



# **ROOM FOR IMPROVEMENT**

**A Review of  
Specialist Domestic Abuse Courts  
in South Wales**



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Soroptimist International Great Britain and Ireland (SIGBI) is one of five Federations of Soroptimist International, a global volunteer women's organisation working together to transform the lives of women and girls. We work at a local, national and international level to provide educational, empowerment and enabling opportunities for women and girls, and have consultative status at the Economic and Social Council (ECOSOC) at the United Nations (UN).

In the UK there has been a UK Programme Action Committee (UKPAC) at which all Regions and Clubs were represented. They worked on projects specifically based in the UK, such as the Specialist Domestic Abuse Courts observation project<sup>1</sup>.

The UKPAC undertook a survey of Specialist Domestic Abuse Courts (SDAC) in England over the period 2017-2020 with the report being published in 2022. This current report is of a similar survey undertaken during June and July 2024 in South Wales by Soroptimists within the region of Wales South<sup>2</sup>. The courts surveyed were in Cardiff, Llanelli, Newport (Gwent) and Swansea. This review draws upon 287 reports of domestic abuse cases examined by Magistrates or a District Judge during that period.

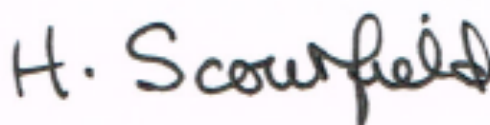
## Acknowledgements

This report has been written using the recorded observations of 22 Soroptimists from across SI Wales South who observed court sessions in Cardiff, Llanelli, Newport (Gwent) and Swansea during June and July 2024. These were analysed and the report authored by Dr Jane Salisbury, Mrs Emma Myles and Dr Kay Richmond with comments from other members involved at region and in clubs. This report would not have been possible without their invaluable contributions.

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<sup>1</sup> <https://thehub.sigbi.org/file/6499a3f6d4bf6100085c449a>

<sup>2</sup> <https://sigbi.org/wales-south/>



## Executive Summary

The report from the UKPAC and this one for Wales should help to improve the implementation of relevant UK and Welsh legislation and initiatives.

Some of the gaps still existing across the UK are highlighted in the latest report from the UN Special Rapporteur (21 February 2024).<sup>3</sup> She comments that " [She] acknowledges the robust legal framework for promoting gender equality, including the Equality Act 2010 and other legislation that applies across the United Kingdom. This framework is complemented by important legislation and policies in the devolved regions. The UK can do more to translate its political recognition of the scale of violence against women and girls into action".

This current review of SDACs in South Wales has occurred after changes in UK legislation and, significantly, where different Acts are in operation in Wales. An example of this is the Violence against Women Domestic Abuse and Sexual Violence (Wales) Act 2015<sup>4</sup>. The Senedd has appointed a National Adviser (currently a job share) who must publish reports and annual plans.

The Live Fear Free Helpline<sup>5</sup> which seeks to deliver against this background is coordinated by Welsh Women's Aid<sup>6</sup> which is a federation of specialist organisations in Wales that provide lifesaving services to survivors of violence and abuse and deliver a range of innovative preventative services in local communities.

Time has allowed for operational changes in the SDACs, the Crown Prosecution Service (CPS) and the police. The funds available for the deployments of IDVAs was allocated to the Police and Crime Commissioners (PCCs) by the Ministry of Justice (MoJ). They have negotiated contracts with local charities experienced in helping victims of Domestic Abuse (DA).

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<sup>3</sup> <https://www.ohchr.org/en/press-releases/2024/02/no-time-lose-uk-declares-violence-against-women-national-threat-un-expert>

<sup>4</sup> <https://www.legislation.gov.uk/anaw/2015/3/contents>

<sup>5</sup> <https://www.gov.wales/live-fear-free>

<sup>6</sup> <https://welshwomensaid.org.uk/what-we-do/live-fear-free-helpline/>

## Key findings

1. IDVAs rarely contributed verbally in court but, when present, we were assured that they were in contact with the victim and the CPS digitally throughout. Although they were present in the majority of reports (two thirds), the notable exception was Llanelli where no IDVAs attended court. They were instrumental in providing support to victims, including ensuring their attendance in court or advising on special measures. They also played a role in conveying the victim's views and concerns to the court, especially in cases where the victim was absent. In some cases, IDVAs were responsible for making sure that restraining orders were drafted appropriately and that victims were fully informed about their options and the proceedings.
2. The data assembled from the 287 observational court reports together capture the complex dynamics of domestic abuse, harassment and coercive control, with significant emotional and psychological impacts on the victims. The legal proceedings observed highlighted the many challenges in addressing these issues systematically in court, particularly when it comes to proving controlling behaviour and ensuring that victims' experiences are recognized fully in the charges brought against the accused.
3. A victim's input in SDAC sessions is vitally important where a Victim Personal Statement is a powerful element. The presence or absence of a VPS significantly influenced the court's decisions, especially regarding protective measures such as Restraining Orders. Victims' wishes and needs were sometimes explicitly taken into account, especially in cases where they do provide a VPS. However, in several reports, there was a lack of detailed information about the victim's needs, or the victim was not present or represented. This sometimes led to insufficient consideration of their circumstances. Patterns suggest that whilst VPSs are a critical tool for the court in understanding the victim's perspective, the barriers to victim participation remain significant and can affect the outcomes of cases. The report highlights the importance of supporting victims through the legal process to ensure their voices are heard, and their safety is prioritized.
4. Considerable steps have been made in the last few decades in the way vulnerable and intimidated witnesses are supported before and during a trial. The measures in play in the legal proceedings reported were largely opportunities to testify via live links from Remote Evidence Suites (RESs) and also to voice their personal impact statements in court but from behind protective screens. IDVAs were instrumental in providing support to victims, including ensuring their attendance in court or advising on special measures. In case hearings when the victim was absent, they also played a role in conveying the victim's views and concerns to the court.
5. The digital milieu in which contemporary lives are lived has transformed the nature of evidence available to courts in the twenty first century. Both prosecution and defence were able to draw upon a variety of digitised evidence when making their representations to the bench. In striving to supply 'best evidence' there were however some logistical problems which thwarted efficient proceedings and caused delays and adjournments. Some observational reports highlighted the need for better communication and coordination between the police, CPS, and solicitors to ensure that all evidence and documentation are prepared and submitted in a timely manner.
6. Bail conditions were considered carefully, in order to prevent further harm to the victim/s, with many instances of "no contact by any means" being enforced. Defence and prosecution solicitors frequently negotiated the terms of bail, often reaching agreements that were then approved by the court but there was little evidence of consultation with the complainant. Many of the legal proceedings involved ongoing cases with multiple hearings, adjournments, and discussions about the defendant's compliance with existing bail conditions. When explaining their decisions regarding the granting or refusing of bail, Magistrates and District Judges gave clear and concise instructions to the defendants.

## Recommendations

1. The effectiveness of IDVAs could be enhanced by clarifying and expanding their actual role in court, ensuring that their contributions are recognized consistently and utilised. Observational reports described positive impacts and a consistent valuable presence of IDVAs in three of the South Wales Abuse Courts surveyed. Their availability and presence in all SDAC courts should be ensured.
2. The need for timely, systematic and careful management of DA cases within the legal system is evident. The analysis underscores the proliferation of social media usage in contemporary society and how it has given rise to modes of digital surveillance and harassment far less available previously. Training and updating of police and all relevant court personnel is required to ensure the understanding of technology facilitated abuse.
3. Given the data gathered here, a systematic review and evaluation of the stages and processes involved in acquiring a Victim Personal Statement should be undertaken. This will identify strengths and weaknesses enabling the dissemination of good practice and positive ways forward for all personnel involved.
4. Other measures not described in the observational reports surveyed, but available for courts to use, include video-recorded statements, the use of witness intermediaries and the provision of separate entrances and waiting areas for victims. Perhaps the SDACs reviewed in the current survey could benefit if Criminal Justice partners and the police re-engaged with the official guidance on using special measures detailed in Ministry of Justice in 2023 within 'Achieving Best Evidence in Criminal Proceedings'<sup>19</sup>. In doing so, a more flexible tailored approach to the provision of special measures support might develop, one that takes an even more considered account of the witness' needs and views.
5. Criminal Justice partners to work together to review and evaluate the use of technology in court. Lack of competence in its efficient handling by court staff will require resources for the implementation of training and updating. The key objective is to increase capacity to operate Information and Communications Technology systems effectively in order to avoid logistical errors and potential setbacks in achieving timely justice.
6. Bail conditions and sentences are governed by statute and guidelines respectively. However, the adequacy of bail conditions, the fairness in the treatment of victims, and the thoroughness of considering children's needs are areas where courts could improve consistency and rigour.

