



Adult
Survivors of
Childhood
Sexual Abuse

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

February 2020

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Foreword by Sarah Champion MP

A year since our founding, the All-Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse can look back on a productive and successful twelve months. Our inquiry worked with nearly 400 survivors, as well as specialist sexual violence and abuse support services (SSVSS) across the country. We assessed the current support available to survivors and their experiences of interacting with the NHS, police, CPS and courts. This led to three publications throughout 2019, each of which received significant national media attention and debate in Parliament.

Already we are seeing Government take up the recommendations of the APPG. As part of its proposals for a revised Victims' Code announced in July, the Government set out plans to deliver our request of 'police pledge cards', which should improve the information survivors receive when reporting their abuse. In September, the Government announced increased funding for SSVSS, including demarcated funding for Independent Sexual Violence Advisers (ISVAs). Also in September, the Government announced its intention to toughen sentences for people convicted of sexual violence and abuse and to ensure victims are better considered as part of the parole process. In November, the Government announced a review of pre-charge bail, after our inquiry found police use of pre-charge bail on child sexual abuse suspects plummeted after changes to the law in May 2017.

Yet despite these early successes, there is still so much to be done. This publication brings together the APPG's work across all strands of the inquiry, it is a manifesto for change that, if enacted, will transform Government's response to survivors of child sexual abuse. In this Parliament, there will be many opportunities to amend primary legislation to bring forward the recommendations of this inquiry and to ensure Government keeps its promises to victims and survivors.

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. Finally, thank you to Jim Pomeroy who wrote this report.

Chair of the APPG on Adult Survivors of Childhood Sexual Abuse and Member of Parliament for Rotherham.



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 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

The findings of the APPG were published in three reports in 2019, titled:

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

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.¹ The scale of the data set is both unique and valuable given the challenges of obtaining the views of significant numbers of adult survivors.

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.

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Executive Summary

Support and Information

Survivors of child sexual abuse are impacted by the effects of its trauma throughout their lives. Survivors told the inquiry that the **abuse has negatively impacted their intimate relationships (90 per cent of respondents), mental health (89 per cent), family life (81 per cent), career (72 per cent) and education (65 per cent).**

Survivors feel that **the most important form of support to their recovery is specialist voluntary sector counselling or therapy**, 47 per cent said this was the case. However, the inquiry heard that some services have faced enormous increases in demand; up to 30 per cent year-on-year in some cases.

Government funding to services is currently insufficient to keep up with demand. The funding landscape is complex, but specialist sexual violence and abuse support services (SSVSS) do not feel they receive a fair proportion of government funding. All services, including NHS and third sector services, should operate in concert in order to deliver the support survivors need. Yet current funding mechanisms too often lead to a siloed approach that exacerbates poor commissioning and the postcode lottery.

Mental Health services were identified as the second most important form of support by survivors, but only 16 per cent said that NHS mental health services met their needs.

Survivors highly value trauma-informed care, an approach that recognises the psychological trauma caused by abuse, its impact across all aspects of a person's life, and which supports a person to recover from the trauma. Survivors feel that frontline professionals (for example GPs, police, social workers and Jobcentre Plus work coaches) should be trained in this approach.

Signposting of services is poor, with survivors often given inaccurate information about the availability of services in their area. Survivors prized easily accessible information about child sexual abuse and its impact. This empowered survivors, enabling them to make choices about their recovery, especially in the absence of professional expertise.

Police

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

Shockingly, **two in five survivors said they were not taken seriously by police when reporting.** Nearly half said they were not told what the next steps with their case would be. Survivors said they want regular communication, realistic expectations and compassionate officers who understand the impact of trauma.

The inquiry uncovered an alarming drop in the use of pre-charge bail since reforms in the Policing and Crime Act 2017. In the year after the Act became law, **the number of people suspected of a sexual offence against a child released with pre-charge bail conditions fell by 56 per cent.** In the same year, the number of suspects 'released under investigation' increased by 1,047 per cent. 2,993 suspected child sex offenders were released without conditions in 2017/2018. When a suspect is 'released under investigation', police cannot place safeguarding conditions on them, for example, preventing them from contacting the survivor or from attending

the survivor's home or workplace. This has had serious ramifications for the safety of survivors and their confidence in police to keep them and their families safe if they report abuse. Pertinently, one in five survivors told our survey they did not report to police as they feared further violence from the perpetrator.

The Crown Prosecution Service

Survivors expressed confusion at the role of the Crown Prosecution Service (CPS), not least as frustrated police often end up delivering decisions made on their behalf.

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

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

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

Court

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.

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.**

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.

Compensation

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.

Key Recommendations

1. Government should use the 2020 Spending Review to **create a discrete, cross-departmental strategic fund to transform Government response to child sexual abuse.** This should fund core services to meet demand and recognise the value of the specialist voluntary sector.
2. Government should **bring forward, without delay, a Victims' Law** which includes an updated, accessible Victims' Code with national standards for timelines and updates for survivors, a clear complaints process and an empowered Victims' Commissioner. The Victims' Code must include **new, high standards on communication, information and support to which police and the CPS can be held accountable.**
3. Government should amend the Policing and Crime Act 2017 to **create a presumption that suspects under investigation for sexual offences only be released from police custody on bail.**
4. Government should **publish a national cross-departmental strategy on addressing childhood trauma and adverse experiences.** This should include an ambition to train front-line professionals to recognise and respond to abuse in a trauma-informed way.
5. Government should **publish a revised Criminal Injuries Compensation Scheme** without delay. The new Scheme should:
 - 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.

Achieving quality information and support for survivors

1. The impact on survivors

The inquiry heard from survivors about the devastating effect of child sexual abuse on every aspect of their life. Survivors described how abuse impacted upon their family and intimate relationships, their physical and mental health, education, career and financial stability.

Relationships

Some of the time I cannot even sit up in bed. I have to have friends who come round and support me. My life is very, very difficult to manage.

Survivor F described the challenges of maintaining employment and social relationships due to a neurological condition that professionals told her had been triggered by sexual abuse. She sometimes requires significant support, including home visits from friends, in order to manage a daily routine. This has impacted her ability to work, and her friendships and family relationships.

90% of survivors' intimate relationships were negatively impacted because of CSA.

81% of survivors said their family life was negatively impacted because of CSA.

Securing mental health support

I'm a survivor of childhood sexual abuse and of the mental health system.

Survivor O told the inquiry how difficult it had been, over a period of decades, to obtain a psychological assessment, diagnosis and treatment that enabled her to live a stable life.

89 % of survivors said their mental health had been negatively impacted as a result of CSA.

Finances

I was told: 'Thanks very much for your contribution, now just go off and get on with your life.' There was no support, there was no intervention, there was no follow-up. I was cast adrift to get on with life. And that's what I did for two decades...

46% of survivors said their financial situation had been negatively impacted as a result of CSA.

I found my phone was being invaded by media, journalists. My work. They phoned [my workplace]. I found myself having to explain myself to people I never wanted to. I lost my job.

Survivor T told the inquiry about the complete lack of support he received after his case was closed. He was not referred to appropriate support services and was required to pay for counselling and therapy out of his own pocket. This led him to accrue significant credit card debt, a situation that was exacerbated by losing his job.

Recommendation

The Home Office should commission and publish research on the economic and social costs of child sexual abuse. There is precedent with recent research on the cost to society of domestic abuse.² The Treasury must apportion resources commensurate with reducing costs, both to the individual and society.

72%
of survivors' work / career was negatively impacted because of CSA.

65%
of survivors said their education had been negatively impacted by CSA.

2. Specialist voluntary sector services: the support survivors want

Specialist sexual violence and abuse support services (SSVSS) provide a wide variety of services tailored to meet the range of needs a survivor may experience. These include sexual violence counselling (face-to-face and online), therapy and support groups, pre-trial therapy, advocacy, Independent Sexual Violence Adviser (ISVA) services, social support, peer support groups, art and play therapy, helplines, text and email support and information.

The specialist sexual violence sector has in place national service standards operated by three organisations: The Survivors Trust, Rape Crisis England and Wales and the Male Survivors Partnership. These offer a quality assurance framework for providing services for survivors of sexual violence and abuse. The standards set a benchmark for qualifications and training and are underpinned by an ethos of survivor empowerment and involvement.

Reasons for valuing specialist sexual violence voluntary sector services included: support for people regardless of whether they report to police, no pressure to pursue criminal justice, being met by knowledgeable staff in a welcoming, non-clinical environment, a range of flexible services tailored to survivors' needs from helplines to counselling as well as recognition that there is nothing wrong with them – the issue is the residual trauma of the abuse.

It was because of CIS'TERS (SSVSS) and the Independent Sexual Violence Adviser that I could begin the criminal justice process. To know someone would be there while I gave my statement, to listen and to know, it was priceless.

Many survivors spoke about the importance of being able to access counselling to get their lives back on track. Survivors felt that they needed to be able to attend treatment as soon as they were ready. For the majority of survivors, accessing SSVSS was challenging due to demand and the limited financial resource available to the service.

I got subsidised counselling [for a while] but now I have to find money to pay privately.

I was having counselling from a SSVSS but when I really needed it before the court case it had to end because they could only give it to me for 26 weeks because of funding. I thought: 'I really need it right now.' I thought: 'where do I go?' The CPS didn't provide me with any guidance.

