Against Women Coalition. It is possible that the continued prevalence of rape myths in court, the challenges inherent in successfully disabusing these myths to jurors who bring preconceived, and sometimes entrenched, ideas with them about victims of sexual violence and abuse and diminished resources for criminal justice agencies has created a situation which disincentivises actors seeking prosecution. The inquiry awaits the findings of the ongoing Criminal Justice Board's end-to-end review of how rape is dealt with by the criminal justice system.

Recommendations

- **The current Criminal Justice Board review of rape cases must urgently seek to address the prevalence of rape myths during court proceedings.**
- The current Criminal Justice Board review of rape cases should directly address concerns access to pre-trial therapy.
- The Ministry of Justice should ensure that its response to Professor Cheryl Thomas' research examining the impact of rape myths on juries incorporates an analysis of jurors understanding of the impact of trauma on survivors of child sexual abuse, and acknowledge the recommendations of the Gillen Review to provide educational materials at the start of trials for serious sexual offences.
- **The Government should review the guidance provided to judges regarding cases of child sexual abuse in order to understand where systemic improvements can be made.**
- **The Government must urgently clarify survivors' right to access both pre-trial therapy and trauma therapy** where needed and ensure the new guidance gives confidence to criminal justice professionals and SSVSS providing advice to survivors about pre-trial therapy.
- **The Government should review the appropriateness of good character witnesses in trials of sexual violence and abuse.** The Government should consider whether it should disallow the use of good character witnesses for the defence in cases of sexual violence and abuse as abusers often portray themselves as members of good standing in the community and often exploit such positions to abuse and coerce survivors: e.g. Priests, football coaches. As a minimum the Government should consider how it could better mitigate the influence of good character witnesses by the defence, perhaps by limiting the number of character witnesses a defendant is allowed to put forward or providing robust guidance to juries that members of 'good standing' in the community are just as likely to be abusers as any other person. As an alternative, the Government should consider whether survivors, as witnesses, should be allowed good character witnesses to provide balance to defence's character witnesses. While this would necessarily need to be carefully considered, such a provision should allow for the questioning of survivors' character and sexual history to be placed within a wider context, as defendants are currently allowed to do.

Independent Sexual Violence Advisers (ISVA)

Independent Sexual Violence Advisers (ISVAs) provide specialist support to survivors of sexual violence. Support varies case-by-case depending on the needs of the survivor but may include:

- Providing advice to survivors about their options, such as reporting to police, accessing Sexual Assault Referral Centres (SARCs), and specialist support provided by SSVSS such as counselling
- Provide information about other services: health, social care, housing, benefits.
- Provide ongoing institutional advocacy and advice throughout the criminal justice process.

A number of survivors spoke of the value in having an ISVA support them through the criminal justice process. Survivors who had ISVAs felt they filled an important role in: explaining the criminal justice process; acting as knowledgeable and neutral intermediaries with police; advocating for the survivors' rights with statutory services; acting as an experienced and supportive person at court. Almost all survivors who accessed an ISVA, did so through a SSVSS.

Whilst the work of ISVAs was highly valued by survivors, this is caveated by the fact that many survivors did not know about, or were not offered, access to an ISVA. Some survivors only found out ISVAs were available to support them

after the trial had concluded. The inquiry heard evidence that some ISVAs manage very high caseloads (one submission described a caseload of 82), which leads to reduced face-to-face contact time between survivor and ISVA. In these cases, survivors who were able to obtain the support of an ISVA sometimes only received contact over the telephone – which presented an obstacle to building a relationship of trust.

Of those survivors whose case progress to court, 52 per cent were not offered ISVA support.

The **Victims Strategy** makes only one reference to ISVAs, and this is only in a case study. Funding for ISVAs for many organisations comes, at least in part, from the Ministry of Justice's Rape Support Fund. Yet despite a 10 per cent uplift in the fund, SSVSS has seen demand far outpace this increase. This acts in effect as a real-terms decrease in funding for SSVSS and thereby the available funding for ISVA services. In difficult circumstances, **SSVSS are trying to support as many survivors as possible but are limited by the harsh financial reality of growing demand without a commensurate rise in income.** ISVA services are not protected and many lack capacity due to this shortfall in resource. Concomitantly, the caseloads of ISVAs increase as they struggle to support as many survivors as possible with the limited funding available.

Research by the University of Bristol suggests **there is a significant association between ISVAs and criminal justice outcomes for survivors of sexual violence.**

Where an ISVA was present:

- **43.2 per cent cases received a charge**, as opposed to only **21.5 per cent** where one was not.
- **32.5 per cent of cases went to trial**, as opposed to **14.2 per cent** that did not.
- **20.3 per cent cases received a conviction**, as opposed to only **9.7 per cent** cases where one was not.

This evidence would suggest there appears to be insufficient recognition of the value of ISVAs, both to improving survivors' experiences of the criminal justice process, but also to securing criminal justice outcomes.