## Introduction

Soroptimists have long been concerned about Violence Against Women and Girls (VAWG) and how it is treated in the criminal justice system. This has ranged across:

1. Raising awareness of the issue e.g. Loves me/loves me not bookmarks;
2. Providing goods/clothing/funding to women's refuges;
3. Advocating for reducing women's imprisonment, working with the Prison Reform Trust<sup>7</sup>.

For women affected by VAWG who go to court there is widespread concern that recommendations from Government (Westminster and/or the Senedd) are not implemented consistently and that there is no real feedback on the provision and the effectiveness of the measures recommended for a fair and just system.

In 2017 Dame Vera Baird, then the Police and Crime Commissioner for Northumbria, initiated a unique partnership between SIGBI and criminal justice partners. She engaged local Soroptimists in an observation project during which they observed over 220 sessions of the Specialist Domestic Violence Courts (SDVCs), answering a range of questions, in particular about how the largely female victims were treated. The results were then analysed to produce a report in 2018 asking: "Specialist Domestic Violence Courts: How Special Are They?" That work provided the foundation to replicate the same initiative in Wiltshire in 2018 and in the Midlands in 2020.

There was no such review in Northern Ireland, Scotland or Wales. Furthermore, devolved administrations differ in the services they control. Thus, the results in England cannot be assumed to be the same elsewhere.

The legal system applying in Wales is the same as in England and police and justice have not been devolved to the Senedd (Welsh Parliament). Other services such as the NHS and Social Care have been devolved. It does have some lawmaking authority and has passed:

1. Violence against Women Domestic Abuse and Sexual Violence (Wales) Act 2015. An explanation of its provisions comes from Welsh Women's Aid<sup>8</sup> which also provides help and support to victims as well as training for specialist support workers. The current strategy (2022-2024) is set out in a document covering the legislation in Wales as well as links to Westminster<sup>9</sup>. The underlying principles that guide it are:

- 1.1. to challenge public attitudes;
- 1.2. to increase awareness in children;
- 1.3. increased accountability for those who perpetrate violence and abuse;
- 1.4. prioritise and focus on prevention;
- 1.5. confident and informed workforce;
- 1.6. provision of inclusive and accessible services that are trauma informed and needs led.

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<sup>7</sup> <https://prisonreformtrust.org.uk/publication/transforming-lives-reducing-womens-imprisonment-2/>

<sup>8</sup> <https://welshwomensaid.org.uk/wp-content/uploads/2021/11/The-Violence-Against-Women-Domestic-Abuse-Sexual-Violence-Wales-Act-2015.pdf>

<sup>9</sup> <https://www.gov.wales/violence-against-women-domestic-abuse-and-sexual-violence-strategy-2022-2026.html>



2. the Well-being of Future Generations Act 2015<sup>10</sup> which has seven interconnected goals which can be referenced to the UN's Strategic Development Goals<sup>11</sup> :

- 2.1. A prosperous Wales;
- 2.2. A resilient Wales;
- 2.3. A healthier Wales;
- 2.4. A more equal Wales;
- 2.5. A Wales of more cohesive communities;
- 2.6. A Wales of vibrant culture and thriving Welsh language;
- 2.7. A globally responsible Wales.

3. The Social Services and Well-being (Wales) Act 2014 provides a legal framework for improving the well-being of people (adults and children) who need care and support, carers who need support, and for transforming social services in Wales.

4. The Housing (Wales) Act 2014<sup>12</sup> enshrines in legislation the role of the local authority in preventing and alleviating homelessness.

5. The Renting Homes (Wales) Act 2016<sup>13</sup> sets out a new approach to joint contracts which will help survivors by enabling perpetrators to be targeted for eviction.

All of these Acts could have implications for both victim and defendant in cases seen in the Specialist Domestic Abuse Courts (SDACs) and those that are referred to the Crown Court (e.g. rape, strangulation and grievous bodily harm).

The courts in Wales are overseen by the Wales Local Criminal Justice Board (WLCJB)<sup>14</sup>. It includes representation from His Majesty's Prison and Probation Service (HMPPS), His Majesty's Courts and Tribunal Service (HMCTS), the Youth Justice Board, Police services in Wales, Chief Constables in Wales, Police and Crime Commissioners in Wales, the Crown Prosecution Service, Public Health Wales, Welsh Government, the Welsh Local Government Association, Voluntary Sector bodies and the Victims' Commissioner. The Board's priorities are shown below for 2023/2024 (Figure 1). It has been conducting its own review. At the time of writing, we have not seen nor have we been involved in it.

This is the policy background and context against which the SDACs across Wales operate currently.

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<sup>10</sup> <https://www.gov.wales/well-being-future-generations-act-essentials-html>

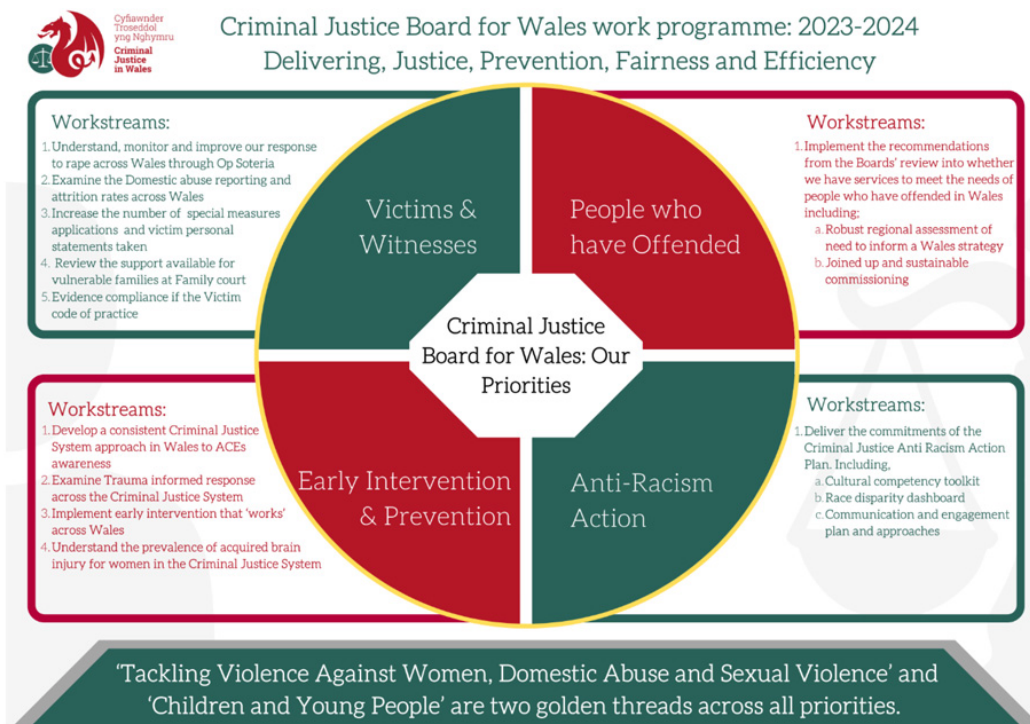
<sup>11</sup> <https://www.gov.wales/national-indicators-mapping-well-being-and-un-sustainable-development-goals-interactive-tool>

<sup>12</sup> <https://www.legislation.gov.uk/anaw/2014/7/contents>

<sup>13</sup> <https://www.legislation.gov.uk/anaw/2016/1>

<sup>14</sup> <https://www.gov.uk/government/publications/criminal-justice-board-for-wales-annual-report-2023-24/criminal-justice-board-for-wales-annual-report-2023to-2024#delivering-our-priorities-in-2023-24>

**Figure 1 WLCJB priorities for 2023/2024**



## Research Methods

The key aim of this project was to review the SDACs across South Wales, using the same protocol and questionnaire as that developed by the UKPAC for England. This systematic review would identify strengths and weaknesses and enable the production of recommendations which could be used to advocate for improvements to the system with all relevant authorities and parties.