47%

of survivors believe that specialist voluntary sector sexual abuse counselling/therapy is the single most important support service for victims after disclosure.

Yet only 19%

were aware of this service when they needed it.

Some survivors described a fear that, despite the best efforts of SSVSS, the number of sessions of counselling had to be restricted due to funding issues. Several survivors said that there was a cessation in their counselling just when they felt they needed it most – when the trial was about to begin. Others spoke appreciatively about services extending the number of sessions to cover stressful periods (such as the trial) but this was not available to all services. The inquiry found funding challenges were leading some services in the sector to only offer short-term counselling.

Specialist sexual violence voluntary sector services are uniformly seeing increased demand and managing this in different ways. The situation is exacerbated by a funding lottery that has little consistency across the regions of the country. Some services have limited or closed waiting lists, but a few services have demonstrated flexibility in order to meet survivors' needs.

I was lucky enough to have counselling for extended sessions. I wouldn't have had strength to get through the court process without it.

Many of those who could afford it paid for private treatment, but many did not have that option available to them. There was also a perception that the scarcity of available counselling led survivors to compete with other survivors – causing tension.

I was fortunate to be able to access therapy [because of professional benevolent fund] but 99 per cent of survivors can't or can't afford it. And I carry a lot of guilt because of that.

3. Funding pressures for specialist sexual violence voluntary sector services

Delivering a high-quality service is crucial to rebuilding lives and getting criminal justice outcomes. The Government's Victims Strategy contains scant information in regard to improving the quality of services available for adult survivors. A lot of resource has gone into improving the response for children, but adults are often forgotten and go to the back of a long queue if they first disclose in later life. According to evidence submitted to the inquiry by SurvivorsUK, the average wait from abuse to disclosure is 26 years.

The Government's Victims Strategy commits to review spending on child sexual abuse services. This is welcome, but the parameters are not outlined. It is essential that the review considers the lifelong impact of childhood sexual abuse and how funding might be made available to survivors throughout their lifetime. The failure to strategically tackle need as it arises leads to costs elsewhere as survivors' education, employment, housing and relationships are all negatively impacted.

Evidence from 47 member agencies of The Survivors Trust found that the funding profile across the sector continues to rely most heavily on philanthropic funders, as it has done for decades.

| Funder | % of total agency costs | Range across agencies |
|----------------------------------------------|-------------------------|-----------------------|
| Philanthropic funders | 30% | 53% - 10% |
| Office of the Police and Crime Commissioners | 18% | 40% - 0% |
| Ministry of Justice Rape Support Funds | 17% | 25% - 0% |
| NHS/Clinical Commissioning Groups | 14.5% | 30% - 0% |
| Local Authority | 13% | 35% - 0% |
| Home Office | 2% | 7.5% - 0% |

Further to this, the average level of reserves held by The Survivors Trust member agencies is four months, with a range from two weeks to 24 months. Many agencies operate in a state of constant precarity, putting untold stress on staff and survivors.

A reliance on philanthropy can be problematic for services. Some agencies rely solely on donations or legacies. Where a support service is funded through a number of charitable trust funds, this places a great administrative burden on specialist services to constantly seek funding with consequential additional reporting and often conflicting monitoring requirements. The inquiry also found funding tends to be awarded for short-term projects. Funding focusses on transformation so endless new activities have to be identified or tried and trusted services re-packaged as innovative.

The Victims Strategy sets out Government's ambition to streamline funding for victims' services. It is welcome that the Ministry of Justice Rape Support Fund, which provides a level of security and stability for funded agencies, has been increased to £24m and will be allocated on a three-year basis. The Rape Support Fund is one of very few opportunities that fund administrative and management costs. These costs are essential to the effective operating of a support centre, which many philanthropic funders

are not keen to finance. Therefore, the extension to three-year funding is welcome.

However, despite the significant increases in numbers of victims and survivors both reporting and seeking support from specialist services, there has been no substantial increase to the budget. Waiting lists have consequently increased in line with increased demand.

In evidence to the inquiry, SurvivorsUK stated that in each of the past three years, demand for services has increased 30 per cent year-on-year. In response, SurvivorsUK has grown its staff by 300 per cent in the last two years, but is still unable to meet demand. This experience is mirrored across third sector services up and down the country.

In 2017, the National Association for People Abused in Childhood (NAPAC) answered 8,500 calls and emails on its national support line – less than a tenth of the nearly 90,000 inquiries during this period.

In 2017/18, Rape Crisis England and Wales experienced a 17 per cent increase in the number of individuals attempting to access their services on the previous year. Waiting lists for Rape Crisis services consequently range from three to 14 months.

In evidence to the inquiry, the Victims' Commissioner stated that many support services are:

'struggling to cope as so many more survivors find the courage to come forward and ask for help... [this is] simply a consequence of rising demand and lack of provision.'

This inquiry supports the call for a national audit of practitioners trained in dealing with child sexual abuse with a focus on understanding supply and demand, and it demands considerable additional financial resource to areas of high need.

We need counselling and we need therapy. We need little things. There's nothing there. Just a chance to rebuild our lives. It's not our fault.

There is currently a pilot underway to devolve the Rape Support Funds to Police and Crime Commissioners (PCCs). Whilst this offers the opportunity to reduce the number of bids a specialist agency needs to submit, devolution brings a risk that local commissioners may not recognise the value of specialist sexual violence and abuse support services (SSVSS). Many commissioners are now moving to tendering large generic contracts, often for providing support to all victims of all crimes. The pilots, and their subsequent review, must ensure that specialist services delivering highly specialised input to vulnerable victims and survivors, using professionally qualified staff, are commissioned to meet survivors' needs.

Previously, umbrella agencies for the SSVSS have been funded alongside their member agencies. This reflects the need for national representation for SSVSS and the survivors they are working with and for quality service standards to be supported. However, this funding has decreased in real terms, having not been increased from £150,000 in total since 2011. Funding is now subject to open competition increasing the number of awards but reducing the amount available to each agency. It is essential that the umbrella agencies are supported to continue their work in representing and supporting specialist agencies that otherwise do not have the resources to engage nationally. Without this support, specialist agencies will not have a voice in national policy and service development consultations. This risks affecting the ability of SSVSS to engage with commissioners and ultimately the delivery of specialist services to survivors.

It should not be up to survivors to demand services. For too long Government has been behind the curve on responding to childhood sexual abuse. The implications for the individual, but also the community's trust and faith in political institutions' ability to respond, is profound.

The desperate sense of hopelessness from the lack of available services can have considerable effects on survivors who may already feel let down by society. One survivor spoke about frustration at the lack of services driving people to extreme alternatives out of hopelessness.

The lack of support drives some people to the internet... [they] are drawn into campaign and protest groups who use survivors to self-promote, and they parade them [survivors] on the internet under the guise of speaking out.

They promote that all official services are the enemy and 'paedophile supporters' which creates a further lack of trust for survivors when they need to access these services. It also gives the public a particularly negative, angry, pitchfork-holding perception of what and who survivors are, which is simply not true.

2020 brings a rare opportunity for transformative funding reform through the upcoming Spending Review, which will set budgets for 2020 to 2023.

Traumatised survivors of sexual abuse can be hindered from playing a full part in the economy and community life. In the Spending Review the Government should create a transformative fund for tackling child sexual abuse and recognise the vital work the specialist voluntary sector does in responding to abuse, preventing re-victimisation and upskilling statutory agencies like children's social care and health to prevent further harm.

Recommendations

- The 2020 Spending Review should create a discrete, cross-departmental strategic fund to transform Government's response to child sexual abuse. This should fund core services to meet demand and recognise the value of the specialist voluntary sector.
- Recent increases in funding for SSVSS are welcome but do not meet increases in demand. The Ministry of Justice should develop a mechanism for pegging the fund to increases in demand so that SSVSS are not forced to reduce provision of support to survivors.
- Pilots for devolved commissioning must ensure that SSVSS are commissioned to meet survivors' needs. This is vital as their services are highly valued by survivors, and SSVSS provide additionality to statutory services through upskilling and advice.
- SSVSS umbrella agencies should be funded appropriately to ensure representation for member agencies and support for quality assurance standards.

4. Accessing support through the NHS

The NHS is a crucial safety net for all British citizens, whether they have acute or chronic illnesses, physical or mental health concerns. This is particularly true of adult survivors of childhood sexual abuse.

The NHS is uniquely advantaged as a national body with a duty to respond to sexual abuse and to promote survivors' recovery. An effective NHS response can be the difference between a lifetime of health challenges and an individual that is able to thrive.

Survivors identified mental health services as the second most important form of support for survivors after disclosing.

Survivors had a mixed experience of accessing mental health treatments on the NHS. Many struggled to get access to appropriate treatments due to incorrect diagnoses. Others felt that primary mental health services acted as a gatekeeper that prevented them from accessing more appropriate services. In these cases, survivors were often provided with treatments for anxiety or depression which they felt were manifestations of the trauma they had experienced from abuse, rather than dealing with the underlying trauma. Such services were not highly valued, with six sessions of cognitive behavioural therapy on the telephone being a common experience.

Survivors described a situation where they had to battle to have their needs recognised as an adult survivor seeking support, years after the abuse had occurred. As the trauma was distant, the pathways into appropriate services were often blocked and long waiting lists prevented survivors from accessing support when they finally felt ready.