There are practical challenges that ISVAs face in supporting clients in court that must be addressed. As rules vary across courts, many survivors are distressed to find upon attending that, in some cases, they cannot be accompanied by their ISVA into the court room in some cases. SSVSS argued that **national standards are required to allow ISVAs to sit with survivors so that their court experience can be improved.** This could be critical to empowering survivors and giving them confidence to give evidence, thereby returning more convictions and limiting the number of survivors who drop out of the criminal justice process.

In addition to the advantages to criminal justice outcomes, ISVAs provide a critical service to survivors who do not feel ready to report their abuse. It is concerning that SSVSS highlighted that **some commissioners have made the funding of ISVAs dependent on survivors engaging with the criminal justice process.** It is important that survivors who do not feel ready are able to access the ongoing support of an ISVA, particularly as some may drop out of the criminal justice process at a time of distress and be in specific need of specialist support at that time.

In February 2019, in response to a written question by **Sarah Champion MP**, the **Government confirmed it 'does not hold information on the number of Independent Sexual Violence Advisers (ISVAs) employed across England and Wales, nor does it have targets on the number of ISVAs.'** The Government stated that it has moved from a national match-funding mechanism for funding ISVAs to the funding of local programmes. It is of some concern that the Government does not hold this data, nor seem able to make an assessment of the effectiveness of ISVAs.

The inquiry welcomes the announcement by the Ministry of Justice on 18 September 2019 of £1m funding to be spent on recruiting ISVAs and a proposal to develop national minimum standards. It is essential the Government undertakes thorough work to understand the effectiveness of ISVAs, their geographical spread and average caseloads before developing minimum standards in conjunction with SSVSS and survivors so that every survivor is guaranteed an excellent service.

Recommendations

- **The Government should urgently make an assessment of the number of ISVAs, their geographical spread, their average caseload and the variability in quality of service.**
- In conjunction with the announced £1m funding for recruiting ISVAs and developing national minimum standards, **the Government should set out an ambition to deliver a minimum number of ISVAs per head of the population across each region of the country within three years** so that every survivor is guaranteed access to excellent support through the criminal justice system.
- The Ministry of Justice should commission research into the effectiveness of Independent Sexual Violence Advisers (ISVAs). Existing evidence suggest ISVAs enhance the prospects of a successful prosecution. It is vital this evidence base is widened.
- **The Government should issue national guidance clarifying ISVA's access to areas of the court**, including in live link rooms, as supporting professionals to vulnerable witnesses and ensure ISVAs, SSVSS and survivors are aware of their rights to support. This should be standardised across the country and not variable depending on court location.

Anonymity and the media

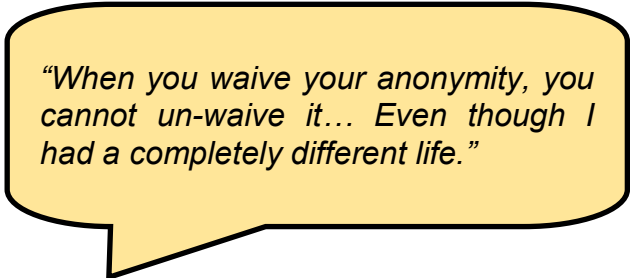
Some survivors spoke about the challenges of maintaining anonymity in the face of considerable media attention. Some survivors felt the media exploited their situation, and even gave away personal information when they were hitherto anonymous. This is incredibly distressing for any survivor, many of whom are coming forward about abuse that happened many years ago. Survivors felt this interrupted their 'new lives' and limited their ability to protect their family from the proceedings.

The **Victims Strategy** details the Government's intention to review guidance to raise awareness of the ability to apply for reporting restrictions for witnesses requiring anonymity, clarifying that the court has the 'power to ban the publication of material identifying an adult witness in criminal proceedings (other than the accused) if the court believes the quality of the witness's evidence or cooperation with the case could be diminished by fear of public identification.' The Victims Strategy rightly recognises this is a vital protection that can encourage vulnerable and intimidated survivors to report their abuse and pursue justice at court.

The inquiry notes recent debate around the anonymity of individuals suspected of child sexual abuse. Some campaigners would

like to see suspects of child sexual abuse and other sexual offences remain anonymous until they are charged. It is not in question that individuals who are later released without charge or acquitted experience reputational damage because anonymity does not exist prior to charge. However, in some cases, the accused being in the public domain has allowed for survivors of child sexual abuse to come forwards after years of feeling silenced and isolated.

The Justice Secretary, Robert Buckland's comments that persons of good reputation may have a meritorious case for anonymity whereas person's with previous convictions would not fails to recognise the nature of grooming for sexual abuse and exploitation. Many prominent individuals and community figures exploit their position of trust and standing in the community to abuse children and create a culture of fear that inhibits survivors from reporting. The Justice Secretary's position is thus flawed.



"When you waive your anonymity, you cannot un-waive it... Even though I had a completely different life."

Recommendations

- **The Government must ensure survivors are aware of their right to apply for anonymity. This should be enshrined within the new Victims Code.**
- The Government should ensure survivors are prepared for potential media interest in their case and provide information and advice about how to manage inquiries with traditional and social media. This should be available online and be provided to survivors prior to trial.
- **The inquiry firmly believes it would not be appropriate for anonymity for the accused to be applied in cases of sexual offences only or for anonymity to be applied only to people with 'public reputations.'** If the Government does pursue a change to anonymity rules it must consult closely with survivors and the sector to understand how changes may prevent survivors from disclosing abuse and thereby reduce the successful prosecution of abusers.