In February 2024 a Steering Group of eight Soroptimists was recruited to inform the training, court sampling and ethical use of observational protocols. Some members of the group were experienced in the legal system (e.g. magistrate, retired prosecutor), some were 'au fait' with research methods and also had experience in the support mechanisms available to women and girls.

Vitally important formal and informal links were made with the Crown Prosecution Service (CPS) in Wales and Welsh Women's Aid<sup>8</sup> (WWA). Both these organisations advised the Steering Group and contributed significantly to the content of the training materials and sessions which were organised for the volunteers in order to prepare them for courtroom observation. Their help and facilitation was greatly appreciated.

Twenty-two Soroptimists from across South Wales were recruited, undertook the necessary training in April and May and then conducted observational visits to all four courts during June and July 2024. Each court ran their sessions on the same day each week; this enabled timetabling of Soroptimist visits ahead of the hearings. They did so in pairs in order to provide support to each other in view of the material they would hear and to provide opportunity for the possibility of different views for each case viewed.

Legal Team Managers in all four courts facilitated attendance at these designated sessions. We found that all the court officials were very helpful and willing to answer questions in general or on specific cases. Liaising with the Legal Team Managers proved essential for this. Their help and facilitation was greatly appreciated.

A standardised online form hosted on Google, as used in the earlier UKPAC observations, was used to enter court room observational data into a database. Numbers were analysed by Google Forms for each question with yes/no answers and pie charts produced; the cells containing text were analysed using ChatGPT which provided preliminary thematic analyses. Both automatic analyses were checked by the report authors, who had experience in analysing qualitative and quantitative data, as a measure of quality control and to ensure the use of authentic empirical material in the final published report.

## Results

The SDAC sessions observed were in Cardiff, Llanelli, Newport and Swansea. Each sat on specified weekdays - Monday, Wednesday, Wednesday and Tuesday respectively.

The following results are from data in the observational forms returned not cases observed. This is due to a decision taken by the Steering Group to ask each observer to submit their own report so that data would capture each observer's understanding of the cases seen. However this resulted in some observers submitting more reports during a session than their co-observer.

In total 287 forms were entered onto the database. A District Judge had presided for 19 of these reports with the other reports being from Magistrate's hearings. They were spread across the four courts as follows:

**Table 1 Distribution of court reports**

<b>Court</b>	<b>District Judge</b>	<b>Magistrates</b>	<b>Total</b>
Cardiff	5	84	<b>89</b>
Llanelli	0	41	<b>41</b>
Newport	13	58	<b>71</b>
Swansea	1	85	<b>86</b>
<b>Total</b>	<b>19</b>	<b>268</b>	<b>287</b>

Llanelli was the only court where a District Judge was not involved.

Two cases mention a warrant being issued - one in Llanelli, the other in Swansea. One was for failure to attend for sentencing after the submission of the pre-sentence report from probation, the other because the defendant was appearing in Crown Court at the time and would appear before Magistrates, from prison, the following week, via a live video link.

By far the majority of reports were of male defendants and female victims but there were small numbers of male on male (2), female on female (7) and female on male (8).

## Charges

The charges mentioned in observational reports included various forms of assault, including strangling, as the most usual charge (40% of reports) with Controlling and Coercive Behaviour<sup>15</sup> the next most common (10.5%).

*"Defendant entered the house of his partner (Victim), who was in the shower naked, and assaulted the victim, firstly by strangulation, then beating; Assaulted 4-year-old girl (daughter); caused criminal damage to the rooms within the property. [...]The Magistrate remanded the person in custody, refused bail to prevent further threatening behaviour both to the victim and others associated with the victim."*

Criminal damage and breach of Non Molestation Orders (NMOs) or Restraining Orders (ROs) were the following most usual categories - see Table 2 below.

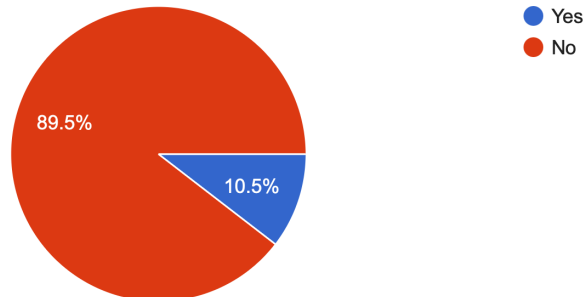
A notable example of strangulation was the attempted strangulation of a 12-year-old daughter on Christmas Day.

<sup>15</sup> <https://www.cps.gov.uk/legal-guidance/controlling-or-coercive-behaviour-intimate-or-family-relationship>

## Figure 2 Coercive or controlling behaviour

Was any information shared that indicated coercive or controlling behaviour which was a feature of the relationship between offender and victim?

287 responses



**Table 2 - Charges mentioned in observational reports**

Charges	Count	%
Assault including strangulation	116	40%
Controlling and Coercive Behaviour (CCB)	32	11%
Criminal damage	25	9%
Beach of NMOs and ROs	14	5%

### Pleas entered

Defendants were required to enter a guilty or not guilty plea to each of the charges against them. There were 81 pleas of 'guilty', and 43 of 'not guilty'; 7 of these entered a mixture of pleas where more than one charge had been recorded. This left 163 reports with no plea recorded at the hearing

Sixty-nine reports (24%) recorded referral to the Crown Court. The remaining reports referred to trials and future Magistrates' Court hearings due, for example, to requesting or awaiting pre-sentence reports. Probation service involvements were recorded in 34 reports (Table 3).

**Table 3 Involvement of probation services**

Court	Probation involved	Total reports	Percent
Cardiff	8	89	9%
Llanelli	3	41	7%
Newport	6	71	8%
Swansea	17	86	20%
Total	34	287	12%
<b>Of these:</b>			
District Judge	3	19	16%

## Independent Domestic Violence Advisors (IDVAs) their roles and functions

IDVAs were present in most (66%) of the court sessions observed, often sitting with a laptop, listening closely and taking notes. However, their participation in formal proceedings was limited or appeared to be non-existent in many reports. There were instances where the IDVA was not present in the courtroom.

**Table 4 Observer reports of the presence of IDVAs in each court**

<b>IDVA present</b>	<b>Cardiff</b>	<b>Llanelli</b>	<b>Newport</b>	<b>Swansea</b>	<b>Total</b>	<b>%</b>
No	46	40	10	1	97	34%
Yes	43	1	61	85	190	66%
Total	89	41	71	86	287	

They were often involved before the court hearing, liaising with the victim, CPS, or other officials to ensure that all relevant information and statements were available. This involvement included helping with victim personal statements (VPS), encouraging victims to provide photographic evidence, and ensuring that the CPS had all necessary documents.