I've fought tooth and nail to get a therapist who is funded by the CCG.

Clinical Commissioning Groups (CCGs) hold responsibility for commissioning long-term therapeutic support for survivors of sexual violence and abuse.³ In response to two written questions by Sarah Champion MP⁴ on the portion of CCG funding spent on long-term therapeutic care for survivors of child sexual abuse and the NHS assessment of effectiveness of CCGs commissioning those services, the Department for Health and Social Care stated:

'NHS England has made no assessment of the effectiveness of clinical commissioning groups (CCGs) in commissioning therapeutic care for survivors of sexual assault.

Information on the proportion of their budget CCGs have spent on therapeutic services for survivors of sexual abuse is not collected or held centrally.'

As part of its' response, the Department for Health and Social Care also published a letter from Minister Jackie Doyle-Price to CCGs, reminding them of the *'important role'* of the specialist voluntary sector. The Minister's letter indicates that the Department for Health and Social Care is concerned that CCGs might misunderstand or neglect the needs of survivors of sexual abuse and need to improve their commissioning of specialist voluntary sector services. The Minister's concerns were echoed by The Survivors Trust, who stated that CCGs are reluctant to engage with specialist voluntary sector services. It is concerning that data is not centrally collected, as this would improve the accountability of CCGs.

89%
of survivors said abuse negatively impacted their mental health.

45%
said abuse negatively impacted their physical health.

Only 16%
of those who accessed NHS mental health services felt that it had met their needs.

Only 23%
of survivors said that physical health services met their needs after disclosing.

In April 2018, the Strategic Direction for Sexual Assault and Abuse Services (SAAS)⁵ was launched by the Department of Health and Social Care, the Home Office, the Ministry of Justice, NHS England and Public Health England.

SAAS recognises the need for the NHS to become trauma-informed to meet the *'short, medium and long-term needs over the lifetime of a survivor'*. It echoes the findings of this inquiry, that survivors too often do not receive a trauma-informed response when attending an NHS service, and pledges to improve awareness and training across its workforce. It is right that future service specifications and tenders will recognise the links between trauma and mental health for survivors of sexual abuse.

Importantly, SAAS recognises the need for a collaborative approach to integrating services across the health, care, justice and voluntary sectors. It is welcome that SAAS, and the Minister in her letter to CCGs, makes reference to the commissioning of SSVSS, which provides long-term therapeutic support that survivors highly value.

However, in the wake of large-scale child sexual abuse and exploitation scandals, health services have been too slow in responding to a surge in demand. Whilst the ambitions of the NHS are noble, survivors must not be made to wait because bureaucracies in their region are not functioning effectively. This is further complicated by the uneven knowledge base of commissioners, which can exacerbate existing inequalities between regions.

Furthermore, whilst the SAAS recognises the need for a collaborative approach, it does not provide any powers to direct the ring-fencing of funds or enhance accountability to support how services are commissioned and delivered.

Recent investment in Sexual Assault Referral Centres (SARCs) is welcome, but coverage is still inconsistent across the regions of England and Wales and does not meet the minimum recommended levels per head under Council of Europe recommendations.⁶ England currently has only 47 of the 71 SARCs recommended. It is also vital to recognise that, whilst they are a valuable resource to survivors of sexual violence, SARCs are not often accessed by adult survivors of childhood sexual abuse. Specialist voluntary sector sexual violence and abuse services are often preferred by survivors who want a trauma-informed approach to their care.

Recommendations

- NHS England should collect data on Clinical Commissioning Group (CCG) expenditure on long-term therapeutic care for survivors and consider ringfenced funding as a way to ensure CCGs commission specialist voluntary sector services to meet demand.
- NHS England should set out plans to meet the minimum recommended number of SARCs, as set out by the Council of Europe.
- The SAAS Partnership Board, comprising representatives from the Department of Health and Social Care, the Home Office, the Ministry of Justice, NHS England, Public Health England and SSVSS, should be mandated to develop guidelines and levels of accountability to support commissioning and delivery of specialist sexual violence and abuse support services.

5. Providing a quality service: understanding trauma

Across the health and social care sector, there is an increasing understanding of the impact of early life trauma. Adverse Childhood Experiences (ACEs)⁷, as this approach is known, recognises that when children are exposed to adverse and stressful experiences, it can impact on their ability to think, interact with others and on their learning. There is not yet a nationwide strategy for the ACEs' approach, but its growth is of particular significance to adult survivors. If awareness of early life trauma becomes increasingly widespread this may increase the number of survivors identified as having Post-Traumatic Stress Disorder and subsequently the number of survivors receiving appropriate treatments. Such an approach asks of the survivor: 'what happened to you?' rather than: 'what's wrong with you?' The latter approach, having been standard practice across many professions for decades, may have contributed to survivors' sense of guilt and shame.

Many survivors who ... try to access help through their GPs [face] a lottery as to which kind of help they will get. [There is a] lack of diagnosis and failure to understand the significance of the disclosure ... many survivors are misdiagnosed with lower level issues such as anxiety and depression.

Having to tell your adviser in the open-plan Jobcentre what is happening [trauma symptoms] and they then ask for medical or police proof letters which is hard to get ... leaving the survivor in limbo [with] more and more problems and pressure building up.

Survivors told the inquiry they want to be met with a trauma-informed response by professionals they encounter. Trauma-informed is a model of care that recognises the trauma caused by abuse and its impact across all aspects of a person's life. This method supports a person to recover from the trauma. Survivors want recognition by frontline professionals of the prevalence of trauma and its impact on their emotional, psychological and social wellbeing. Trauma-informed care should recognise the multiple psychological and social factors that impede a person's recovery and ability to engage with the community.

Many survivors had difficulties with the NHS, which did not have a trauma-informed approach to care. It was felt that the effects of abuse are not well-known in the NHS, and many struggled to achieve an appropriate diagnosis. This sometimes led to insensitive questioning and difficulties for survivors in accessing a range of physical and mental health treatments.

There is not enough education about post-traumatic stress disorder in NHS or criminal justice system.

However, whilst there is increasing understanding of ACEs and the need for trauma-informed care, there is still insufficient awareness of what this means in practice across all healthcare settings. This lack of understanding has hampered previous attempts to introduce proactive enquiry with patients about possible abuse experiences. Reasons for this include: not knowing what to do next, concerns over safeguarding (overreacting vs. not responding), feeling uncomfortable with the subject matter, or dealing with their own trauma responses as a result of burn-out or their own abuse histories.

There needs to be a whole-organisation adoption of a trauma-informed approach that includes recognising the potential impact on staff of receiving disclosures and promotes staff wellbeing alongside care for the survivor. Staff must be given the resources and time to fully commit to delivering trauma-informed responses, reinforced with effective leadership and management. Research⁸ has noted that SSVSS is experienced in creating a safe and supportive environment for working with survivors.

I was able to get consistent support until I was ready to report.

In accessing support from SSVSS, survivors found value in meeting other survivors and having group and individual sessions with people who understood their trauma. When survivors received the right kind of treatment, they felt it made a dramatic difference to their lives.

Fortnightly therapy group sessions with other women who had been through the same experience... It was so good to know I wasn't alone.

However, whilst survivors told the inquiry they prefer attending SSVSS for therapy and support, there is currently a lack of supporting, research-led, evidence that meets the criteria for inclusion in National Institute for Health and Care Excellence (NICE) Guidelines. NICE research is often reliant on randomised control trials which can be difficult to run for survivors of child sexual abuse. Further, many psychological therapies do not lend themselves to the kind of research that NICE prioritises. This has resulted in an over-representation of Cognitive Behavioural Therapies (CBT) in Guidelines, despite the Delphi Analysis published in 2010⁹ which identified a person-centred and integrative approach as most effective when working with survivors of sexual violence and sexual abuse. This means that despite the positive outcomes achieved by SSVSS, their work is not reflected in NICE Guidelines for working with survivors of sexual abuse. This has implications for commissioning and funding processes.

Recommendations

- Government departments should issue guidance to organisations with frontline professionals who regularly encounter survivors on how to respond in a trauma-informed way, developed in conjunction with SSVSS umbrella agencies. This should include, but not be limited to: Department for Education for teachers and social workers, Department for Health and Social Care for GPs and sexual health nurses, Department for Work and Pensions for Jobcentre Plus staff and contracted employment providers, the Home Office for police, Ministry of Justice for CPS and judges.
- The Ministry of Justice should commission research into effective support and therapies for survivors of sexual abuse, including trauma-informed therapies.

6. Providing information to survivors

Many survivors explained the unmet need for easily accessible information about child sexual abuse and its impact. Many researched on the internet due to the dearth of accurate and relevant information provided to them by professionals.

Survivors said that they wanted to be empowered to make decisions for themselves, but to do this they needed readily available information. Too often professionals did not understand abuse, or how to respond to disclosure, and survivors described experiences of needing to request specific referrals from professionals.

Services are not well integrated and there exists a confusing landscape of support that differs vastly in quality and availability across the regions of England and Wales. It is not always clear for survivors where they can access support or what support is most appropriate for them. Survivors feel disempowered and many described a process of having to discover and achieve support without any help from sector professionals.

12% of survivors say information about the impact of abuse is the *most important* form of support after they disclose.

