

An Evaluation of the 'Access to  
Justice' Project

# Research findings from the 'Access to Justice' evaluation.



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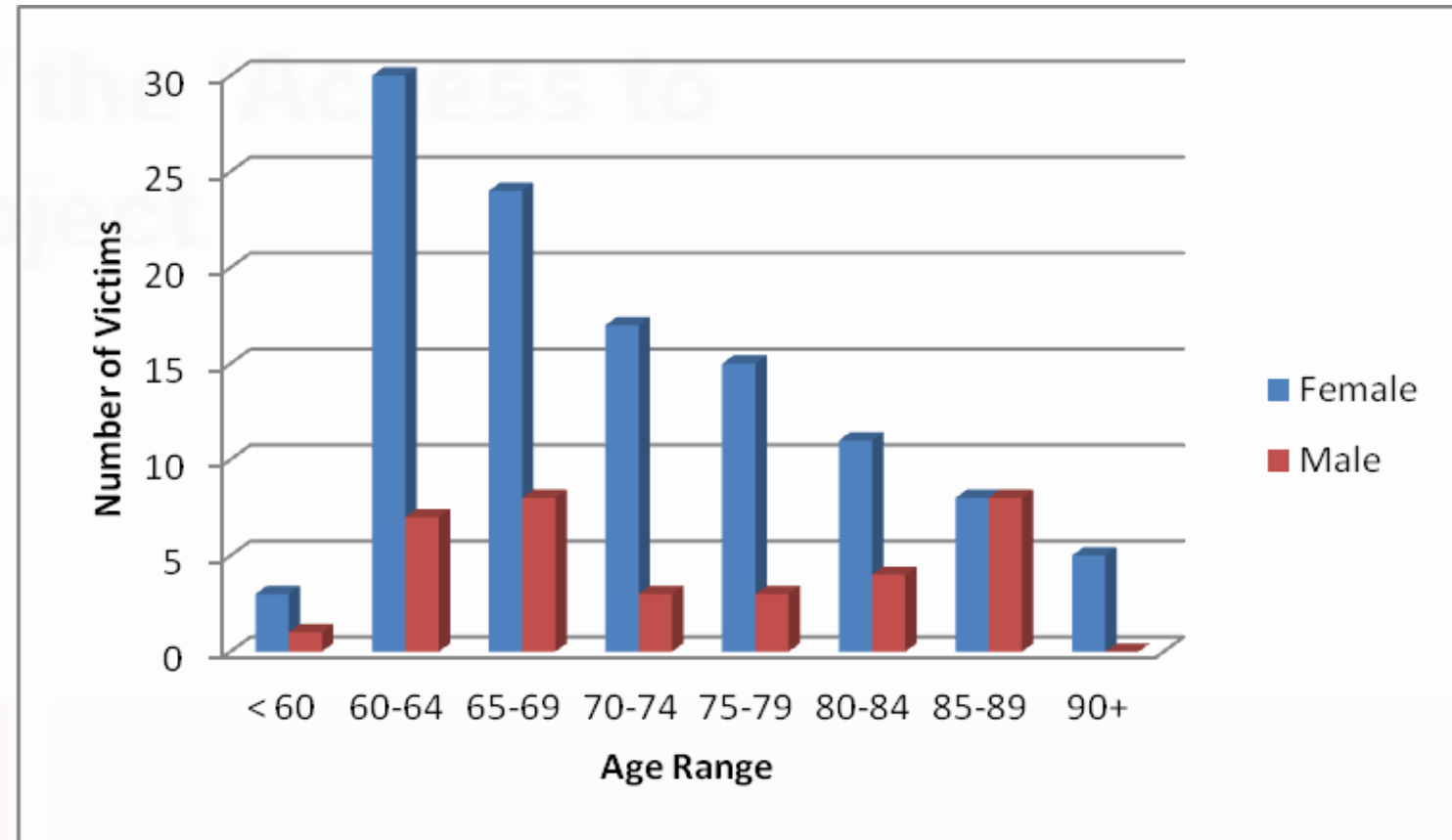