IDVAs were instrumental in providing support to victims, including ensuring their attendance in court or advising on special measures. In addition, they played a role in conveying the victim's views and concerns to the court, especially in cases where the victim was absent. In some cases, IDVAs were responsible for making sure that restraining orders (ROs) were properly drafted and that victims were fully informed about their options and the proceedings.

In some situations, IDVAs did directly address the court, particularly concerning the victim's situation, such as advising on ROs or providing relevant background information. However, this was not consistent across all case reports. There were a few instances where the IDVA's input was significant in influencing the court's decisions, such as extending ROs or confirming essential details, such as ages of children, that impacted the outcome.

Their presence contributed to the smooth running of the court in some cases, ensuring that all parties had the necessary information and that the victim's interests were considered. Their pre-court work was valued, but their in-court contributions were often less visible or apparent, possibly due to the nature of the hearings or the defendant's actual plea (guilty/not guilty). The absence of the victim in court sometimes made it difficult to gauge the direct influence of the IDVA on the proceedings.

*"In the [ town name] area there are a total of five IDVAs and one of these is a dedicated Court IDVA who attends each and every sitting of the specialist domestic abuse court and is present throughout. The dedicated Court IDVA also has a far more wide-reaching role. In addition to all efforts being made to maintain regular contact with the victim, the IDVA liaises regularly with the police to ensure that victim personal statements are obtained whenever they are required and that information regarding special measures and the various types of special measures is made available to all complainants in domestic abuse cases. Additionally the court IDVA reviews the restraining orders drafted by the police before they are presented to the court, to ensure that they have been drafted properly and that the terms being proposed are workable and relevant in each case."*

The impact of IDVAs varied depending on the case, with some instances showing significant influence and others where their role was unclear or minimal. The inconsistency indicates a need for a more clearly defined and active role for IDVAs in court settings.



## Domestic Abuse, harassment and controlling, coercive behaviour

The observational data collected instances of various forms of violence and abuse. The reports illustrate and describe the physical and emotional toll on the victims resulting from harassment, coercive and controlling behaviour, and domestic abuse.

Threats and harassment formed the basis of several reports where the accused threatened to release compromising photos of the victim to their family or friends. Such threats were part of the harassment charges. Repeated and persistent unwanted communication and stalking behaviour were commonly alleged with this type of harassment causing mental health issues and serious anguish and distress for the victims.

*"... Prosecutor read extracts from VPS after describing the serial digital pestering of the Defendant with unwanted mobile phone calls - over 100 between 23 Dec and 27 January using no caller ID. He had also borrowed and used his father's mobile phone. The Bench heard that he had harassed on Christmas Day shouting, 'She's keeping my kids from me!' Alleged victim stated 'I am ill, permanently stressed and afraid of potential physical harm or future incidents'."*

The Online Safety Act 2023<sup>16</sup> introduces a series of new communications offences.

Technology facilitated abuse was a common element in several reports and underpinned many allegations of controlling and coercive behaviour. The defendants in some cases exhibited these behaviours by closely monitoring the victim's social media, controlling their finances, and also restricting their movements and social contacts. This generated a feeling of victims being imprisoned by total surveillance.

*"Controlling/coercive behaviour with victim (f) over 20-month relationship during which he gained control of her bank account and mobile phone and limited her freedom to socialise."*

Such physical abuse and controlling behaviour severely impacted upon the victim's lives. Some victims had children with the accused, and there were indications of previous violent incidents against these children.

The court proceedings often involved detailed discussion of the nature of the charges, but in some instances, the cases were adjourned until all essential details could be presented. The defence and prosecution highlighted issues such as the defendant's controlling behaviour and how it was reflected (or not) in the charges brought against them.

In a few instances, the defendant claimed to be defending themselves against the victim, but these claims were always advised to be presented formally through their solicitor. The health and medical conditions of a defendant were raised by the defence as a mitigating factor in the proceedings in a couple of reports.

## Victim Personal Statements

The majority of victims did not attend court proceedings to read their Victim Personal Statements. Reasons included fear of facing the defendant, emotional exhaustion, or a belief that their presence wouldn't change the outcome.

Victim Personal Statements, when available, gave the CPS and courts detailed accounts of their experiences. Typically statements included often vivid descriptions of violence, bullying and of coercive control, the emotional toll it took on them and how the defendant's behaviour had isolated them from friends and family and changed their personalities. The impact of the crimes on victims, including physical injury, psychological trauma, and the involvement of children, recurs across the observational reports. The reports shed important light on the profound effects of the crimes on victims and witnesses, particularly within domestic settings. The psychological

<sup>16</sup> <https://www.legislation.gov.uk/ukpga/2023/50>

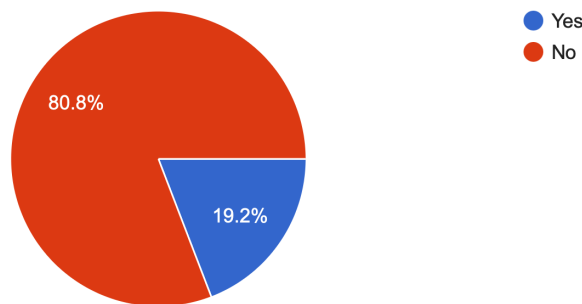
and physical harm experienced by victims and the involvement of children in these distressing situations is captured in personal statements victims supplied to the CPS as evidence.

*"The victim attended in person and read her personal statement to the court after the prosecutor had presented the prosecution facts. The victim was clearly distressed during the reading of her personal statement but was able to read it in its entirety to the court. She told the Magistrates that since the incident she had been unable to work and suffered from PTSD. She had not been able to leave the house for some time because of the pain she had suffered as a result of her injuries. She referred to the impact of the defendant's behaviour upon her children and related how she had tried her best to protect her children, who had seen her at her most vulnerable at the hands of the defendant. She explained that the defendant's controlling behaviour had also had an impact upon her relationships with friends and family."*

Of the 287 reports only 55 (19.2%) state that the CPS referred to a VPS during the court session. There were reports (232, 81%) where the victim did not provide a personal statement. Common reasons include the victim not being present, their fear of retaliation, choosing not to engage, or the defence predicting that the victim would withdraw the request for a restraining order and want to drop the charges.

### Figure 3 Victim Personal Statements

Was a Victim Personal Statement (VPS) referred to by the CPS prior to sentencing?  
287 responses



Where a VPS was provided it was often read out by the CPS. These statements usually detailed the emotional and psychological impact on the victim, including fears, anxiety, and ongoing distress.

The most frequently mentioned issues included anxiety and depression, often leading to other symptoms such as insomnia, panic attacks, or emotional instability. Several victims reported a return of previous mental health problems or a worsening of their condition due to the incident. In some cases, victims had to start or resume medication, such as antidepressants, to cope with the stress.

Many victims expressed a deep fear for their own safety and that of their children. This fear often manifested in avoiding public places, staying home, or taking extreme precautions.

Several reports mention physical injuries, such as scars, damaged teeth, or more severe assault related injuries. In a few cases, victims had to be hospitalised, and one mentioned having stress-induced fits.

Victims often reported losing their jobs or facing difficulties at work due to stress, fear or the need to attend court proceedings. Isolation was another significant impact, with some victims losing touch with friends or withdrawing from their social circles out of fear or shame.



*The victim (f) felt changed and isolated. The assault and abuse had a very negative effect on her and she no longer wanted to go to work and had lost her job. She now suffers from stress-induced fits and had been admitted to hospital. She had withdrawn socially and did not want other girls/women to suffer at the hands of defendant.*

Some victims expressed a desire to withdraw charges or seemed unsupportive of the prosecution. This reluctance was often linked to a fear of retaliation or emotional ties to the defendant. Conversely, there were also instances where victims explicitly requested Restraining Orders (ROs) or other protections, indicating a strong desire for legal intervention.