A counsellor referred me to local specialist organisation. I got an information pack and didn't open it for four years. But to know it was there was a saviour.

Specialist voluntary sector counselling was identified as the most important service for victims after disclosure, but only 19% said they were aware of the service.

Many survivors felt cut adrift by police and the CPS and that they were not offered support to get through the process. This was compounded by a lack of counselling or therapy available more generally.

They [police] said I was under immense stress but didn't offer me support for that.

In some cases, survivors were provided with incorrect information about services available locally which stalled their recovery.

My doctor told me about CIS'TERS [specialist voluntary sector service] but said there's a very long waiting list, but there has never been a waiting list! I could have gone years ago...

Other survivors described finding out, after the process was concluded, that specific support had been available but that no one had referred them to it or even informed them of it.

We only realised recently that there is also support for the families through this. Surely this should have been mentioned from the outset.

Evidence submitted to the inquiry did not sufficiently explore the specific needs and experiences of Black, Asian and Minority Ethnic (BAME), Lesbian, Gay, Bisexual and Trans (LGBT) and disabled survivors of child sexual abuse for this report to draw conclusions. In light of the absence of available information and the need to promote the voices of marginalised survivors, Government should consider how to explore these needs through its future activity.

Childhood sexual abuse is recognised as a public health issue that has profound social and health consequences, not just for those directly affected but also for their family members and partners. The general population would benefit from increased awareness of the prevalence and impact of sexual abuse and develop a deeper understanding of the issues that survivors face in their personal and work lives. A nationwide media campaign aimed at raising awareness would dispel myths and empower both survivors and the general population with accurate information. The campaign could also tackle the stigma that many survivors feel is still attached to having been sexually abused.

The Ministry of Justice has developed a new website to provide information to victims about support and the criminal justice process: **www.victimandwitnessinformation.org.uk** The website is not well publicised and requires prior knowledge of its existence to locate it through search engines. The site does not synchronise with Police and Crime Commissioner websites where listings of specialist services are provided. While it provides links to The Survivors Trust and Rape Crisis England and Wales websites, it does not integrate their local service finder functions on the site.

The creation of the site is a step in the right direction as much of the information about the criminal justice system is accessible and relevant to survivors. However, the site has the potential to become a vital resource by becoming a one-stop-shop for survivors to find local support services and information about the impact of child sexual abuse if modified.

Only 16%
of survivors
were directed to
specialist support
services appropriate
for them by police,
e.g. Women's/
Men's/LGBT/ BAME.

Recommendations

- The Government should fund a nationwide public health campaign to: raise awareness of the issues around childhood sexual abuse, highlight the potential impact on survivors, tackle social myths and stereotypes about sexual abuse and direct survivors and professionals to sources of support and information.
- The Government should provide and promote a one-stop-shop website where survivors can access information about the impact of abuse and be able to locate relevant services in their area. **www.victimandwitnessinformation.org.uk** should be reimagined as the first port of call for survivors independently trying to access information and should be co-designed with SSVSS to ensure survivors' priorities are reflected in the design.
- The website should be widely publicised so that frontline professionals such as GPs can direct survivors to the site, wherever they are based in the country, in the knowledge they can locate local services from there.
- The website should enable survivors to locate up-to-date information about local SSVSS, health and police services by typing in their postcode. The website should therefore integrate information with Police and Crime Commissioners' websites, as well as SSVSS locators, like The Survivors Trust's listings.
- The Government should commission research into whether BAME, LGBT and disabled survivors have difficulty in accessing services, if specialist services need to be commissioned and seek to address any shortfall.

Survivors' experiences of police and the Crown Prosecution Service

7. Why survivors of child sexual abuse choose not to report to police

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

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

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

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

54%

of respondents had reported their abuse to police at the time of the survey.

8. Police response to survivors

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

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

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

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

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

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

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

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

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

40%

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

48%

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

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

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

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

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

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

The communication survivors want to receive from police

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

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

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

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

Survivors stressed that police officers should be realistic with survivors about the shortfalls of the criminal justice process from the moment of first disclosure. This includes: acknowledging that a survivor's case may not progress, that it may end in acquittal or be quashed on appeal even after years of engagement with police, the CPS and courts. The need for realism and managed expectations from police was reiterated by Victim Support as good practice.

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

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

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

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

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

The leaflet should be as accessible as possible and detail:

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

In July 2019, the Government announced, as part of its proposals for the revised Victims' Code, plans for a template 'pledge' card for police forces, setting out key victim entitlements and websites, which can be amended to take account of local arrangements. This is encouraging and we would encourage the Ministry of Justice to try to include as many of our suggestions as possible to enhance the survivors' experience.

Responding to trauma

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

the devastating impact of child sexual abuse on a survivor's relationships, mental health, education, career and financial stability.⁵

The inquiry heard that some Health and Wellbeing boards are creating strategies for early identification of childhood trauma and adverse experiences and support packages to address its negative effects. This mirrors the Scottish⁶ and Welsh⁷ Governments who have developed strategies for preventing and mitigating the impact of Adverse Childhood Experiences (ACEs). Further to this, some constabularies have introduced a trauma-informed approach to policing with an ambition for all officers and staff to become trained in trauma-informed practice so that they are able to recognise what may have happened to the people presenting to their service.⁸

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

It is also important to acknowledge the difficult work police officers do, in a climate of reduced resources. Dealing with traumatic incidents and traumatised individuals can impact the health and wellbeing of officers⁹ which, in turn, can inhibit their ability to provide an empathic, supportive service to survivors.

Recommendations

- Government should publish a national strategy for addressing childhood trauma and adverse experiences – as the Scottish and Welsh governments have recently done. This should include training for all frontline professionals, including police, in how to recognise and respond to abuse in a trauma-informed way.
- The Ministry of Justice should push ahead with plans to develop a template 'pledge' card for police forces. During the development and implementation phase, the Ministry of Justice should consult with survivors and the voluntary sector. The leaflet should be as accessible as possible and deliver the information survivors told our inquiry they need:
 - Next steps of criminal justice process including interviews, charging and court
 - Realistic timelines for each step of the process
 - Maximum waiting time for updates from police
 - Named police contacts
 - Clear complaints process
 - Sources of information and support (including specialist sexual violence and abuse services)
- The Home Office should acknowledge the demands on police to deliver a professional and supportive service to survivors. They must also acknowledge the impact of working with traumatised survivors on officers' wellbeing and morale.

9. Safety of survivors after they report to police

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

Pre-charge bail

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


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

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

Research by Sarah Champion MP, published for the first time in this report, found that since the changes came into effect on 3 April 2017 there has been a rapid decline in the use of pre-charge bail and a steep rise in the number of suspects 'released under investigation' (a condition whereupon a person is informed they are still a suspect but there are no conditional requirements attached to their release).

The information was obtained from 20 of the 43 constabularies in England and Wales via Freedom of Information requests.

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

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

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

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

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

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

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

The 2017 changes were made after several high-profile suspects accused of child sexual abuse were held on police bail for long periods and no charge was later brought against them. Our research discovered that after the introduction of the new rules in just one constabulary, as many as 70 per cent of individuals later charged with a child sexual abuse offence were released with no pre-charge bail conditions. Due to differences in recording data across constabularies it is not possible to make national comparisons, however it indicates that there may be a significant number of dangerous child sexual abusers, against whom there is subsequently enough evidence with which to charge, who are released into the community without condition. Under the Victim's Right to Review, survivors are entitled to a review of police decisions not to bring proceedings against a suspect (in cases where police have authority to charge) or where police decide not to refer a case to the Crown Prosecution Service for a charging decision. Specialist sexual violence and abuse support services (SSVSS) raised concerns to the inquiry that when a case is reopened under Victim's Right to Review, it is not clear whether police can apply to extend pre-charge bail conditions on the suspect. This puts the safety of survivors at risk. SSVSS highlighted an apparent absence of guidance for police in this situation. There is also an apparent contradiction in procedure in that for a survivor's Right to Review application to be successful there must be a determination that the original decision (to take no further action) was wrong, yet an approved bail period can only be extended when the investigation has been conducted *'diligently and expeditiously'*.¹³

A February 2019 report¹⁴ into 'the police response to domestic abuse' by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) found a 65 per cent drop in the use of police bail in cases of domestic abuse. HMICFRS expressed a concern that the unintended consequence of the changes to pre-charge bail has placed survivors at increased risk by making it easier for perpetrators to return to abusive relationships. HMICFRS' report highlights the pressing need for the Home Office, College of Policing, Ministry of Justice and others to improve data collection on the use of bail. This activity is essential to getting a better understanding of the impact of bail changes to the safety of survivors and the general public.

In June 2019¹⁵, the Joint Committee on the Draft Domestic Abuse Bill found that there were real challenges for police resources when attempting to complete domestic abuse investigations within 28 days and even within an extended timeframe of three months. The Joint Committee report stated that: *'The 28 days bail combined with a rigid test for extension does not take into account the need to protect victims from perpetrators and allow the police time to do their job within the resources available.'*

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

In September, our chair Sarah Champion MP was the chief signatory to a letter co-signed by leading members of the women's sector, police and parliament that called on the Government to amend the Policing and Crime Act 2017 to create a presumption that suspects under investigation for sexual offences only be released on police custody on bail.