3. Outcomes and next steps

Ensuring survivors understand case outcomes and appeals

A number of survivors described being confused about the outcome at the end of the trial. Often, this confusion arose out of an outcome that survivors were not aware could occur, like a hung jury or dismissal. A hung jury is where the jury is unable to reach the required majority verdict despite extended deliberation. A hung jury does not imply either the defendant's guilt or innocence and they may be retried on any count on which the jury could not agree.

Some cases end in a dismissal. This means that the case is closed with no finding of guilt and no conviction for the defendant in a court of law. Although the defendant was not convicted, a dismissed case will still remain on the defendant's criminal record.

Survivors described frustration at charges being changed by the Crown Prosecution Service at the very last moment, sometimes immediately before a trial. In such instances, for example, a rape charge might be changed to a lesser offence.

80 per cent of victims had not been informed about how appeals worked.

Under the **Victim Communication and Liaison Scheme**, survivors are entitled to be informed by the CPS of any decision taken not to prosecute, to stop a case or substantially alter a charge. Yet despite the Scheme, survivors did not feel consulted during this process and felt their abuser escaped without proper recognition of the crime and the damage inflicted on those they abused. Some survivors expressed disappointment that the abuse against them was discounted because of charges related to the abuser offending against other children. This left survivors feeling

the true severity of the crime was not being recognised, in favour of obtaining easier convictions.

Other survivors described feelings of devastation after their abusers changed their plea on the day of the trial. After a lengthy criminal justice process, often with delays to the court date, survivors who felt prepared for the trial found themselves disappointed and cheated by abusers who were able to plead guilty at the last moment after dragging them through a lengthy court process. Survivors felt this returned the power to their abuser.

The **Victims Strategy** states the Government plans to review guidance to

"I was always told it would be 'guilty' or 'not guilty.' No one told me about the third outcome, a hung jury. I wish I had that information."

Witness Care Units for 'improving the quality of explanations of court decisions to victims.' It must ensure that this review encompasses the views of survivors so that their experience of receiving information about outcomes is fully reflected in the guidance.

"On the day of the trial [the perpetrator] changed his plea to guilty and I was told I could go home. I was devastated, I had lost my day in court on the day of trial."

Recommendations

- **The CPS should review the effectiveness of the Victim Communication and Liaison Scheme in relation to adult survivors of childhood sexual offences**
- **Survivors should be provided with information about the possible outcomes at court** in advance of the trial. This should be provided in a physical format and should be available online, perhaps through the Government's www.victimandwitnessinformation.org.uk.
- The review of guidance to Witness Care Units on informing survivors of court outcomes must incorporate the views of survivors so that the final guidance is effective in its application. The review should incorporate the views of survivors whose trial led to both conviction and acquittal.

Double Jeopardy

The inquiry heard evidence concerning the law relating to double jeopardy in child sexual abuse cases. Currently, the Criminal Justice Act 2003 sets out a number of exceptions to the law of double jeopardy if the offences are considered to be 'serious' or 'severe', which includes the offence of rape. However, the Schedule does not exempt any offences relating to sexual assault or sexual activity with a child under sections 7, 8, 9 and 10 Sexual Offences Act 2003 or the offence of indecent assault under the Sexual Offences Act 1956.

The criminal trial of Bob Higgins, a football coach and scout who worked predominantly for Southampton and Peterborough United, has highlighted the need for reform.

In the early 1990s Higgins faced a criminal trial in respect of allegations made by six individuals under the Sexual Offences Act 1956, however he was acquitted of all the charges and thereafter continued in the same line of work. In 2016, after the news of the football abuse scandal became

widespread, more than 100 people came forward in relation to Higgins, which led to Higgins being convicted of 45 counts of indecent assault involving 23 victims over a period from 1971 to 1996.

However, due to the double jeopardy exemptions not applying to sexual assault or indecent assaults, the original six complainants from the 1990s were prevented from their cases being reheard as the alleged offences relating to their abuse are not exempted from double jeopardy legislation under the Criminal Justice Act 2003 as 'serious' or 'severe.'

Survivors do not differentiate between the severity of different 'forms' of child sexual abuse. All forms of child sexual abuse can have a devastating and lifelong impact on survivors' lives, including on their mental health, relationships, education and career. It is essential that survivors of child sexual abuse offences such as inappropriate touching, masturbation and all physically sexual offences before penetrative acts take place should be able to seek a new trial where new evidence has emerged in their case.

Recommendation

- The Government should legislate to extend the list of offences exempt from double jeopardy law to include all offences relating to non-penetrative child sexual abuse.

Ensuring survivors understand sentencing

79 per cent of survivors didn't feel they were listened to as part of the sentencing process.

69 per cent didn't feel they were given appropriate explanations and support about the sentence.