The victims who requested Restraining Orders (ROs), often cited ongoing fear of the defendant and concern for their own safety. The outcomes varied; in some cases, ROs were granted, whilst in others, the court either did not have the necessary documentation at the time or the request was deferred.

Some victims specifically requested that the defendant be barred from certain locations (e.g. their home, workplace or place of study) or from any form of contact including social media or telephones. Such requests indicated a strong desire for legal intervention.

*I'm terrified of him. My home is no longer my safe place. A concern expressed for her safety and request that the RO should be extended to no contact or attempt to enter the home.*

There were multiple references to past incidents of violence or harassment in the VPS, often used by the prosecution to build a case for the necessity of restraining orders or other protections.

In many cases, the prosecution took an active role in reading out the VPS or emphasizing the victim's ongoing fear and distress, particularly when the victim was not present. This highlighted the cumulative impact of the defendant's behaviour, (e.g. 'relentless contact ' or 'serial digital pestering '), which underlined the need for legal protection.

Magistrates and solicitors often requested more information or expressed concerns about the lack of a VPS. In some cases, they explicitly asked for a VPS to be provided within a set time frame, adjourning the SDAC session in order for such evidence to be gathered.

## **Legal and Procedural Aspects**

Various technologies were used to present some types of evidence (Table 5).

In some reports photographs and video evidence, including CCTV footage and body-worn camera recordings, were crucial visual evidence. Table 5 displays the variety of evidence able to be digitised and projected or broadcast in SDACS. All of these were mentioned in the observational reports.

### **Table 5 Types of evidence displayed and heard in the court room**

<b>Evidence and Technologies used in the courts</b>
CCTV security camera film extracts
Body worn camera footage of incidents attended by police
Abusive messages on mobile phones and social media, including WhatsApp
Photographs of physical injuries projected on the courts' large wall hung digital screens
Audio-recording of police communications and 999 calls broadcast to court from speaker phones

However, there were often delays and challenges in presenting this evidence effectively within the court. Technical and procedural failures were reported in a few cases where issues with technical equipment, such as remote evidence suites, or procedural errors by police and court staff are noted. This had the potential of compromising the effectiveness of protection for victims.

Defendants on remand and held in custody also had 'virtual presence' in court via live links from prison.

In one instance the failure of the police to organise the attendance of an interpreter for a non-English speaking defendant resulted in the bench employing Google Translate. The irritated but patient Magistrates insisted that the defendant needed to understand the charges against him, why the case was adjourned and a new trial date was set after an interpreter had been arranged.

*"An attempt to interview victim from Remote Evidence Suite [RES] failed due to failure to connect. Staff did not appear to be fully competent in using the system."*

*AND*

*"Unfortunately, the photographs of the Victim's bruised eyes, skull and broken teeth were unable to be uploaded and projected onto the large court screens, however the Prosecutor passed her laptop up to the 3 Magistrates on the bench to review. This did mean that the man in the dock could not see the results of his physical abuse!"*

A specific reference was made in two reports to an order under Section 45 of the Youth Justice and Criminal Evidence Act 1999<sup>17</sup>. This order related to protecting the identity of an underage witness. A Section 45 order gives courts the power to impose prohibitions on reporting information leading to the identification of witnesses, complainants or defendants under the age of 18 once proceedings have started, whether in a court in England and Wales or Northern Ireland or in a court martial.

*"Special measures not yet specified but CPS informed Crown Court that there was pre-recorded video evidence from underage children, including one victim. A section 45 order was applied for, to prevent the identification and publication of any of the details of children involved.*

*Bail conditions requested by the mother as the boy is suffering mental distress, afraid to leave the house as the defendant is living in the next street.*

*An IDVA present in court and advised the bench on the ages of the children involved, their relationship to the defendant. Also the mental distress of the victims."*

In some cases, the Court ordered that the defendant could not cross-examine the witness, usually the victim, directly if they were unrepresented by a solicitor, this was to protect the victim or witness.

Section 36<sup>18</sup> of the Youth Justice and Criminal Evidence Act (YJCEA )1999 enables a Court to make the order which prevents the accused in criminal proceedings from being able to cross examine a witness. It is generally used where the Defendant and the victim or witness know each other.

Occasionally the victims did not want to proceed with the charges but the CPS had decided it was possible and necessary to proceed even without the victim's support for a prosecution.

*"Case management hearing: Assault by beating.*

*Defendant (m) alleged he was trying to prevent victim from driving under the influence of alcohol. There was alleged to have been a beating on City High street. Security Camera Video evidence queried.*

*Special measures - A screen was requested for victim when the case continued after 2-month adjournment*

*Magistrate instructed the Defendant to come back to court on specified date with representation.*

*A Section 36 Order requested"*

<sup>17</sup> <https://www.legislation.gov.uk/ukpga/1999/23/contents>

<sup>18</sup> <https://www.legislation.gov.uk/ukpga/1999/23/section/36>

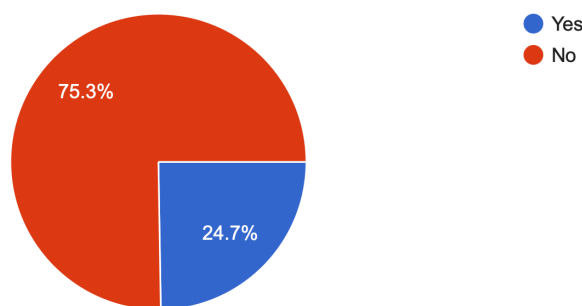
## The use of Special Measures

In many observational reports, special measures were not mentioned or discussed; typically special measures were not needed because the defendant had already pleaded guilty to charges, or the case was being referred to Crown Court because the Defendant was charged with an offence that could only be dealt with at the higher court (e.g. Grievous Bodily Harm (GBH) with intent). In addition, in cases involving serious charges such as allegations of non-fatal strangulation or coercive control of victims, the Magistrates declined jurisdiction so that such cases were transferred to Crown Court.

**Figure 4 The use of Special Measures**

Were special measures requested to assist the alleged victim?

287 responses



Practical matters for helping to elicit the 'best evidence' from a victim would be addressed in preparation for the next Crown Court hearing or Magistrates' Court trial.

A range of special measures was available at the court's discretion to vulnerable and intimidated witnesses including victims of Domestic Abuse (DA). An application had been made by the CPS based on information supplied by the police and/or Witness Care Unit and it included the views of the complainant - in one case a DA victim who may also have been supported by an Independent Domestic Violence Adviser (IDVA) and advised on special measures options available to them.

*"The session was a Case Management hearing and listed for plea only. Case was adjourned for trial after defendant's (m) Not Guilty plea to charges. CPS asked the Bench for 7 days to confirm nature of special measures required for complainant and this was granted. Court also made it clear that they wanted full details of relevant previous convictions of a domestic nature."*

Several reports mentioned a request for the use of live video links for victims or witnesses to give evidence remotely, either due to the highly sensitive nature of the case or to allay their fears and ensure their safety. Remote Evidence Suites (RES) were located within the court precinct.

Physical Screens were used within the courtroom to prevent the defendant and court room observers from seeing the victim or a witness while they testified and gave verbal evidence to the Magistrates' bench or District Judge presiding at the court session.

*"District Judge presiding. CPS pleaded that the complainant a young mother and ex-partner of the defendant (m) was in attendance in court. The victim wanted to attend court to read out her VPS in person. Screens were put in place for the complainant and the defendant was moved from his original seating position so that he was unable to see her read out her statement."*

There were a few instances where the CPS prosecutor indicated that the victims and/or witnesses were willing to testify without the need for any special measures, and no applications for such measures were made.

Remote Evidence Suites (RES) enabled victims and/or witnesses to avoid court room presence and to be 'virtually present' instead. This facility was a provision offered to complainants under special measures and enabled them to speak using a live link.