In November, the Government announced its intention to review pre-charge bail legislation 'to ensure the safety of victims is prioritised.' This is most welcome. It is vital the Government carefully considers how survivors of sexual abuse can be better protected than they are under existing provisions.

Recommendations

- Government should amend the Policing and Crime Act 2017 to create a presumption that suspects under investigation for sexual offences against children and adults, or other significant safeguarding issues, only be released from police custody on bail.
- Government should introduce legislation that would allow police to set a period of pre-charge bail longer than 28 days in sexual violence and abuse cases (and other offences where safeguarding is a concern) so that police are not disincentivised from using bail by the attached short deadlines to complete complex investigations. Survivors' safety must be a priority consideration for authorities considering bail and extensions to pre-charge bail.
- Government should urgently clarify through guidance whether police are able to extend pre-charge bail where a survivor has successfully sought the reopening of their case under the Victim's Right to Review. If current legislation does not allow for this protection, the Government should legislate to ensure pre-charge bail conditions can be extended in these situations.

10. Survivors' privacy

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

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

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

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

One SSVSS told the inquiry:

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

A new standardised national 'Digital Device Extraction' consent form¹⁸ has recently been introduced to formalise the process and in the last year 93,000 police officers and staff have undergone disclosure training according to the College of Policing.¹⁹ There are concerns that the new consent form may contribute to survivors feeling forced to choose between submitting all private data or not having their abuse investigated.

The form states:

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

It is essential that the consent form does not create a false choice in the minds of survivors. Many survivors of child sexual abuse experience investigations and trials that question their honesty and sexual history. Survivors often hear: 'she wanted it' or 'he asked for it'.

A new national consent form which grants police unlimited access to irrelevant personal information, conversations and images may only serve to reinforce existing prejudices.

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

Recommendation

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

11. Victim Personal Statements (VPS)

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

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

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

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

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

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

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

Only 1 in 6

victims of crime are offered the opportunity to make a Victim Personal Statement.

Recommendations

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

12. Crown Prosecution Service (CPS)

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

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

When CPS decides to charge:

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

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

When CPS decides not to charge:

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

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

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

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

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

Only 31%

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

Only 1 in 4

survivors felt they were listened to when a charge was brought in their case.

Of those who reported the abuse to the police,

63%

didn't see a charge brought against their abuser.

77%

felt the communication they received about no charge being brought was very poor or poor.

9 out of 10

felt the support they received when no charge was brought was either very poor or poor.

access support services. It should be clear whether the survivor can expect the case to reopen in the future and on what grounds.

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.

The inquiry notes that in December 2019, Her Majesty's Crown Prosecution Service Inspectorate published a 'thematic review of rape cases'. The report was commissioned as one element of the Criminal Justice Board's rape review but has relevance for prosecutions of child sexual abuse. It found that despite the number of rape allegations to the police having risen 43 per cent since 2016, the number of cases prosecuted by the CPS since 2016 has fallen by 52 per cent. The report suggested part of the issue was due to cases being 'administratively finalised', where CPS have requested further information from police but have not heard further. HMCSI did not find that the CPS were pursuing 'easier' cases to improve conviction rates.

The report argued that reasons for falling successful rape prosecutions are complex but pointed to 'significant reductions in the resources' of police and the CPS. In this light, the Government's announcement of £85m for the CPS and 20,000 new police officers is welcome.

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

Recommendations

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

13. The Victims' Code

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

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

The Code was first introduced in 2006 and was last updated in October 2015. It sets out what each criminal justice agency must do for survivors and the timeframe in which they must do it. The Victims Strategy²³, published 2018, committed Government to consulting on a revised version of the Code. At the time of writing, the amended Code is yet to have been published.

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

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

Specifically, Victim Support highlighted the below key rights for adult survivors of childhood sexual abuse:

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

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

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

The proposed changes to the Code are substantive and far-reaching. However, the Code will continue to lack enforceability and relevance for survivors until it is enshrined in law. It is welcome the Government reiterated its commitment to a Victim's Law in the Victims Strategy, but a Victim's Law was first promised in 2015²⁴ and has still not been introduced. It is essential that accountability for upholding survivors' rights is built into the new law and an independent enforcement body. Perhaps the Victims'

Commissioner should be empowered and resourced to hold failing authorities to account.

The reforms to the Code bring an opportunity to be ambitious about its accessibility for both survivors and frontline professionals.

The Government's website www.victimandwitnessinformation.org.uk is a promising development, linking victims to information about their rights and services.

When the revised Code is approved, it should be fully integrated into the site and widely publicised to the general public and health and criminal justice professionals. We believe that Police and Crime Commissioners, Clinical Commissioning Groups, the specialist sexual violence and abuse specialist services and local authorities are all essential to making this site function effectively for survivors, and that the Ministry of Justice has a key role to play in co-ordinating information.

Recommendations

- Ministry of Justice should publish a revised Victims' Code that is easily accessible, available online and simplified. The Victims' Code must include new, high standards on communication, information and support to which police and the CPS can be held accountable.
- Ministry of Justice should introduce primary legislation to enshrine the revised Victims' Code in a Victim's Law.
- Ministry of Justice should integrate the updated Victims' Code with www.victimandwitnessinformation.org.uk so that it is a relevant and up-to-date tool for victims and frontline professionals in sourcing local support.
- Ministry of Justice should reform the complaints procedure. They should start by removing the requirement to pursue a complaint to the Parliamentary and Health Service Ombudsman via an MP. MPs are not experts in the field and should not be expected to make a judgement on whether to progress a case.

Survivors' experiences of courts and applying for compensation

14. 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 SSVSS 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.

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.

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; provide rapid notification of adjournments; explanation of the reason for adjournment.

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 to 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.

The inquiry heard from specialist sexual violence and abuse support services (SSVSS) regarding 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 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 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.

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.

15. 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.

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 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. 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.

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.

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 as well as 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 combats rape myths at the start of the trial. The APPG also notes that the recent thematic review of rape cases by HM Crown Prosecution Service Inspectorate highlighted that 'myths and stereotypes' may be an issue in regards to falling rape convictions. It is essential this issue is addressed as the continued prevalence of rape myths in court, and the inherent challenges in successfully disabusing these myths to jurors who bring preconceived, and sometimes entrenched, ideas with them about victims of sexual violence and abuse may cause disincentivised criminal justice agencies from seeking prosecution due to limited resources and an organisational focus on results.

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.

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 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 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 survivor's 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 cases progressed 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. 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 ISVAs’ 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, comments that persons of good reputation may have a meritorious case for anonymity whereas persons with previous convictions would not fail 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.

16. Court 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. 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 that 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 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.

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.

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.

80%

of victims had not been informed about how appeals worked.

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 of the 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.

Sentencing

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.

79%

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

69%

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

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.

In the December 2019 Queen's Speech, the Government announced its intention to bring forward a 'Sentencing Bill' with the aim of ensuring the most serious violent and sexual offenders serve longer in custody.

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.

The Bill will change the automatic release point from halfway to two-thirds for adult offenders sentenced for serious violent or sexual offences.

Recommendations

- **The Government should extend the Unduly Lenient Scheme to all child sexual abuse offences**
- **The revised Victims' 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.

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 CIS'TERS that I felt I hadn't been entirely dumped and forgotten.

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 the point when many described being at their lowest ebb.

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.

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.

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

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.

75%
of survivors had not been informed about parole.

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 survivor 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 up-on 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 re-lease 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 children 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.

The Prisoners (Disclosure of Information About Victims) Bill, presented in January 2020, will place a legal duty on the Parole Board to consider the pain caused by sexual offenders who take indecent images of children but refuse to reveal the identity of their victims. This will make it a legal requirement for the Parole Board to consider the withholding of information when deciding if an offender should be released.

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 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.

17. 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.

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 per cent 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% 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.

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.

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 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 | 26 |
| Average Compensation - all disposals | 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