Many survivors did not feel that the sentences their abusers received were commensurate with the crime. Some felt that **their abuser had been 'let off' with a lesser punishment due to old age or ill health**, something that many felt was particularly unfair. As many survivors wait decades before they feel able to speak out against their abuser, it is often the case that the abuser is elderly by the time the case reaches trial. Survivors felt sentencing was often unfairly lenient because of this. The Sentencing Council acknowledges that in cases of non-recent abuse *'the offender may be quite elderly. Judges are not obliged to take that into account when sentencing but may do so, depending on the circumstances, for example if they are very ill or frail.'*

In response to a written question by **Sarah Champion MP** in October 2018, the Government stated that 3,234 offenders received immediate custodial sentences at the Crown Court in 2017 for child sexual abuse offences. The table below shows the length of sentence broken down by the offender's sex. The figures given in the table relate to defendants for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

"What's two years? I've had 46 years."

Sentence	Male	Female	Total
Up to and including 1 year	527	2	529
Over 1 year and up to and including 5 years	1,796	33	1,829
Over 5 years and up to and including 10 years	553	10	563
Over 10 years and less than life	290	3	293
Life sentence	20	-	20
Total	3,186	48	3,234

"And if the abuser is old and ill when the verdict comes around then a custodial sentence isn't even given... Why not? Where is the justice in that? It is a slap in the face for the victim. What message does that send to people thinking of reporting a crime? Why put the victims through years of mental anguish when that is the outcome? A suspended sentence means to the victim that it was all for nothing."

The Victim Personal Statement (VPS) is an important right of the survivor, enshrined in the **Victims Code**, that allows them to explain the impact of the crime so that it will be taken into consideration for sentencing purposes. 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.

The APPG's second inquiry found a number of issues with survivors' VPS which meant their views are not always fully considered by the court as part of sentencing. This included:

- Victim Support found **only one in six victims are given the support to make a Victim Personal Statement**
- Confusion at court when their statement was read out in front of other survivors, contrary to their expectations
- 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
- The true impact of the offence may not be apparent until some time afterwards and may continue for years
- Survivors who did not feel able to re-live the trauma in a VPS were unable to nominate a friend or family member to provide one in their place

Survivors argued that close family members had also often been victimised as part of the grooming process and should be able to make a VPS. Currently, other people affected by the crime can be offered to make a VPS at the discretion of the police. 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.

The APPG recommended strengthening the Victims Code so that the information pertaining to survivors' rights to make a Victim Personal Statement is accessible and simplified.

Survivors must be aware of their entitlements to make a VPS from the beginning of the criminal justice process. The APPG recommends that the Ministry of Justice pilot taking Victim Personal Statements from nominated friends, family members or professionals means 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. Too many survivors who spoke to the APPG's inquiry 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 is sometimes the survivor's only opportunity to make their voice heard during the court process.

Survivors are currently able to pursue a review of a sentence under the Unduly Lenient Scheme, however not all child sexual abuse crimes are eligible for application under the current scheme. This limits survivors' ability to secure a just outcome and fails to recognise the trauma and devastating impact of all forms of child sexual abuse. In the **Victims Strategy**, the Government committed to '*keep the scope of the Unduly Lenient Sentence Scheme under review*' and '*consider a further extension of the Unduly Lenient Sentence Scheme, particularly for some additional harassment, sexual, and indecent images offences.*'

On 17 September 2019, the Government announced its intention to extend the Unduly Lenient Scheme to 14 further offences, including a number of child sexual abuse offences, via secondary legislation in Autumn 2019. The inquiry welcomes this move as it will empower more survivors to scrutinise sentences to ensure they reflect the impact of the crime.

“He was sentenced nine years for each offence... So [a] total of 18 years but because he behaved and [has] been a good boy for years and years he got took down to nine years. So, he’ll do four and a half of the 18.”

Recommendations

- **The Government should extend the Unduly Lenient Scheme to all child sexual abuse offences**
- **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 and at the most appropriate time for them.
- The Ministry of Justice should trial taking Victim Personal Statements from nominated friends, family members or professionals in order 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.
- The inquiry welcomes the Government’s proposed Sentencing Bill announced in the Queen’s Speech and urges the Government to consult with survivors of childhood sexual abuse on appropriate sentences, taking into consideration the lifelong impact of abuse and the appropriate level of remorse shown from convicted abusers applying for parole.

Referring survivors to support after court concludes

The end of the criminal justice process is particularly difficult for a survivor. They may have achieved their preferred outcome at court, however, coping with a return to 'normal' life is often difficult as support services fall away. **For those who are unsuccessful at court, the impact can be devastating.** Feelings of self-blame are heightened, as well as second thoughts about having progressed the case to trial. It is essential that survivors are given wraparound care at this point and its absence from the Victims Strategy is a glaring omission. The case closure must be seen as a bifurcation moment when survivors are directed towards appropriate continuing services. This is undoubtedly the responsibility of the justice system which has requested that they come forward.

A number of survivors and support services highlighted the **deficit in support for survivors at the end of their journey through the criminal justice system.** This echoes findings in the APPG's first report that found survivors often face long waiting lists despite the best effort of SSVSS due to limited Government funding in the face of rising demand. Survivors also missed out on practical assistance with housing and benefits at

"My main struggle with all this is that we go through a criminal process but you've nothing before and there's nothing after... They'll put you through the process and then say 'see you later.' There's no counselling, there's no therapy, funding."

the point when many described being at their lowest ebb.