Several reports gave instances where, during a case management hearing, a live link was formally requested for the next stage of legal proceedings. In particular, where the Magistrates or District Judges referred a case over to the Crown Court, the CPS noted that a special measure of a live link must be organised to enable victim's participation.

However, just a quarter of the 287 observational reports mention the use of special measures, despite the advice from the Ministry of Justice in 2023 within 'Achieving Best Evidence in Criminal Proceedings'<sup>19</sup> These measures were most often requested during case management hearings which determine the next steps in the legal process.

### **Non-Molestation Orders (NMOs) and Restraining Orders (ROs)**

Only 2 NMOs were mentioned. The breach of one resulted in the defendant being held on remand and sent for sentencing to the Crown Court. The other had an extension of the NMO to include no contact with the victim via any type of social media.

Restrictions on contact between defendants and victims were dealt with through the application of ROs specified in detail in 123 of the observational reports.

This particular question showed that Restraining Orders had been imposed on defendants in 123 of the reports, though an analysis of the whole database returned 169 instances where ROs were mentioned. Forty-six of these were in other fields, relating to criminal behaviour (including convictions, suspended sentences, or repeated breaches of Restraining Orders), special measures, court rulings, bail conditions and breaches of them; only 4 reports referred to no breaches of Restraining Orders or bail conditions.

The terms of Restraining Orders mostly covered no contact between the defendant and the victim by any means directly or indirectly, including the 'phone, social media, any other digital means, plus geographical restrictions preventing the defendant from entering certain areas, such as the victim's home, workplace, or entire boroughs or streets.

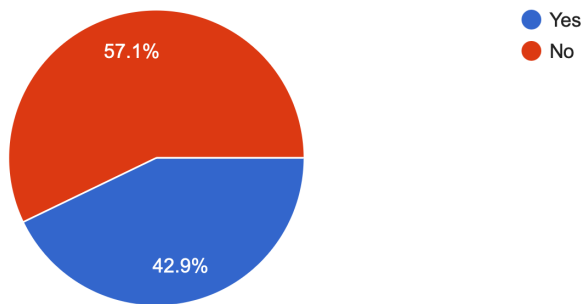
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<sup>19</sup> <https://www.gov.uk/government/publications/achieving-best-evidence-in-criminal-proceedings>

## Figure 5 Use of Restraining Orders

Was a restraining order sought/imposed?

287 responses



The length of the Restraining Orders ranged between 2 and 5 years; 2 years was the most common time period imposed in an RO.

*" The Magistrates made a restraining order for a period of two years. The conditions were as follows:*

- 1. Not to contact the victim directly or indirectly, except via a solicitor or third-party regarding contact with the child of the relationship.*
- 2. Not to enter any residence inhabited by the victim.*
- 3. Not to enter on any electronic device any communication or data referring to the victim (in other words not to make any reference to the victim on social media, Facebook, in any text messages etc)"*

Some victims requested Restraining Orders so demonstrating their fear of the defendant. The orders imposed underlined the concern of the courts for the wellbeing of the victims and any children. In cases involving children, contact was often allowed but only through a third party, typically a solicitor.

The presence of children in a relationship was given full consideration with contact between the defendant and the children being allowed only through a third party (e.g. solicitors), in order to ensure avoidance of contact between the parties in the case.

New or tighter restraining orders were sought in response to repeated breaches, with courts sometimes opting to impose stricter geographical restrictions.

The use of ROs highlights the importance of enforcing strict boundaries to protect victims whilst also considering the practical implications of such orders, especially in cases involving children or shared living spaces. In some cases, the Court ordered that the defendant could not cross-examine the witness, usually the victim, directly if they were unrepresented by a solicitor, this was to protect the victim or witness<sup>18</sup>.

In each case where an RO was imposed Magistrates and District Judges explained their decisions clearly and unambiguously to the defendants and checked that they understood what was being asked of them and the consequences if they failed to comply.

## Bail

Decisions regarding the granting or refusal of bail and conditions to be attached to any grant of bail are governed by statute

Many of the legal proceedings observed for this review involved ongoing cases with multiple hearings, adjournments, and discussions about the defendant's compliance with existing bail conditions.

Bail decisions included:

- the granting of unconditional bail;
- conditional bail which covered no contact with the victim, conditions relating to contact with children and witnesses, geographical restrictions, residence conditions, reporting conditions;
- bail refusal, especially when previous Restraining Orders had been breached;
- addition of electronic tags and their removal (2 only).

Bail conditions were considered carefully, in accordance with relevant legislation, in order to prevent further harm to the victim/s, with many instances of "no contact by any means" being enforced.

The defence often presented evidence of their Defendant's good character, stable employment, or lack of previous criminal history. These factors were used to argue for less stringent bail conditions.

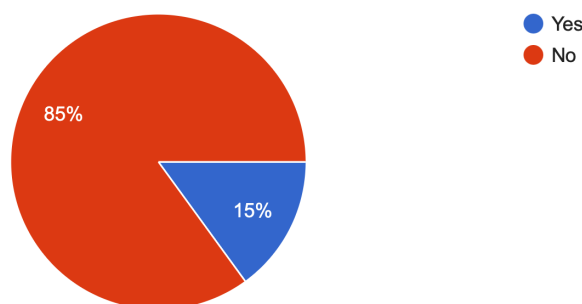
Variations in bail conditions were made occasionally, on application.

Referral of defendants to appropriate services (e.g. Gwent Drug and Alcohol Service) were included when setting bail conditions.

### ***Figure 6 Application to vary bail conditions***

Was there an application to vary bail conditions?

287 responses



Defence and prosecution solicitors frequently negotiated the terms of bail, often reaching agreements that were then subsequently approved by the court. The alleged victim was rarely consulted with this being mentioned in only 33 (11.5%) reports.

The adequacy of bail conditions, the fairness in the treatment of victims, and the thoroughness of considering children's needs are suggested as areas where courts could improve consistency and rigour; 110 (38%) reports considered that the needs of the victims and children were not given full consideration.

When explaining their decisions regarding bail Magistrates and District Judges gave clear, concise instructions to the defendants, leaving no room for doubt or misinterpretation. In some cases the defendant was warned that breach of the conditions set could lead to immediate incarceration.



*"The male offender was escorted up from the court cells into dock for this hearing with a District Judge [...] On conclusion of the hearing, the DJ warned stressing the seriousness of the defendant's situation: "You must remain in contact with your solicitor and attend Crown Court on xx August... Mr NAME - be under no illusion whatsoever - if you break these bail conditions you will most certainly go directly into prison!"*

## Sentences

Sentencing decisions in the Magistrates' Court are determined by the Magistrates' Courts Sentencing Guidelines. Matters to be taken into consideration when determining sentence included the defendant's history, the nature of the current offence, and various mitigating factors.

Previous convictions were cited by the prosecution as an aggravating factor warranting greater penalty. These included convictions for domestic violence, breaches of ROs, and other violent crimes.

Mental health plus alcohol and substance abuse were aspects considered (for both victims and defendants). The probation service was involved in 34 reports, usually where drug and alcohol abuse dictated referral to rehabilitation services.

**Table 6 Probation Service Involvement**

<b>Court</b>	<b>Probation involved</b>	<b>Total reports</b>	<b>%</b>
Cardiff	8	89	9%
Llanelli	3	41	7%
Newport	6	71	8%
Swansea	17	86	20%
Total	34	287	12%
<b>Of these:</b>			
District Judge	3	19	16%

Early guilty pleas attracted the appropriate credit, reflected in a reduction in sentence. The courts tended to respond positively to defendants who demonstrated a willingness to comply with previous legal orders.

Cases involving defendants with a history of violence or previous convictions often saw courts taking a cautious approach. Defendants with such backgrounds were typically required to undergo a pre-sentence report from the probation service, especially if there were serious charges such as coercive and controlling behaviour. This indicated a careful approach to sentencing, ensuring that all factors, including the defendant's background, behaviour, and potential for rehabilitation, were considered fully. The courts frequently emphasised rehabilitation, particularly for defendants with substance abuse or mental health issues. Claims of self-defence or provocation, in particular, seemed to lead to adjournments or requests for more detailed pre-sentence reports.