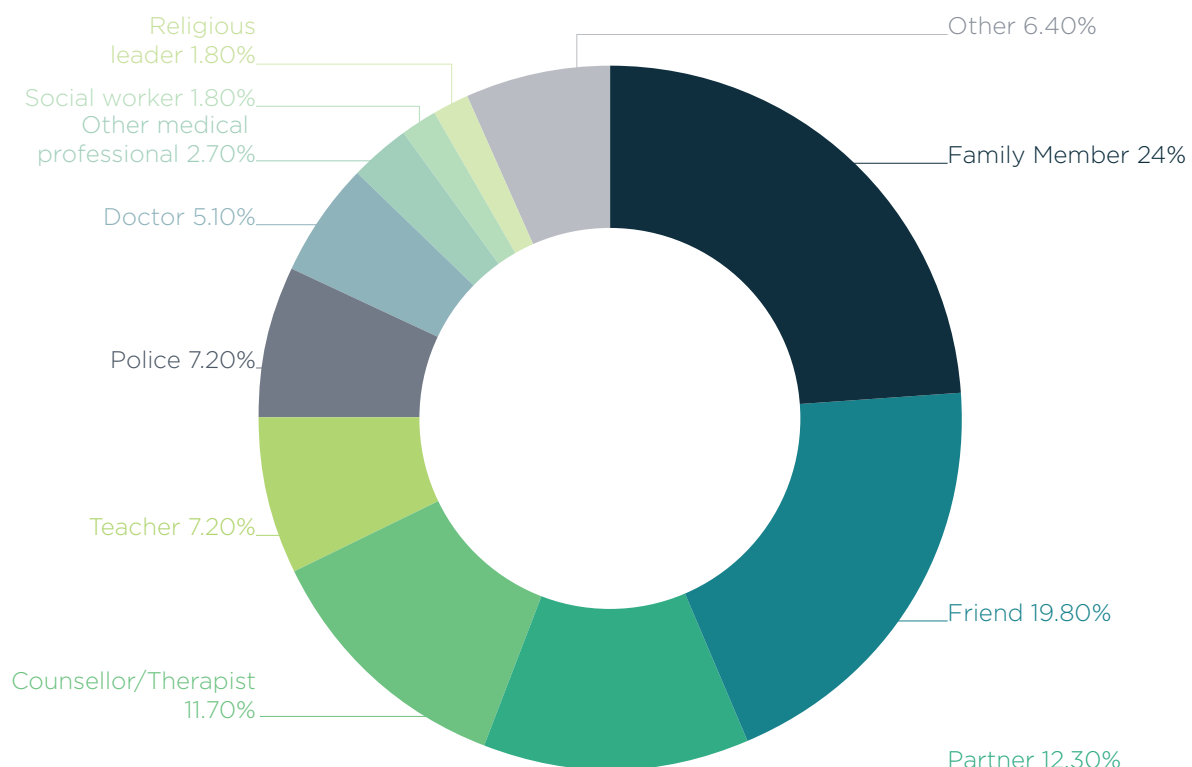
- The APPG supports the recommendation of the Civil Justice Council that: *'The Judicial College should consider the need for guidance/training/re-enforcement of training as to applications for and the making of/refusal to make compensation orders in cases of sexual assault/abuse. The Crown Prosecution 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

Appendix – The survey data

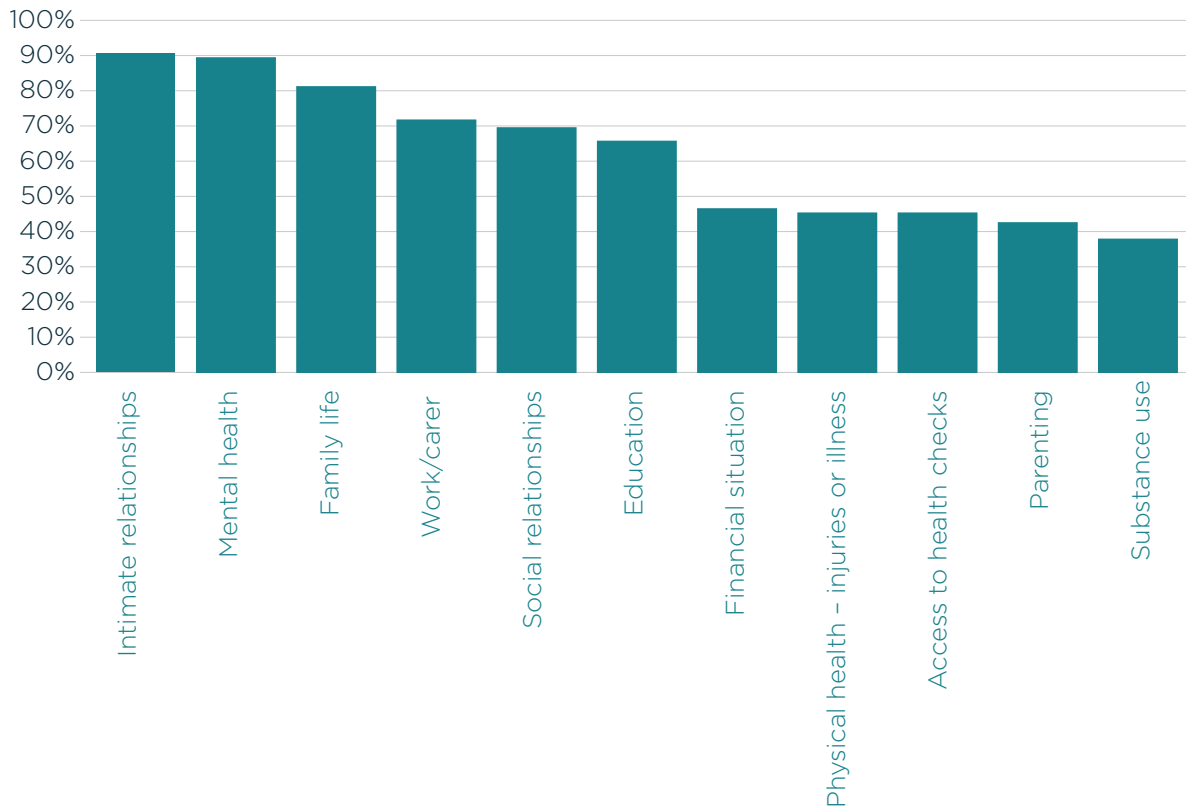
Who were the respondents to our survey?

- 365 people completed the survey.
- Over three-quarters were women (76.1%), just under a quarter were men (22.2%) and 1.7% defined as non-binary. 1.4% of those who completed the survey were not living in the gender they were assigned at birth.
- 43% of those who responded to the survey were aged 50 years or over. 44.7% were aged between 30 and 49 years. 12.3% were aged between 16 and 29 years.
- Just over a third (35.6%) of those who completed the survey stated that they were disabled.
- 91.2% of those who completed the survey were white. 8.8% of those who responded were from BAME communities.
- Over half (52.8%) of those who completed the survey stated they had no religion. Just under a third (31.8%) stated that they were Christian. 15.4% declared they were of other religious and faith groups.
- The majority of those who completed the survey declared their sexual orientation as heterosexual (78.6%). The next largest group declared they were bisexual (11.6%), followed by lesbian/gay women (5.8%) and gay men (4%).

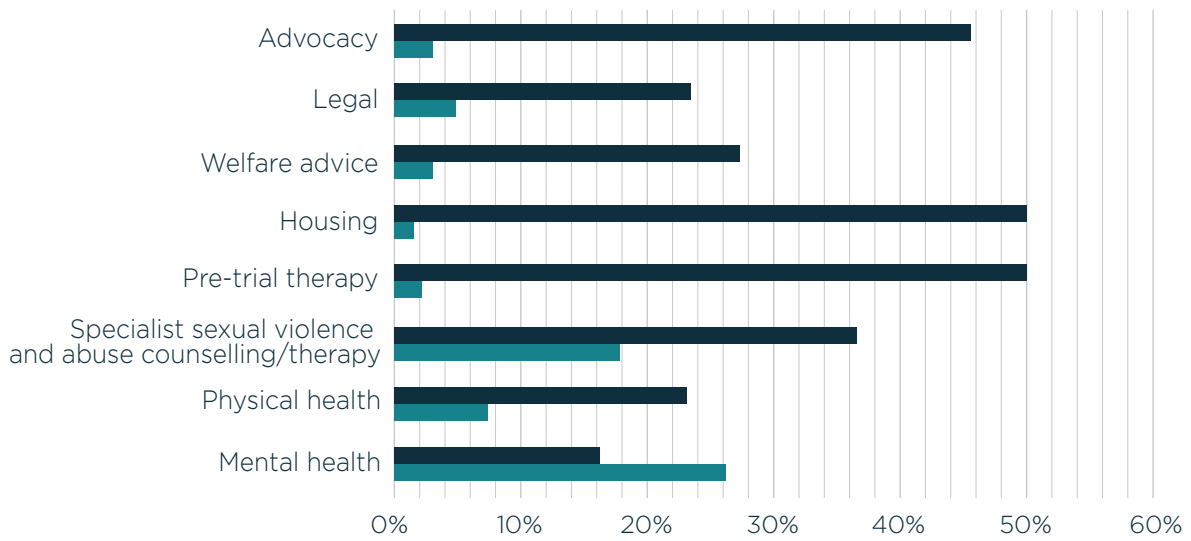
Who did respondents first disclose abuse to?



