

Written evidence submitted by JiCSAV Project Research Team - Dr Siobhan Weare (Lancaster University), Professor Lorna O'Doherty (Coventry University) Dr Emma Sleath (University of Leicester), Dr Grace Carter (Coventry University) and Professor Vanessa Munro (Warwick University) (CCB0005)

Project Summary

1. The Justice in Covid-19 for Sexual Abuse and Violence (JiCSAV) study was funded by the Economic and Social Research Council as part of the UKRI Rapid Response to Covid-19 (ES/V016202/November 2020 - May 2022). A collaboration of academic, third sector, police, and lived experience partners, it aimed to explore the impacts of the Covid-19 pandemic on the criminal justice journeys of adult and child survivors of rape, sexual assault, and sexual abuse, and to learn lessons that could inform practice both in, and beyond, the pandemic.
2. The study was co-led by Dr Siobhan Weare (Lancaster University) and Professor Lorna O'Doherty (Coventry University), with Professor Sarah Brown (University of West of England), Dr Grace Carter (Coventry University), Dr Michelle Cutland (University Bristol and Weston NHS Foundation Trust), Dr Lara Hudspith (Lancaster University), Professor Vanessa Munro (Warwick University), Concetta Perôt, King's College London and Dr Emma Sleath (University of Leicester). The project also had the following partners: Avon and Somerset Police; The Judiciary; The Survivors Trust; and the Male Survivors Partnership. An advisory board including those with lived experiences of sexual violence and abuse, and third sector support services, provided oversight to the project.
3. JiCSAV gathered the voices and perspectives of 108 participants across 7 stakeholder groups via semi-structured interviews with 19 victims / family members; 20 third sector professionals and ISVAs; 14 professionals from Sexual Assault Referral Centres (SARCs); 21 police officers; 9 CPS professionals working within RASSO units; 6 criminal barristers who were RASSO prosecutors; and 19 judges holding authorisation to hear serious sexual offences cases.
4. The project identified impacts of the Covid-19 pandemic upon criminal justice stakeholders, victims and their families, and the ways in which the pandemic produced new needs or exacerbated existing needs across different stakeholder groups. The project also explored innovations prompted by the pandemic that might enable improved responses to future reporting, charging, and prosecuting of rape, sexual assault, and sexual abuse. A series of recommendations for policies and practice were made and can be accessed, along with research findings, in the project report [here](#).
5. We have set out below the findings we deem most critical and pertinent to the Call for Evidence. Our findings speak most directly to the following of the Committee's areas of interest:
 - Impact on victims, witnesses, and defendants
 - Workforce issues

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Impacts of the backlog on victims – their perspectives

6. The backlog in the Crown Court and associated delays in cases being heard had serious consequences for victims' lives, including impacts on work, family and mental health and wellbeing.
7. Victims appreciated that Covid-19 pandemic aggravated existing delays within the court system. Cases were eventually listed but were frequently followed by further delays and postponements. The problem highlighted by victims was the poor communication surrounding these delays and postponements, typically being notified at very short notice, and sometimes in ways that lacked regard for victims and the impact of these changes on them. One victim, Shauna, explained;

“The trial kept getting postponed and I was saying my work can't give me time off indefinitely... it was extremely disruptive and caused a lot of anxiety...the standard line was... there are so many cases to get through because of the pandemic, and that's really not what I was querying, although I have no doubt that was true... I wanted a little more than 24 hours...the first time was crushing.”

8. Repeated court delays had a significant emotional impact on victims, particularly where they had to re-engage with evidence pre-trial, such as viewing their ABE interview again prior to each re-listing of the trial. This was Shauna's experience;

“Before the court case, it was a stipulation that I needed to re-watch the video [ABE interview]...in the end, I ended up watching them six times”.

9. Court delays and particularly the repeated cancelling and re-listing of trials, could affect the quality of support that victims could expect from family, friends, and colleagues/ employers and the extent to which victims reached out for support. We also heard that it could undermine a victim's capacity to maintain confidentiality around the process, e.g. if they continuously needed to request time off work. Victims also spoke about having to change employment due to the issues created by repeatedly needing to request time off work to attend delayed and rearranged trials. This was the experience of Maeve, who explained:

“I've had to leave my old workplace. They made me feel so uncomfortable about having to attend court, then telling them that I wasn't attending court, then telling them again I was meant to be in court this day, this was happening on this day...I've actually changed workplaces because of court.”

10. Sophie's story clearly outlines some of the impacts experienced by victims as a result of court delays. Sophie was 29 years old. One month before the first national lockdown in 2020 she experienced sexual abuse by a close family friend. She reported this to the

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police the same day. Sophie experienced a range of delays during the police investigation and the court process, which impacted her and her family. Sophie hoped her counselling would continue until just after the trial took place, allowing her the support of her counsellor throughout the process. However, due to multiple delays to the trial date, her counselling sessions concluded several months before the trial took place. Sophie was told about the delays at short notice and "I didn't get a reason, I just got told it had been put back... I think it got postponed about four times." With multiple delays to her trial date, Sophie prepared herself each time to attend court and "by the time it actually happened I became quite dispassionate about the whole thing; I couldn't muster the energy...you don't want to invest yourself emotionally because you don't want to hurt again... It was only actually when I was there in the courtroom that it all kind of just sort of hit me at once...it was just the most bizarre thing, like not being included in your own justice...it almost was at the point where it put me off, like I thought if this happens to me again, I wouldn't want to go through this again." Although Sophie wanted family members to attend court with her, the recurring delays meant family could not continuously take time off work, "...by this point I'd given up on asking my family to take time off work. I was quite lucky in that my work were quite good so I'd booked all the time off and then they just let me unbook it off... but my step-dad who was going to drive us up there, like he couldn't unbook his time off work, neither could my brothers."