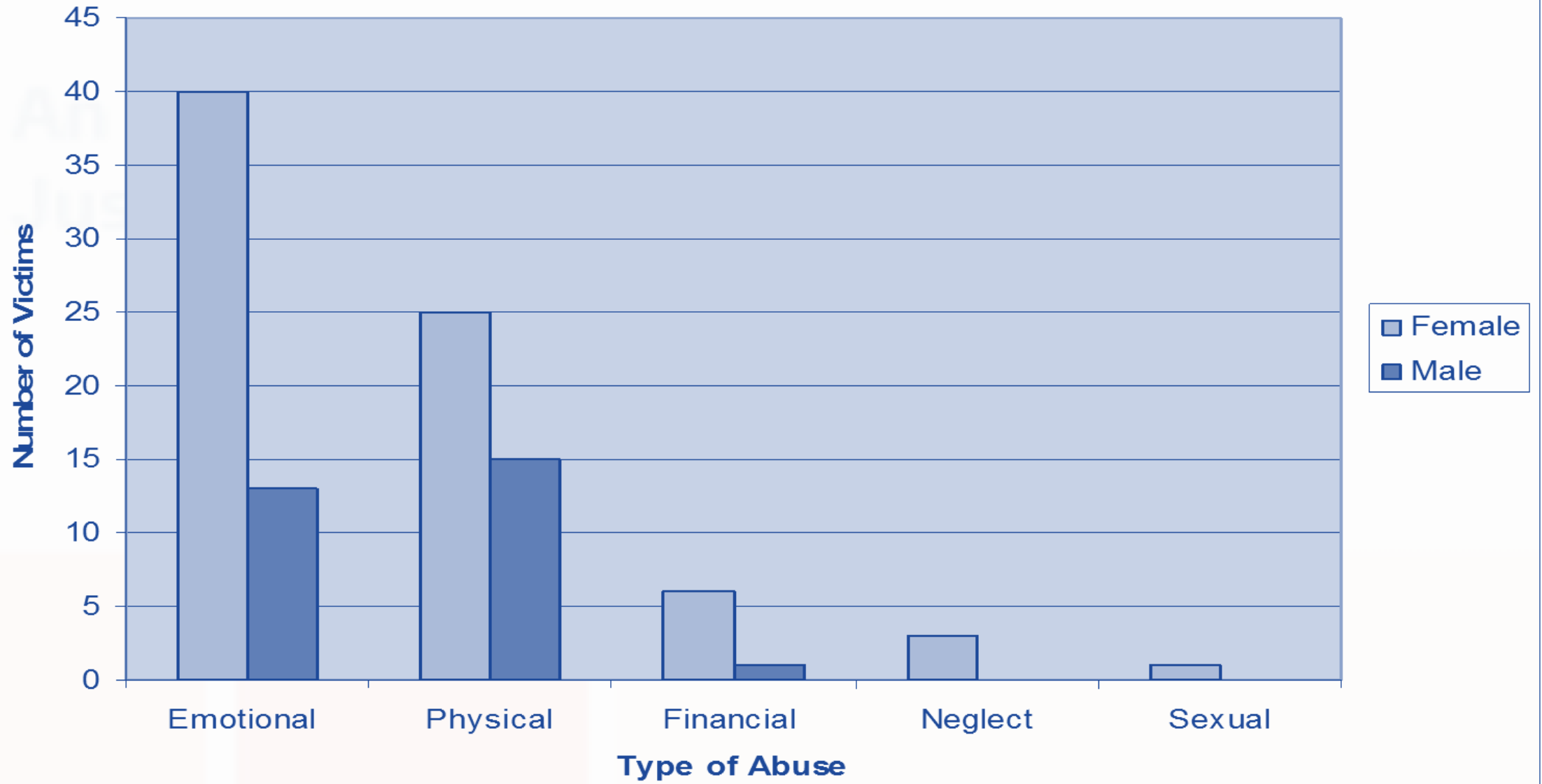
- 145 separate incidents, involving 131 individual victims, recorded between 3<sup>rd</sup> December 2010 and 31<sup>st</sup> January 2012.
- Data available for 127 victims for whom Case Management Records had been completed.
- Pilot based in Swansea

# Profile of victims

- Of the 131 victims 95 were female (73%) and 36 were male (27%).
- Ages ranged from 55 to 91 years of age;
- Five recorded as BME (4% of all victims);
- One was recorded as LGBT;
- 41 had a disability (30 females 11 males) recorded as having a disability);
- 10 individuals recorded as lacking mental capacity.



Age and gender of victims



## Principal Objective of the Pilot

To enable older vulnerable victims of domestic abuse to obtain criminal or civil justice processes and obtain protection from further abuse.

## *Care and Social Services Inspectorate Wales*

justice, empowerment and protection 'should lie at the heart of a comprehensive safeguarding service.'