Aspects of life negatively impacted by abuse, according to respondent

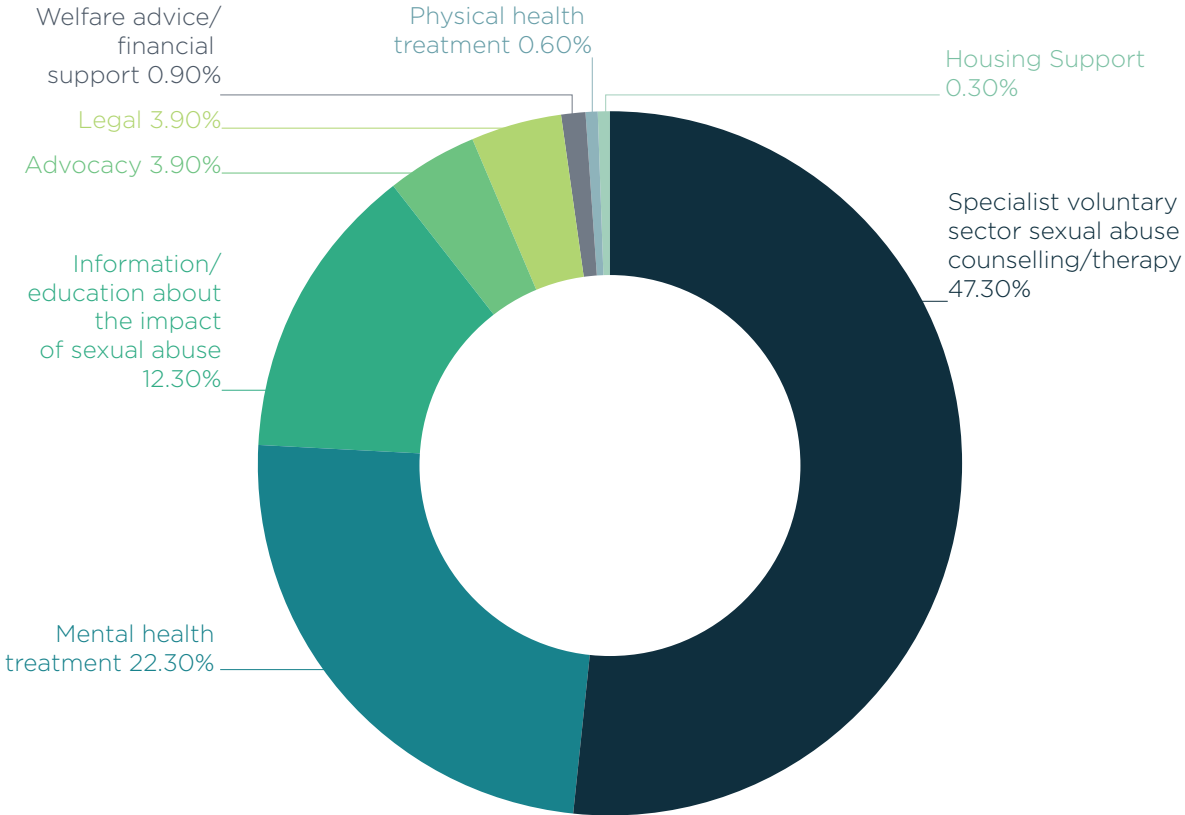


Response of support services

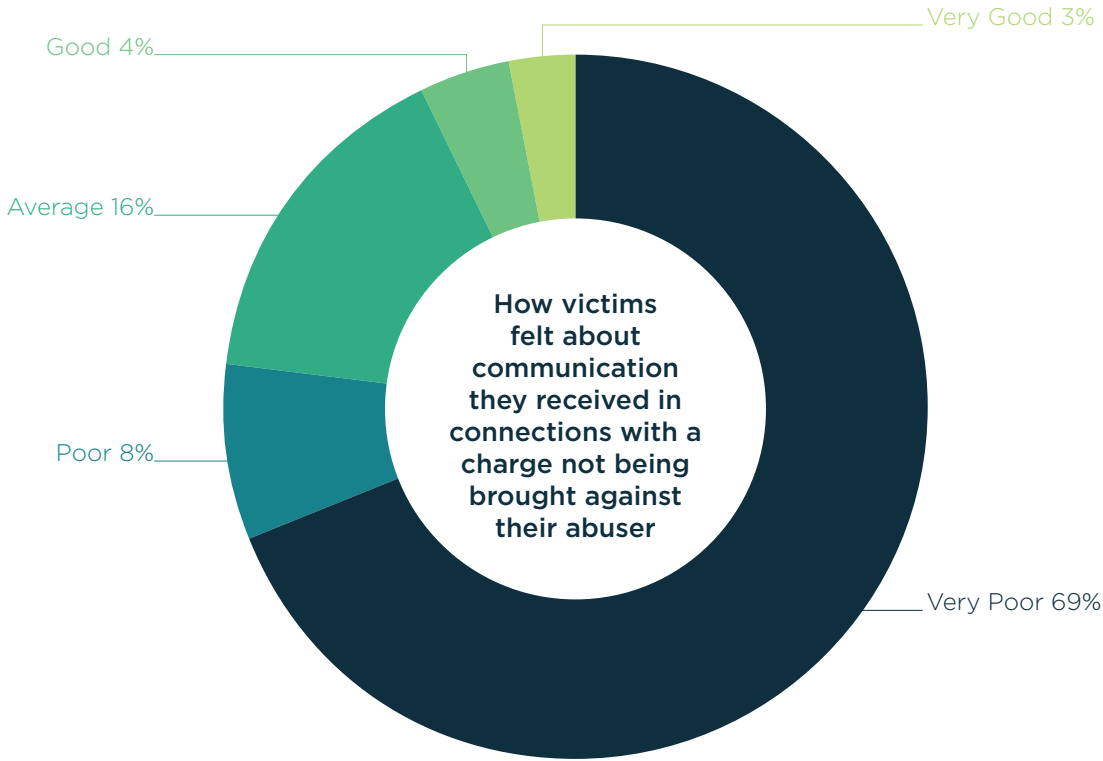


- The service met my needs (of those who used the service)
- I used the service (% of the total number of respondents to the survey)

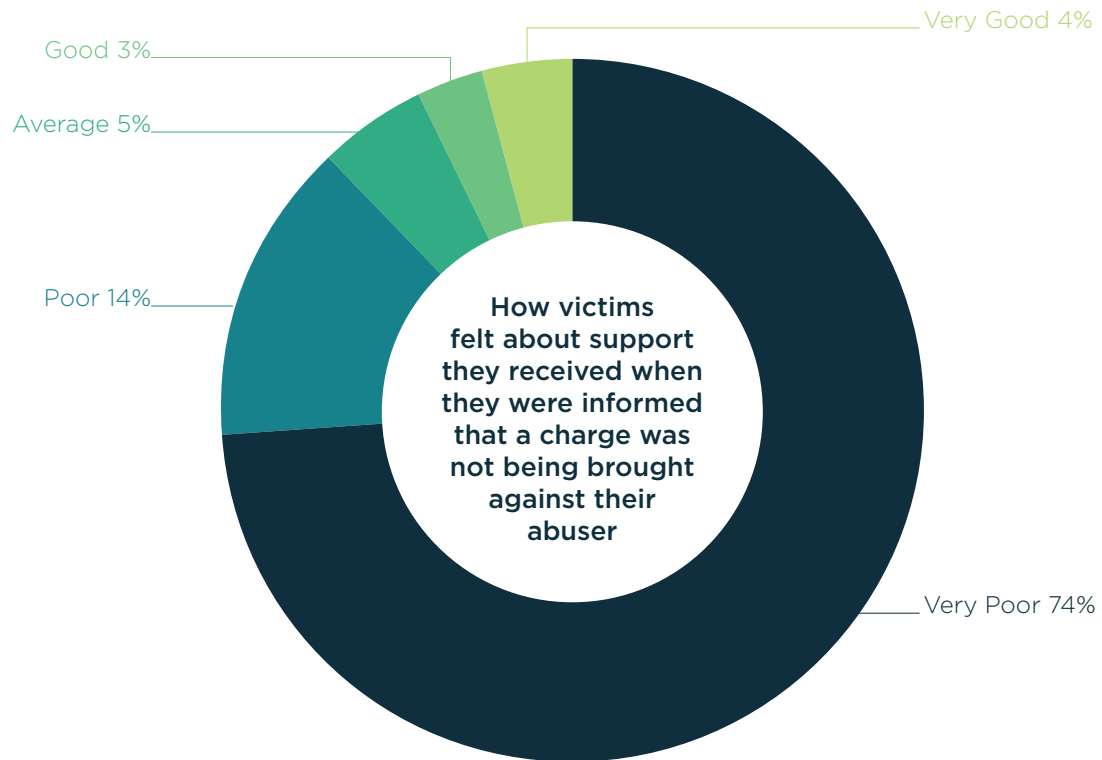
The one most valued form of support for respondents



