

**Select Committee on Community Safety and Community Services – 4<sup>th</sup> November 2010**

**Report of the Chief Executive**

**The reluctance of victims of domestic abuse to pursue the matter through the courts**

**Purpose of Report**

1. To inform Select Committee on the reasons why victims of domestic abuse are reluctant to pursue the matter through the court which in turn impacts on sanction detection rates. Sanction detections are defined as offences for which someone is charged, summonsed, receives a caution or other formal sanction.<sup>1</sup>

**Background**

2. The Local Area Agreement targets that ended on 31 March 2010 included domestic abuse targets relating to the number of repeat victims, the number of sanctioned detections and the number of offenders brought to justice. Unfortunately the target relating to sanctioned detections was not achieved. The final year result is displayed below.

Indicator	Year end 2009/10	Year End Stretch Target	Variance	Variance
Increase the number of sanctioned detections for domestic abuse	585	800	215	26.9%

As reported to this Select Committee previously, this target always posed a challenge for several reasons. A key reason that relates to the purpose of this report is the fact that every victim will have had some kind of intimate relationship with the perpetrator and in many cases they will have children together. These are crucial factors that impinge on any decision the victim takes to proceed through the criminal justice process.

3. From a national perspective, the voluntary organisation CAADA (Co-ordinated Action against Domestic Abuse) reports that there are numerous reasons why victims do not report domestic abuse or continue their case through the Criminal

<sup>1</sup> Dudley Community partnership 1<sup>st</sup> LAA Final Submission March 2007

Justice System.<sup>2</sup> Examples include:

- The fear that they will not be believed and if they do proceed to court they will still not be safe at the end of the process.
- Fear of being excluded from their community, fear of deportation and overall racism in the Criminal Justice System.
- Fear of reprisals from the perpetrator or the family
- Lack of confidence in the police and Crown Prosecution Service
- Fear that the any children will be taken into care
- The initial conflict is resolved and statements are withdrawn
- Emotional and financial dependency

Further support for the above comes from the Women's National Commission in their report that informed the Cross-Government Consultation 'Together We Can End Violence Against Women and Girls.'<sup>3</sup> The consensus from participants was that non-reporting and lack of participation in the Criminal Justice Process was due to loss of faith in the police and the lack of effective and consistent sentencing.

4. Locally, the reasons why victims do not pursue the matter through the Criminal Justice System mirrors the above. In Dudley two Independent Domestic Violence Advisers (IDVAs) who are commissioned by the Safe & Sound Partnership and managed by Victim Support encourage, as part of their role, victims to go to court and support them in the process. This service is provided to all victims of domestic abuse irrespective of gender, social group, class, age, race, disability, sexuality or lifestyle.
5. Evidence from this service agrees with many of the reasons cited nationally. According to the advisers many of the women they help just want the violence to stop and are not interested in taking matters further. Some women stay because they believe that the children need a father. Others fear retribution from the offender and the family including manipulation of the children.
6. Data cited in the 2009 Strategic Assessment<sup>4</sup> reveals for the first 8 months of the financial year 2008-09 that during this period 305 clients were referred to the service. 71 clients or 23% of total referrals resulted in a criminal court prosecution. 18 clients (25%) withdrew from the process and 51 of these were supported by the IDVAs. Similarly, 110 clients received support concerning civil injunctions: less than half of these actually made an application (47) and less than half of these (22) were successful in their application despite receiving full unequivocal support.
7. The IDVAs will also support the victim to secure a civil injunction such as a non-molestation order or occupation order.
8. There is some evidence to suggest that women are fearful that if they report the abuse then the children will be taken into care. Children are only taken into care in extreme cases. If there is concern over the welfare of the children then usually

---

<sup>2</sup>CAADA Advocates' Training Programme, CAADA 2007

<sup>3</sup>Together We Can End Violence Against Women and Girls: A Strategy, HM Government, 2009

<sup>4</sup>Dudley Borough Strategic Assessment, safe & sound, April 2009 (Restricted document)

a Child Protection Plan is put into place. The IDVAs work closely with the mother to ensure that all parts of the plan are adhered to thus decreasing the likelihood of the children being removed.

9. In those examples where children who are living within households when there is domestic abuse have been removed on a legal order into the care of the local authority, domestic abuse is usually a secondary issue to a range of other potential risk factors posed by adults within the home, or the victim has been assessed as unable or unwilling, despite support or interventions, to protect the children from emotional or physical harm.
- 10 The Domestic Abuse Outreach Worker, employed by the Primary Care Trust and based at Russells Hall Hospital has identified many older victims who have suffered abuse for a number of years and are still reluctant to report to the police. Despite improved changes in attitude and processes by the police towards domestic abuse (although there are isolated incidents of incorrect procedures), many victims are still unwilling to report to the police. This is sometimes due to an unsatisfactory experience in the past. In addition, older victims are more likely to accept the abuse as a way of life.
- 11 Anecdotal evidence from the Police Public Protection Unit suggests that the main reasons for victims not reporting or proceeding to court is either emotional dependency or financial dependency. In addition, if there is insufficient evidence to proceed the Crown Prosecution Service will either not authorise a charge or is likely to discontinue the case when a victim changes their mind.
- 12 Overall success in achieving the related Local Area Agreement target of maintaining reporting levels above 3300 per year have been due to Safe & Sound partnership working and a number of initiatives and measures including:
  - A series of campaigns encouraging victims to report and generally raising awareness.
  - Identification of high risk victims and children through the Domestic Abuse Response Team (DART).
  - 'My Space, My Time' a specialist service run by Barnardos for children who have witnessed domestic abuse.
  - In partnership with Dudley Safeguarding Children Board, increased training for professionals.
  - More support provided for victims in the borough including, 2 IDVAs, a Domestic Abuse Mental Health Support Worker, Sanctuary Scheme, two refuges and outreach support, a specialist midwife for vulnerable women.
  - Visual Evidence For Victims (VEV), a scheme that records victims' injuries for future reference if they do not wish to proceed to court at that time
  - Specialist Domestic Violence Court.
- 13 In summary, domestic abuse victims locally and nationally now have more support and encouragement to take their abuse reporting right through to the courts. Despite this support many victims still choose not to progress further. A request for statistics from neighbouring authorities proved negative with no replies received. However, anecdotal evidence from neighbouring authorities show

similar problems to Dudley regarding victims taking their case to court.

### **Finance**

14. There are no direct financial implications arising from this report at this stage

### **Law**

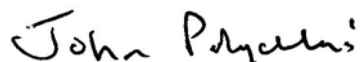
15. Principal legislation includes the Crime and Disorder Act 1998, Domestic Violence Crime and Victims Act 2004, Children Act 2004, Homelessness Act 2002, and the Local Government Act 2000

### **Equality Impact**

16. This report is in accordance with the council's equality and diversity policy. An Equality Impact Assessment has been conducted on the present Dudley Borough Domestic Abuse Strategy.

### **Recommendation**

17. It is recommended that the committee note the information contained in this report.



.....  
**John Polychronakis**  
**Chief Executive**

Contact Officer: Anne Boden  
Telephone: 01384 817021  
Email: [anne.boden@dudley.gov.uk](mailto:anne.boden@dudley.gov.uk)