In other instances there was insufficient information, again leading to further information and probation reports being requested before imposing a sentence.

The presence or absence of a Victim Personal Statement (VPS) influenced the court's decisions significantly.

Alcohol abuse was frequently cited as a mitigating factor, with Defence often claiming that the defendant's judgement was impaired due to heavy drinking. This was sometimes linked to broader issues such as mental health problems or a history of other substance abuse. These were used to argue for a more lenient sentence.

The defence strategies used reflect common arguments in cases involving domestic disputes, violence, and substance abuse. When these defences were used successfully in mitigating sentences, their effectiveness largely depended on the specifics of the case, the evidence presented, and the severity of the offence. Courts appeared to take a balanced approach, weighing the Defence's arguments against the need for public safety and justice for the victim.

Character references and employment status were generally taken into account, particularly when the defendant showed genuine remorse, had no prior convictions or were actively employed.

When prison sentences were imposed, they ranged from 6 to 30 weeks and, where more than one charge received a custodial sentence, they could run concurrently or consecutively.

In a few instances, no sentence was imposed either because the case was adjourned for pre-sentence reports or referred to a higher court. Sixty-nine reports (24%) mentioned referral to the Crown Court. Ten reports (3%) recorded suspended sentences, usually with a stern warning that a breach would lead to immediate imprisonment.

Fines imposed varied and additional orders were made for prosecution costs, damages for the victim and surcharges. The final totals were based on fixed costs (e.g. CPS £85), recompense for the victims and surcharges with totals of between £75 and £3585 recorded. Payment of these fines, costs and compensation depended on the income of the defendant (sometimes in receipt of State Benefits) and ranged between immediate payment and regular monthly instalments, as discussed and agreed with defending and prosecuting solicitors.

Community orders had durations ranging between 12 and 24 months and were given frequently to first-time offenders or those with mitigating circumstance and often involved rehabilitation requirements. These often involved Rehabilitation Activity Requirements (RARs). Referrals were made to locally based rehabilitation focused services such as the Gwent Drug and Alcohol Service and to 'relationship building' courses.

Conditional Discharges were used in cases where the offence was minor, and the defendant had a good character and/or there were significant mitigating factors.

## **Crown Court**

Sixty-nine reports (24%) recorded referral to the Crown Court. These referrals occurred in cases where the offence was one which could be dealt with only in the Crown Court (reserved for more serious offences), where Magistrates were unable to impose a severe enough sentence or, in a case in which the charge could be heard in either the Magistrates Court or the Crown Court, the Defendant chose to have his case tried by a jury in the Crown Court.

*"The defendant accused of coercive behaviour, economic abuse and assault was offered a trial at the Magistrates Court. This was declined with him opting to go to trial at Crown Court with a jury present. Unconditional bail was granted. Non-attendance for trial on xxth August 2024 would lead to arrest."*

*"Strangulation of partner and assault by beating. Defendant alleged to have banged Complainant's face on table, and when she tried to call 999, he attempted to strangle her and covered her nose. CPS submitted that this case should be dealt with by Crown Court on the more serious charge, and the Magistrates declined jurisdiction. On the second allegation of assault by beating, this was also sent to the Crown Court. The defendant made no representations."*

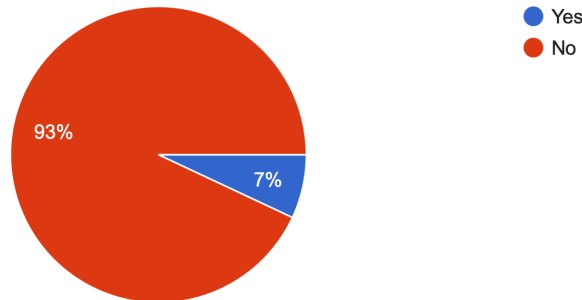


## Delays

### Figure 7 Problems of acquiring evidence?

Was there any suggestion in open court that problems relating to the acquisition of evidence/documentation from the police had impacted on case progress in anyway?

287 responses



There were 20 comments about delays in the court process. The CPS and/or the Police were usually at fault but:

- one was due to medical care required for an injury sustained;
- one where the victim had delayed reporting the incident;
- one where there was split jurisdiction between two courts (Swansea and Merthyr).

However there were significant delays mentioned in 11 reports.

*"Significant delays on the part of the police and CPS - Magistrates not impressed with the delays on the behalf of the CPS (2 months) nor the police before referral to the CPS then 2 months before charging as per the CPS advice."*

*Theft of mobile phones but they were held in Cardiff. Request by defence for return of phones so that they could examine them. Delays by both CPS (admitted) and the police. Exhibits handed to defence to examine them. Delays deemed unacceptable by both solicitors.*

## Observers Comments

The twenty-two Soroptimists who had trained and then undertaken observations and data gathering in SDACs were asked to comment on matters they thought important which were not covered in the questionnaire. This yielded some pertinent observations.

- Security at all courts was strict but in one in particular, prescription medicines in foil packaging, were removed from hand baggage and had to be reclaimed on leaving the premises. This is, perhaps, understandable but what if needed in an emergency, such as angina/heart attack or diabetic crisis? There was no evidence that this requirement was in place and, thus, no opportunity for the observers to be aware of this. We assume that it is the same for all attending court buildings. Perhaps we did not receive the same information as others, given that we were there in a purely observer/public capacity.
- No provision of a separate entrance or waiting area for the victim and the defendant. This provision was unclear in all courts observed.

- Court room was forbidding with the defendant behind a glass screen and facing the witness box. In one case in which the victim attended court (with a District Judge) she gave evidence from behind a screen which had been positioned in order to prevent the defendant seeing her entering or leaving the court and making her statement.
- It was difficult to hear all contributions in all four courts. In one court where one observer wore bilateral hearing aids, a hearing loop was available. However, there was much static on it and speakers appeared not to use their microphones, making it difficult to hear proceedings.
- Other disabilities, in particular mobility, appeared to have little consideration when accessing the court buildings.
- There were significant lengths of time when nothing was happening in court. This appeared to be due to additional information being sought, time for duty solicitors to speak with the defendant plus time for the CPS and the defending solicitors to enter information on an official form/database. On one occasion the CPS solicitor forwarded documents to the defending solicitor during the court session as a consequence of failure to do so prior to the hearing. Additionally much waiting time was due to the court's legal adviser having to wait for a response on a date and time for the next appearance in court (SDACs and Crown Court).
- Those attending the cases heard by a District Judge (DJ) observed that the running of the court was more expeditious than those in the Magistrates' courts. This appeared to be due to the DJ being legally qualified whilst Magistrates often rose from the bench in order to seek legal advice from the court's legal advisor.
- When a case was sent to Crown Court and there was no solicitor appointed, the Magistrates went to some lengths to explain to defendants the reasons why they should apply for legal aid or pay for a solicitor.
- Whenever an interpreter was used Magistrates had great patience and asked the defendant at every point 'do you understand?'
- All the court officials were very helpful and willing to answer questions in general or on specific cases. Liaising with the Legal Team Managers proved essential for this. Their help was greatly appreciated.