Communication when a charge not brought

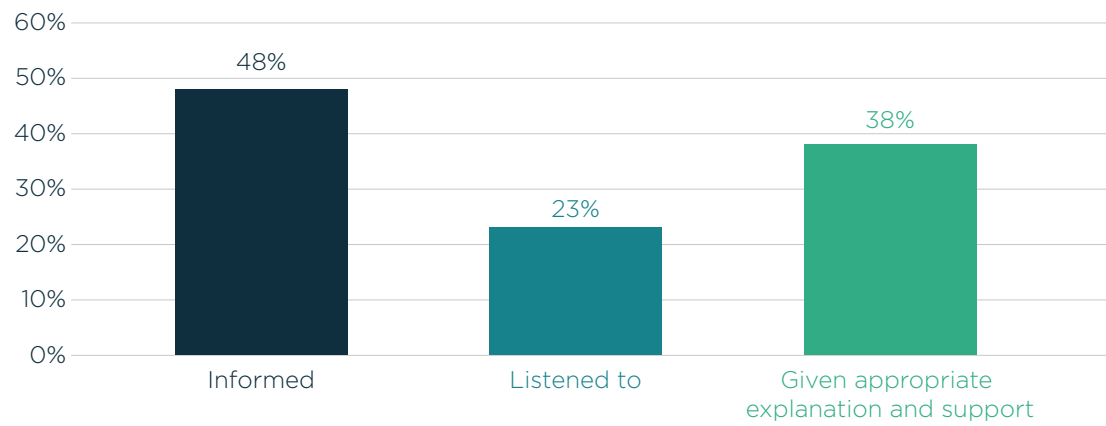


Support when a charge not brought

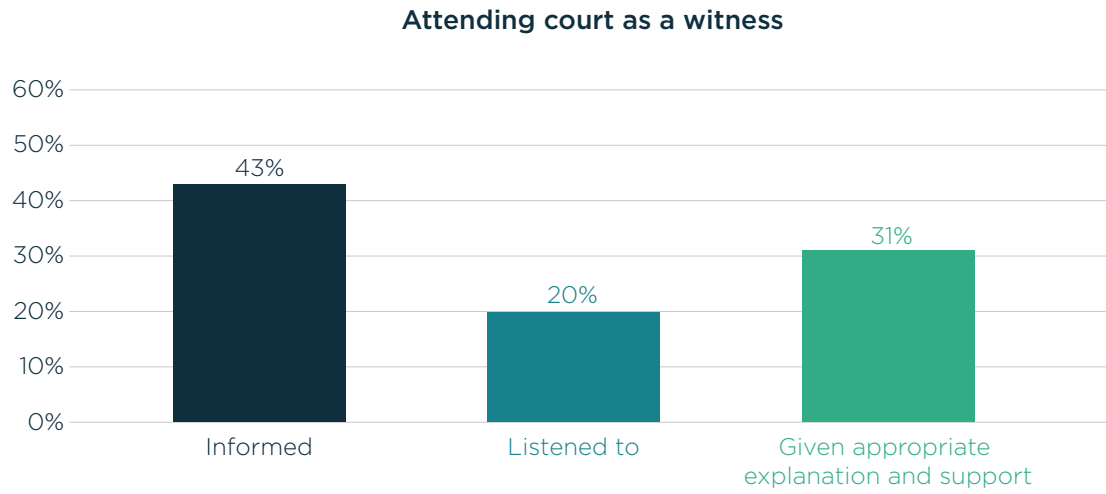


Communication and support when attending court as a survivor

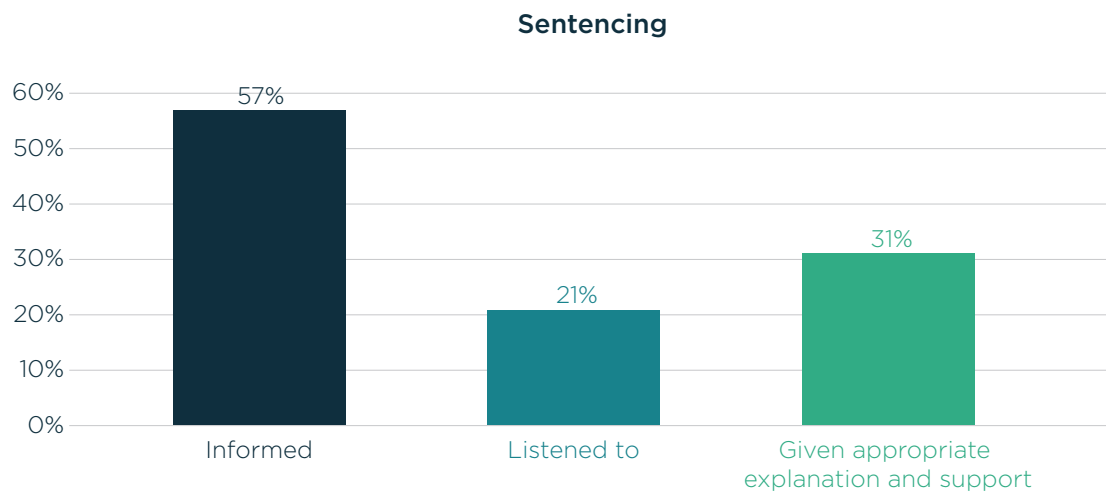
Attending court as a victim/survivor



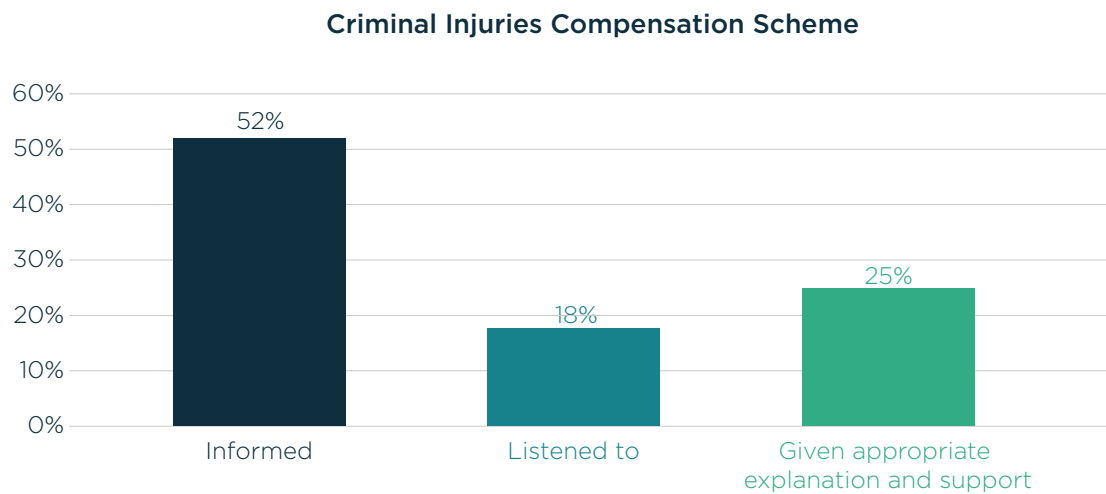
Communication and support when attending court as a witness



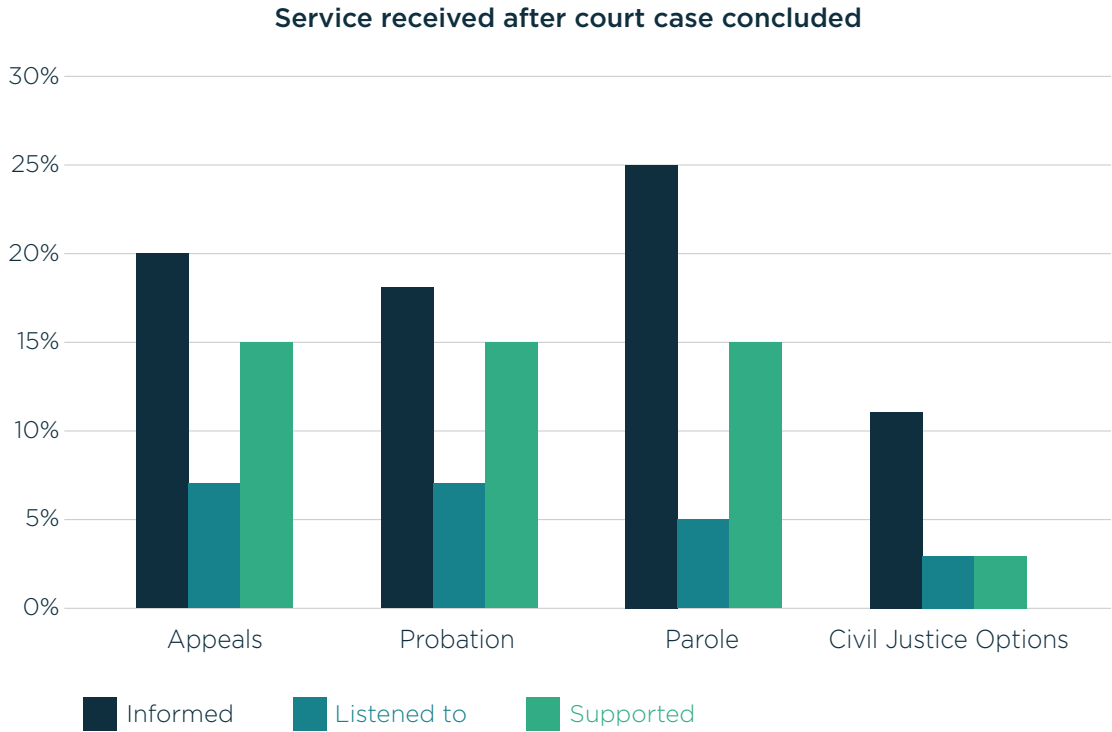
Communication and support at the point of sentencing



Communication and support about the Criminal Injuries and Compensation Scheme



Communication and support after the conclusion of the court case



Endnotes

Achieving quality information and support for survivors.

1. See Appendix for data tables from APPG online survey of 365 adult survivors of child sexual abuse.
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With grateful thanks to all those who contributed:

- The 365 survivors who responded to the online survey.
- The 12 survivors who gave evidence in Parliament to the inquiry.

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

- Advocacy Department at Rape Crisis South London / Rape & Sexual Abuse Support Centre.
- Alan Collins, Partner, Hugh James.
- Andy Connolly, Director, SurvivorsUK.
- Andy Hunt, National Programme Manager, Sexual Assault, NHS England.
- Baroness Helen Newlove, Victims' Commissioner.
- Claire Cunnington, Wellcome Trust Doctoral Researcher, University of Sheffield.
- Clean Slate.
- David Lean.
- Diana Fawcett, Chief Officer, Victim Support.
- Dr Lynn Suter, Psychologist and Clinical Director, Lifecentre.
- Fay Maxted OBE, Chief Executive, The Survivors Trust.
- Faith W.
- Jim Pomeroy.
- Kim Hosier, Centre Director, Portsmouth Abuse and Rape Crisis Service.

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