Impacts of the backlog on victims – criminal justice practitioner perspectives

11. Criminal justice practitioners recognised the grave impacts of court delays on victims.
12. Several practitioners provided examples of cases where victims had withdrawn from the prosecution process because of court delays. For example, one Senior Crown Prosecutor gave the following example:

"I've got one case that's been adjourned three times ... She's now saying she's not going to come back again. So, it gets adjourned to the point sometimes where we lose our victims, and we lose the case because there's just so many delays now."

13. Whilst victims of sexual violence can access pre-trial therapy, the perceived limitations around what can be discussed during these sessions, means that benefits associated with trauma-informed therapy cannot be realised until post-trial. For victims who were waiting to take up counselling post-trial, these delays meant their therapeutic journey was also delayed.

Impacts of the backlog on workforces

14. Police and CPS professionals who were interviewed commented on the impacts court delays were having on their workloads. They reported having to 'hold' cases for much longer; provide more updates to victims, witnesses, and defendants; and increasing

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caseloads with new cases entering the system without current ones passing through to the courts.

15. Some CPS RASSO prosecutors reported holding up to 80 case files at any one time. Where trials were postponed, these cases required a significant amount of additional 'holding' work from CPS staff, including ongoing communication and updates with victims and witnesses, as well as addressing new issues or evidence raised by defence counsel.
16. The additional 'holding' of victims that was required by the police and CPS was also emotionally taxing for staff. For example, police officers explained how having to repeatedly explain court delays to victims was incredibly difficult, and could often be a distressing experience for staff as well as victims:

“It’s just horrible and I do feel for my staff because ... they have to have that. Like, when [officer name] was told that the court case wasn’t going ahead, she is like, dreading making that call, that she’s got two victims she’s got to give that information to and it’s just... Yeah. I mean, I think they both ended up hanging up on her. Um, and you can understand it but it’s just, yeah, it’s just awful. Um, but that is the state of the court ... You get involved with the victims and you feel like you’re letting them down.
17. Similarly, CPS prosecutors who were interviewed reported receiving increased queries from victims in relation to delays, which they found distressing due to a lack of control and influence over case listing decisions and court-related delays.
18. The negative impacts on criminal justice professionals that were associated with court delays were also noted by victims. For example, Maeve explained;

“My police officer and my ISVA...they watched my heart break every time I was told it wasn't going ahead again, they sort of felt it when I felt it ...”
19. ISVAs also reported a significant increase in workload due to the Crown Court backlog, with more clients requiring ongoing support for longer periods of time. One specialist ISVA explained that they expected “to have the same person on our caseload for six years”. Previously, they expected the worst-case scenario to be three years. This has the knock-on effect of extending waiting lists for ISVA support.
20. The backlog has also increased the workload of judges, with increased case management demands. Similarly, court staff have seen significantly increased workloads, particularly in relation to increased case management and case listing pressures.
21. Increased workload for criminal justice staff was occurring within the context of a depleted workforce, with police and CPS teams often working with far fewer staff than needed. RASSO prosecutors also reported being incredibly busy, with a shortage of

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counsel available to prosecute sexual offences cases. The shortage of both full-time and fee-paid judges was also mentioned by several interviewees, as well as a shortage of court staff.

Impacts of the backlog on section 28 YJCEA cases

22. The introduction of the special measure of pre-recorded cross-examination under section 28 YJCEA, has been seen by some as a partial solution to the ongoing delays in the Crown Court for victims of sexual violence. Whilst there are important benefits associated with the use of section 28, we found that court backlogs and delays diluted these benefits for some victims.
23. Whilst victims may have been able to pre-record their evidence and cross-examination reasonably quickly after reporting the offence, significant delays in relation to the trial itself taking place were commonplace. Consequently, victims often did not know the final outcome in their case for months or even years and were unable to move on with their lives due to the court case still hanging over them.
24. Where victims made use of s28 and pre-recorded their cross-examination, it was not uncommon that family members would be due to give evidence during the trial live in court. This was particularly the case where the victim was a child. The problem that arose here in the application of s28 was that victims were unable to discuss the case with their family members (as witnesses) until the trial had concluded. Thus, whilst victims were able to pre-record their evidence, the significant court delays meant that they were often waiting for months or even years for the case to come to trial and for a conclusion in the case to be reached, and therefore for them to be able to talk freely to their family members about the case. For one mother, who was a witness in her child’s case, there was an 18-month gap between her child’s section 28 hearing, and the trial taking place, during which they were unable to discuss the case. She reported feeling like she could not reconnect with her child, and didn’t know how to support her properly given they couldn’t discuss the trial; “I kind of felt that I didn’t have all the little details and yet I’m her sole carer, I’m expected to care for her without knowing everything...” (Helen, mother).

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