Survivors described a feeling of being discarded by the criminal justice system as they had 'served their purpose' at the conclusion of the trial. Many survivors were able to access support and information until the court case was over, at which point statutory services ceased to take an interest in the welfare of the survivors. It was often left for SSVSS to reach out to survivors and ensure they were aware of ongoing support services.

The Government's '**Proposals for revising the Code of Practice for Victims of Crime**' published in July 2019, includes a proposal that survivors will be made aware that they can continue to access support services when told about the outcome of their case. This is a positive step.

"There was no debriefing session held which would have helped to wrap up a highly emotional case which took years to complete. Then you are left with nothing. Counselling dried up after the first few months and it was only due to people at CISTers that I felt I hadn't been entirely dumped and forgotten."

Recommendations

- **The Government must implement its proposal to revise the Victims Code** so that all survivors are made aware they can continue to access support services after they are told the outcome of their case
- **The Government must increase funding for specialist sexual violence and abuse services (SSVSS)** to reflect the need for some victims to access support and therapy at different stages in their lives, as set out in the Strategic Direction for Sexual Assault and Abuse Services: Lifelong care for victims and survivors 2018-2023.
- **Survivors should be given a statutory right to a debrief session.** The Government should consider whether this would be best facilitated and attended by the judge, the CPS and/or Victim Support. This is to ensure the survivor understands the case outcome and is being appropriately referred on for further support, if necessary.

Improving communication with survivors about parole and probation.

75 per cent of survivors had not been informed about parole.

A number of survivors gave testimony about their experiences of not being informed about their abuser's release. This was often very difficult for the survivor to manage, often retriggering trauma responses for them, and a cause of great frustration with professionals.

Survivors primarily wanted information about what would happen when their abuser was released, and how they could ensure they would be safe from any reprisals. Survivors also told the inquiry they would welcome notification if their abuser was imprisoned again in the future, as this would give them a greater sense of safety.

Furthermore, the inquiry heard that during the parole process, the main point of contact to the survivor from their parent is not always transferred upon the survi-

vor reaching adulthood. This can mean that the survivor is uninformed about their abuser's release. **It is important that the survivor has the option of becoming the main point of contact upon turning 18.**

In February 2019, the Government announced a series of changes to the Victim Contact Scheme for parole and promised a further in-depth review of the parole process. This followed the Worboys case, which exposed failures of the parole process. The reforms aim to increase survivors' ability to challenge release decisions if they feel the decision is flawed. The Justice Secretary at the time of the announced changes, David Gauke, promised that a Tailored Review of the Parole Board would publish in summer 2019. At the time of writing, the Tailored Review has yet to be published.

"I was petrified because they gave him my name and all he's got to do is look on the electoral roll and he could find me."

Further serious concerns emerged in July 2019 due to the planned release of Vanessa George, a convicted child sexual abuser. George was sentenced in 2009 to 'imprisonment for public protection' with a minimum sentence of seven years after admitting to a series of charges, including two of sexual assault by penetration and two of sexual assault by touching, as well as making and distributing indecent images of children. The offences were committed against young children in her care as a nursery worker in Plymouth.

In July 2019, the Parole Board announced that George will be released under 'strict and extensive conditions'. The Parole Board said George had demonstrated remorse yet George still refuses to name the children she abused. Parents of the chil-

dren were not informed about the release formally and instead found out on Facebook and in the local media. **Luke Pollard, Member of Parliament for Plymouth Sutton and Devonport**, submitted evidence to the inquiry that of the 64 families involved, the Probation Service held contact telephone numbers for only seven. Many parents have expressed their concerns that their children could be contacted on social media and have called for child sexual abuse offenders to serve custodial sentences until the children they have abused have reached 18. The inquiry also heard of the challenges families faced in submitting evidence to the Parole Board prior to them making a decision. **Both the process and requirements for submitting evidence lacks clarity.**

"I found out my abuser was living nearby. In a town I visited regularly with my children for their sports club. And nobody bothered to inform me. I found this completely unacceptable."

Recommendations

- **The Government must reform the parole system so that survivors' voices are at the centre of the Parole Board decision-making process**
- The inquiry welcomes the Government's proposed Prisoners (Disclosure of Information About Victims) Bill which will put in statute the responsibility for the Parole Board to consider an offender's failure to disclose information about their victims. The Government should review the threshold for offenders demonstrating appropriate 'remorse', specifically with a view to child sexual abuse offences
- The Government should issue fresh guidance on how to submit evidence to the Parole Board in advance of hearings
- Survivors' rights to be informed about parole should be detailed in the revised Victims Code. Survivors should be able to access relevant information online about pursuing updates and submitting evidence about parole.
- The need for survivors to be able to access specialist support in relation to parole board hearings and at release dates needs to be reflected in Government funding for SSVSS
- The Government must ensure its staff are active in maintaining the records of survivors so they can be contacted as part of the parole process. Consideration should be given as to whether online facilities may improve this process.