## Conclusions

1. Security at all courts was thorough. However, the rules and checking procedures should be consistent across all courts with adequate instructions provided before attendances so that inappropriate items can be left at home.
2. There did not appear to be separate entrances or waiting areas for complainants and defendants. This could prove intimidating for victims of domestic abuse and their witnesses.
3. Facilities for disabled people attending courts was poor leaving, for example, those with hearing difficulties unable to follow proceedings, despite provisions of a hearing loop. Court personnel appeared not to use their microphones. The exception was the Magistrates who ensured that defendants, in particular, could follow proceedings.
4. There were long gaps of time in which proceedings were halted. This appeared to be due to several issues such as duty solicitors needing time to consult clients or phone delays waiting for dates to be found for future hearings (especially at the Crown Court).
5. Several conclusions have been drawn and recommendations made. These are listed in the Executive Summary on page 4 and are based on systematic observations in the four SDACs in South Wales. They cover:
  - 5.1. IDVAs - ranging from their absence in one court to having a dedicated IDVA in another. The findings demonstrate that a dedicated IDVA would be the best practice.
  - 5.2. Domestic Abuse, harassment and controlling and coercive behaviour - the court sessions observed captured a very wide range of complex behaviours on the part of defendants and sometimes complainants. The Magistrates, District Judges and court officials made every effort to ensure fair play for all.
  - 5.3. Victim Personal Statements were powerful in helping to understand the incidents being examined but, although not applicable in all, they were absent from many cases where they could have been an important contribution to the outcomes. A greater involvement of IDVAs by all courts, not only digitally, but through other direct contributions would have been very helpful. Their role and function were not always apparent until court personnel were asked about them.
  - 5.4. Special measures appeared to be underused, but this might have been due to the absence of complainants even when they would have been appropriate. Clearly it would have been unnecessary in the sessions which were purely about case management issues. Greater facility in understanding the technologies with provision and use of ICT would have been of distinct advantage.
  - 5.5. Bail conditions and sentences are governed by statute and guidelines respectively. Observers reported that, in most sessions where bail conditions were considered or sentences passed, the court applied the relevant considerations with forethought and due consideration.

## **Glossary**

CPS - Crown Prosecution Service

DA - Domestic Abuse

DJ - District Judge

HMCTS - His Majesty's Courts and Tribunal Service

HMPPS - His Majesty's Prison and Probation Service

IDVA - Independent Domestic Violence Advisers

MoJ - Ministry of Justice

PCC - Police and Crime Commissioner

RAR - Rehabilitation Activity Requirement

RES - Remote Evidence Suites

RO - Restraining Order

SIGBI - Soroptimist International Great Britain and Ireland

UKPAC - UK Programme Action Committee

UN - United Nations

VAWG - Violence against Women and Girls

VPS - Victim Personal Statement

WCJB - Wales Criminal Justice Board

## Annex 1: Summaries of our findings and associated recommendations

### IDVA - Independent Domestic Violence Advisers (IDVA)

Summary	Recommendation
<p>IDVAs rarely contributed verbally in court but, when present, we were assured that they were in contact with the victim and the CPS digitally throughout. Although they were present in the majority of reports (two thirds), the notable exception was Llanelli where no IDVAs attended court.</p> <p>They were instrumental in providing support to victims, including ensuring their attendance in court or advising on special measures. They also played a role in conveying the victim's views and concerns to the court, especially in cases where the victim was absent. In some cases, IDVAs were responsible for making sure that restraining orders were drafted appropriately and that victims were fully informed about their options and the proceedings.</p>	<p>The effectiveness of IDVAs could be enhanced by clarifying and expanding their actual role in court, ensuring that their contributions are recognized consistently and utilised. Observational reports described positive impacts and a consistent valuable presence of IDVAs in three of the South Wales Abuse Courts surveyed. Their availability and presence in all SDAC courts should be ensured.</p>

### Domestic Abuse, harassment and controlling, coercive behaviour

Summary	Recommendation
<p>The data assembled from the 287 observational court reports together capture the complex dynamics of domestic abuse, harassment and coercive control, with significant emotional and psychological impacts on the victims. The legal proceedings observed highlighted the many challenges in addressing these issues systematically in court, particularly when it comes to proving controlling behaviour and ensuring that victims' experiences are recognized fully in the charges brought against the accused.</p>	<p>The need for timely, systematic and careful management of DA cases within the legal system is evident. The analysis underscores the proliferation of social media usage in contemporary society and how it has given rise to modes of digital surveillance and harassment far less available previously. Training and updating of police and all relevant court personnel is required to ensure the understanding of technology facilitated abuse.</p>

## Victim Personal Statement (VPS)

Summary	Recommendation
<p>A victim's input in SDAC sessions is vitally important where a Victim Personal Statement is a powerful element. The presence or absence of a VPS significantly influenced the court's decisions, especially regarding protective measures such as Restraining Orders. Victims' wishes and needs were sometimes explicitly taken into account, especially in cases where they do provide a VPS. However, in several reports, there was a lack of detailed information about the victim's needs, or the victim was not present or represented. This sometimes led to insufficient consideration of their circumstances. Patterns suggest that whilst VPSs are a critical tool for the court in understanding the victim's perspective, the barriers to victim participation remain significant and can affect the outcomes of cases. The report highlights the importance of supporting victims through the legal process to ensure their voices are heard, and their safety is prioritized.</p>	<p>Given the data gathered here, a systematic review and evaluation of the stages and processes involved in acquiring a Victim Personal Statement should be undertaken. This will identify strengths and weaknesses enabling the dissemination of good practice and positive ways forward for all personnel involved.</p>

## Special Measures

Summary	Recommendation
<p>Considerable steps have been made in the last few decades in the way vulnerable and intimidated witnesses are supported before and during a trial. The measures in play in the legal proceedings reported were largely opportunities to testify via live links from Remote Evidence Suites (RESs) and also to voice their personal impact statements in court but from behind protective screens. IDVAs were instrumental in providing support to victims, including ensuring their attendance in court or advising on special measures. In case hearings when the victim was absent, they also played a role in conveying the victim's views and concerns to the court.</p>	<p>Other measures not described in the observational reports surveyed, but available for courts to use, include video-recorded statements, the use of witness intermediaries and the provision of separate entrances and waiting areas for victims. Perhaps the SDACs reviewed in the current survey could benefit if Criminal Justice partners and the police re-engaged with the official guidance on using special measures detailed in Ministry of Justice in 2023 within 'Achieving Best Evidence in Criminal Proceedings'<sup>19</sup>. In doing so, a more flexible tailored approach to the provision of special measures support might develop, one that takes an even more considered account of the witness' needs and views.</p>

## Technology used in SDAC Case hearings and trials

Summary	Recommendation
<p>The digital milieu in which contemporary lives are lived has transformed the nature of evidence available to courts in the twenty first century. Both prosecution and defence were able to draw upon a variety of digitised evidence when making their representations to the bench. In striving to supply 'best evidence' there were however some logistical problems which thwarted efficient proceedings and caused delays and adjournments.</p> <p>Some observational reports highlighted the need for better communication and coordination between the police, CPS, and solicitors to ensure that all evidence and documentation are prepared and submitted in a timely manner.</p>	<p>Criminal Justice partners to work together to review and evaluate the use of technology in court. Lack of competence in its efficient handling by court staff will require resources for the implementation of training and updating. The key objective is to increase capacity to operate Information and Communications Technology systems effectively in order to avoid logistical errors and potential setbacks in achieving timely justice.</p>

## Bail

Summary	Recommendation
<p>The conditions were considered carefully, in order to prevent further harm to the victim/s, with many instances of "no contact by any means" being enforced. Defence and prosecution solicitors frequently negotiated the terms of bail, often reaching agreements that were then approved by the court but there was little evidence of consultation with the complainant.</p> <p>Many of the legal proceedings involved ongoing cases with multiple hearings, adjournments, and discussions about the defendant's compliance with existing bail conditions.</p> <p>When explaining their decisions regarding the granting or refusing of bail, Magistrates and District Judges gave clear and concise instructions to the defendants.</p>	<p>Bail conditions and sentences are governed by statute and guidelines respectively. However, the adequacy of bail conditions, the fairness in the treatment of victims, and the thoroughness of considering children's needs are areas where courts could improve consistency and rigour.</p>