## *The Right to be Safe (Welsh Government 2010)*

'few more basic human rights than that of being protected from violence or exploitation'

## Recommendation 1:

Consideration should be given to how domestic violence and elder abuse procedures, policies and guidance can be integrated more effectively.

- MARAC process achieved higher rates of consent, greater 'access to justice' opportunities in terms of the range of options discussed with victims, and improved access and engagement with third sector organisations.
- Currently the DASH RIC/ MARAC process is not being used to its full advantage, especially by health and social care.

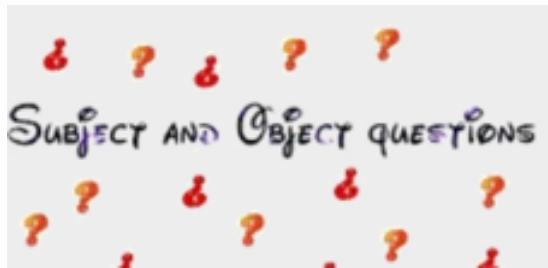
## Recommendations 3, 4 and 5 – mental capacity:

- Practitioners should record the basis for a conclusion that the victim has legal capacity to participate in the investigative process.
- Practitioners should ensure, when deemed appropriate, that issues of capacity are considered throughout the investigative process.
- In cases where a victim lacks capacity, there should be a presumption that an IMCA will be involved, and at an early stage rather than towards the end of the investigative process.

*What I do feel is [practitioners] seem to be of the view that the IMCAs wouldn't get involved while the investigation is going on for fear of us talking to people or inadvertently making some mess of it basically. And get in the way of that process. We have all had training. ...I think we are all clear, everybody was of the view that they are all quite sensible people and professionals*

Mental health practitioner

# Consent and 'Options Discussed'

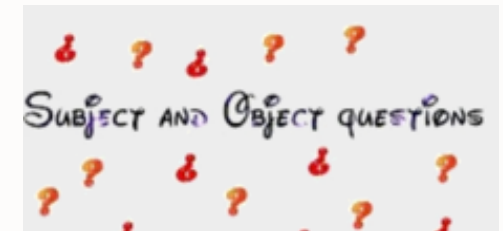


- Consent to share information was obtained in only 29% cases in 2010 – lack of opportunity to use third sector support
- Failure to discuss options in 61% cases across the three years
- There were two convictions
- No civil law remedies sought



# Justice options

- Two thirds of older victims were not involved in decision-making when justice options were considered
- Older people felt:
  - they were more likely to engage with a justice provider with additional time with one worker to build a relationship, establish trust and develop rapport
  - an advocate model was more likely to empower than the 'case management' model
  - an advocate approach would increase the likelihood of feeling central in the decision-making process
- Frontline workers lacked training necessary to explore civil justice options with older victims



*' ... you need someone to sit down with that victim and befriend that person. With Age Concern this is what happened ... they [victims] need time so they can trust that person, it has to be something done sensitively. You may need to call and chat two or three times before they start talking. I can talk about it now quite openly but I couldn't at the time. The victim loses all power and you need to help them conquer that; there needs to be a plan set up with all agencies. It may be sometime later before the problem can be tackled... I think it is that one link [building a relationship] that is really missing with social services etc. ... it's that befriending side, it is vital, it really is...'*

Male victim



## Recommendation 7:

The decision on whether to use special measures in criminal proceedings should be based on assessments of the victim's vulnerability made throughout the investigative process. Practitioners should ensure that all information relevant to that decision is available to the CPS.

- The decision to use special measures may determine whether a prosecution goes ahead.
- In making that decision, it is important that the CPS is aware of all relevant information including assessments of the victim by other practitioners.

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We feel responsible for our children, right or wrong, we feel that we should be there for them when no-one else is. We will take more from them than we would from anyone else. So our role as a parent is to help our child, so in this case mum need the agencies her help her son, otherwise the problem won't go away, it will get worse, it is very sad really ....'

(Female interviewee: 5)

## The justice deficit



Our Access to Justice evaluation, and the Adult Protection and Domestic Abuse and Hate crimes research found a significant degree of unmet need in relation to elder abuse victims accessing justice.

In the determination of his civil rights and obligations ... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

*Article 6 European Convention on Human Rights*

## An Evaluation of the 'Access to Justice' Pilot Project

A new approach required that achieved 'justice' for the older person, ended the abuse and did not threaten what was good about the relationship.