4. Compensation

Criminal Injuries Compensation Scheme (CICS)

The Criminal Injuries Compensation Authority (CICA) is a government-funded agency designed to compensate victims of violent crime in Great Britain and it administers the Criminal Injuries and Compensation Scheme (CICS). CICA administers the Scheme and decides all claims.

The rules of CICS and the value of the payments awarded are set by Parliament and are calculated by reference to a tariff of injuries. Payments can be made under CICA for a number of costs, including physical and mental injuries and loss of earnings.

Almost all survivors that contributed to the inquiry had a negative experience of applying to CICA for compensation.

Some survivors had not heard of the scheme, and were not informed at any point of their journey through the criminal justice system. Overwhelmingly, for those who did apply there was frustration at the process for making an application, which many described as traumatising and complicated.

Too often, CICA acts as a second trial for the survivor, asking for additional details and placing the onus upon the survivor to prove their case once more. This compounds a complicated, onerous process which is alienating for survivors who have undergone the initial trauma of abuse as well as the additional stress of the court process.

Key issues for survivors:

Consent

Under the current scheme, CICS only compensates those survivors who did not consent to their abuse. This has previously led to survivors being denied compensation where there was evidence to suggest they 'complied' with their abuse. This is despite the law criminalising sexual activity with

children under 16. Whilst 2017 guidance to CICA staff created the presumption of non-consent in cases involving under-16s, the consent rules remain in the statutory Scheme.

Non-contact forms of child sexual abuse

CICS refuses compensation survivors of child sexual exploitation that did not involve physical sexual contact. **This means that children who are groomed into performing sexual acts online are unable to claim compensation.**

Unspent convictions

CICS rules prevents awards to survivors with unspent criminal convictions. This blanket ban precludes survivors with convictions relating to their abuse, such as offences for soliciting for sex relating to their sexual exploitation, from applying for compensation.

Time limits

CICA accepts applications to the Scheme within two years of the crime occurring. For many survivors of child sexual abuse, this is an unrealistic timeframe. Many survivors wait decades before feeling able to disclose their abuse and others may only recognise the abuse as a crime after becoming an adult and escaping their abuser. Amended guidance was published in 2017 acknowledging that survivors of child sexual abuse are unlikely to meet the two-year time limit. The revised Scheme should acknowledge this when published.

Application process

Survivors found the process of applying for compensation to be confusing and traumatising. In many cases, the criminal case will have concluded but survivors find themselves revisiting their abuse in order to prove their application to CICA.

111 survivors had an award withheld in 2018/19 due to unspent convictions.

52 survivors had an award withheld in 2018/19 as the time limit was exceeded.

In response to a written question by **Sarah Champion MP**, the Government provided data on the number of child sexual abuse survivors who had an award withheld because of unspent convictions or the time limit was exceeded.

2018/19 saw a 87 per cent decrease in the number of survivors rejected on the basis of exceeding the time limit on the previous year, perhaps suggesting that CICA has started to acknowledge that survivors may take longer to complete their applications. However, the 111 survivors rejected due to unspent convictions represented only a 20 percent drop on the previous year (and a threefold increase since 2015). This suggests the matter of unspent convictions poses a serious and ongoing obstacle to survivors attempting to claim compensation.

Ministry of Justice did not provide a response relating to data on rejected applications due to the victim being deemed to consent to abuse or the abuse not involving physical contact as the data 'could only be obtained through a manual search of case records at disproportionate cost.'

48 per cent of survivors were not informed about the CICS after sentencing.

Some survivors felt that applying to CICS was frowned upon during their trial, as if their objective was to gain money. While survivors felt that compensation could provide vital funds for training, education or privately funded counselling, many agreed that the compensation had a symbolic importance: that the state recognised the abuse they had suffered, especially as the CICS awards were not commensurate with

the lifelong physical and emotional cost to the survivor.

"Unfair, unrelated criminal convictions preventing compensation."

Data provided to **Sarah Champion MP** in answer to a written parliamentary question by the Ministry of Justice stated that the average compensation payments to victims of sexual assault and abuse in 2019 (up to 30 January) were:

£13,130 for male victims of sexual assault or abuse.

£12,758 for female victims of sexual assault or abuse.

The data was not broken down for child sexual abuse offences but indicates the limited award in relation to the costs to the individual. The APPG's first inquiry described how survivors' education and career was negatively affected by abuse and how survivors accrued credit card debts to pay for private counselling or therapy.

"Nobody explained the difference with [the rules] clearly. One body part going in one orifice is worth more than another."

"It [CICA] sets survivors against survivors."

The **Victims Strategy** outlined several reforms to CICS. It is most welcome that the 'same-roof rule,' which denied some survivors compensation if they lived with their abuser prior to 1979, has now been abolished. The Government also announced plans to review the CICS and consult publicly on its proposals for reform. The terms of reference for the review were published earlier in 2019 and include:

- The eligibility rules including, inter alia, concerns about time limits for making applications, unspent convictions, and consent in sexual offences cases
- The impact of the Scheme on particular groups, including victims of child sexual abuse and victims of terrorism

"CICA was mentioned at the end [of the trial] but no-one went into detail about what it was for, what to expect or offered any support with it."

The inquiry understands that the Government intended to publish and consult on a revised scheme in summer 2019. At the time of writing, the revised CICS has yet to be published.

In January 2019, the Victims Commissioner published '*Compensation without re-traumatisation: The Victims' Commissioner's Review into Criminal Injuries Compensation.*' The Victims Commissioner made a number of recommendations that echoed the evidence provided to this inquiry by survivors and SSVSS.

"Awards are low and don't compare to the real costs [of abuse]."

"Full of inconsistencies. Really invasive."

Recommendations

- **The Government should publish a revised compensation Scheme without delay** and ensure it consults thoroughly with SSVSS in order that the needs of survivors are reflected in the new Scheme. The Scheme should include measures to:
 - Reflect the lifetime impact that sexual offences may have
 - Abolish the unspent convictions rule for survivors of child sexual abuse
 - Abolish the time limit for application for compensation for crimes of sexual violence and abuse
 - Extend the definition of violent crime, and thereby eligibility for the Scheme, to include non-contact forms of child sexual abuse
 - Recognise children can't consent to their own sexual abuse
- The Government should ensure that any CICA staff member dealing with child sexual abuse applications is trained to respond in a trauma-informed way. All correspondence from CICA to survivors should reflect this approach.
- The Government should consider streamlining the process through the adoption of automatic applications (where survivors opt-out of CICS as opposed to opting-in); developing an online portal where survivors can access status updates on their application; providing all survivors with a single point of contact; enhancing information sharing between criminal justice agencies and CICA.

Criminal Compensation Orders

As well as compensation through the CICA scheme, survivors are entitled to an award of compensation by the court once their abuser has been convicted.

The inquiry heard that courts are not making use of this power in child sexual abuse cases, and that police are not providing CPS with the requisite information to place before the courts so that an order can be made. Survivors are regularly asked to consent to medical records and impact statements (Victim Personal Statements) to be placed before the court and this should facilitate the awarding of criminal compensation orders.

Only 26 criminal compensation orders were made in 2017 for 6,861 child sexual abuse offences that resulted in sentences in England and Wales. Just 0.4 per cent.

This means only 0.4 per cent of sentences for child sexual abuse offences include a compensation order.

In answer to written questions by **Andrew Griffiths MP**, the Government published the number of convictions, sentences, compensation orders and average compensation for 2017, as well as a list of the 26 child sexual abuse offences for which a compensation order was issued.

	2017
Proceeded against	8,901
Convicted	7,099
Sentenced	6,861
Compensation - all disposals ⁽³⁾	26
Average Compensation - all disposals (£) ⁽⁴⁾	1,076

Source: Court Proceedings Database (MOJ)

According to the Ministry of Justice, one criminal compensation order issued for the offence of ‘rape of a male child under 13 by a male’ was just £20.

Survivors have little knowledge of their right to a compensation order and, as the data demonstrates, very few awards of this nature are awarded. Courts should pay regard to the victim’s views about an

award of compensation, and should not award if the victim opposes, but they should order compensation wherever possible. The inquiry heard that any amount of compensation paid by an offender will generally be deducted from subsequent civil awards or under CICS to avoid double compensation.

In response to a question by **Helen Hayes MP**, the Ministry of Justice stated that steps have been taken to strengthen criminal compensation orders by lifting the £5,000 cap and obliging courts to make an award in appropriate cases. However, the Victims Strategy makes no mention of Criminal Compensation Orders and the paltry number of awards suggests the criminal justice system does not see them as an effective tool for redress.

After a criminal case has been heard, and even if the case was dismissed, adult survivors of childhood sexual abuse may also be able to take civil action against an offender or an institution that failed to protect them as children and to claim damages. Awards made by a civil court in these cases are often substantially more than CICA payments.

Recommendations

- The APPG supports the recommendation of the Civil Justice Council that the *'The Judicial College should consider the need for guidance /training/re-enforcement of training as to applications for and the making of/refusal to make compensation orders in cases of sexual assault/abuse. The Crown Prosecution Service should also consider its current practices and training in relation to seeking compensation orders.'*
- **The revised Victims Code should detail a survivor's right to Criminal Compensation Orders**
- **The Government should annually report to Parliament on the use of Criminal Compensation Orders in child sexual abuse cases**
- The Government should seek to understand why judges are not issuing Criminal Compensation Orders in child sexual abuse cases and publish its findings
- The Government should review the totals awarded and ensure a fair and proportionate tariff is equally applied
- The Government should produce information and guidance for survivors on civil remedies

5. Conclusion

Survivors of childhood sexual abuse told our inquiry about a number of challenges when attending court as a witness and in applying for compensation. This report has set out the simple steps the Government can take to reduce those issues.

Survivors want to be provided with better information about what to expect at court, they would like some familiarisation with the court where the trial is taking place and they would like to be sure that they will not be confronted by their abuser in entrances and waiting rooms. Survivors also want more support with managing their employers, getting better entitlements to time off and accurate information for employers to access about court requirements.

Survivors welcome the use of special measures for reducing the potential for re-traumatisation. Trials can still be very difficult for survivors due to the prevalence of rape myths and challenging cross-examination about survivors' pasts. Survivors highly value the support of Independent Sexual Violence Advisers (ISVAs) but only half were offered one.

Survivors asked for better information sharing about the possible outcomes at court and for better explanations of the

process around changes to charges and pleas at the last moment. Survivors often did not feel the severity of sentences were commensurate with the impact of the crime. At the conclusion of the trial, regardless of the outcome, many survivors felt discarded by the criminal justice system and were not referred on to appropriate support.

Three out of four survivors had not been informed about parole. Concerns exist around the quality of information sharing and the threshold for early release.

Applying for compensation is seen by many survivors as a 'second trial.' There are a number of ways the Criminal Injuries Compensation Scheme can better meet the needs of child sexual abuse survivors. Reform should be centred on a trauma-informed response to survivors throughout the application process and should specifically address current issues with the scheme that fail to recognise that many survivors are groomed and coerced into criminal activity that currently disbars them from application.

The recommendations in this report are practical and measured. If we want survivors to engage with the court process to enable justice to be served, we strongly urge the Government to adopt our recommendations with immediate effect.

Notes

1. *Supporting Victims'* (HOLLINS, S., STONE, K., SINASON, V., BRIGHTON, C. (2007)); and *Going to Court'* (HOLLINS, S., SINASON, V., BONIFACE, J., WEBB, B. (2016)).
2. According to evidence submitted by Victim Support.
3. <https://static1.squarespace.com/static/5c8faf788d97401af928638c/t/5d22dfc741ec3a000119359d/1562566602812/Survivors+experiences+of+police+and+the+CPS.pdf>
4. <https://static1.squarespace.com/static/5c8faf788d97401af928638c/t/5cd05b45eb3931052c31b479/1557158727790/Achieving+quality+information+and+support+for+survivors.pdf>
5. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/746930/victim-strategy.pdf
6. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800874/hmcts-fit-for-the-future-consultation-response.pdf
7. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/790777/Court_and_Tribunal_Design_Guide_-_Public_v1.1_-_webOptimised.pdf
8. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/553335/process-evaluation-doc.pdf
9. <https://www.cps.gov.uk/legal-guidance/speaking-witnesses-court>
10. <https://www.judiciary.uk/wp-content/uploads/2016/06/crown-court-compendium-part1-jury-and-trial-management-and-summing-up-dec2018.pdf>
11. <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/gillen-report-may-2019.pdf>
12. <https://hansard.parliament.uk/commons/2018-11-21/debates/8BF93744-89C2-426C-98E3-CF8C9839C028/RapeMythsAndJuries>
13. <https://www.endviolenceagainstwomen.org.uk/evaw-launches-legal-action-against-cps-for-failure-to-prosecute-rape/>
14. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/647112/The_Role_of_the_Independent_Sexual_Violence_Adviser_-_Essential_Elements_September_2017_Final.pdf
15. Bates, L., Lilley, S-J., Hester, M. and Justice Project Team (2018), Policy Evidence Summary 3: Specialist advocacy for domestic and sexual violence. Bristol: University of Bristol. <http://www.bristol.ac.uk/sps/research/projects/current/justiceinequality/>
16. <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-questions-answers/?page=1&max=20&questiontype=AllQuestions&house=commons%2Clords&uin=226117>
17. <https://www.thetimes.co.uk/edition/news/suspects-in-sex-crimes-should-be-anonymous-5q9c3lvxi>
18. <https://www.sentencingcouncil.org.uk/blog/post/how-sentencing-of-historic-offenders-works/>
19. <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-questions-answers/?page=1&max=20&questiontype=AllQuestions&house=commons%2Clords&uin=180743>
20. https://www.london.gov.uk/sites/default/files/vcop_final_pages.pdf
21. https://www.cps.gov.uk/sites/default/files/documents/legal_guidance/joint-agency-guide-victim-personal-statement_0.pdf
22. <https://www.cps.gov.uk/legal-guidance/unduly-lenient-sentences>
23. <https://www.gov.uk/government/news/pm-launches-sentencing-review-to-look-at-most-dangerous-and-prolific-offenders>
24. <https://consult.justice.gov.uk/digital-communications/proposed-changes-to-the-victims-code/>
25. <https://www.gov.uk/government/news/new-improvements-to-parole-board-transparency-and-victim-support>
26. <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-questions-answers/?page=1&max=20&questiontype=AllQuestions&house=commons%2Clords&uin=214553>
27. http://data.parliament.uk/DepositedPapers/Files/DEP2018-1283/terms_of_reference_CICS_Review.pdf
28. <https://s3-eu-west-2.amazonaws.com/victcomm2-prod-storage-119w3o4kq2z48/uploads/2019/01/VC-Criminal-Injuries-Compensation-Report-2019.pdf>
29. <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-questions-answers/?page=1&max=20&questiontype=AllQuestions&house=commons%2Clords&uin=220844>
30. <https://www.parliament.uk/written-questions-answers-statements/written-question/commons/2019-06-05/260612>
31. <https://www.parliament.uk/written-questions-answers-statements/written-question/commons/2019-02-26/226180>



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