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of Worcester**

**The Criminal Injustice System: An Analysis of Professional Perspectives of
Secondary-Victimisation for Female Victim/Survivors of Domestic and Sexual
Violence Navigating the Legal System**

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**Dissertation submitted as a requirement for the
Master's Degree: Understanding Domestic and Sexual Violence**

University of Worcester

26th September 2021

Abstract

Research with victim/survivors of domestic and sexual violence increasingly suggests that the legal system causes re-traumatisation and secondary-victimisation via its legitimisation and reproduction of bias, stereotypes and rape myths. In response to a surge in cases of male violence against women following the Covid-19 pandemic and record low charge and conviction rates for domestic and sexual violence, this research invited advocates and practitioners within the legal system to draw on their knowledge, experience and expertise to discuss which aspects of the legal system cause secondary-victimisation, and how to address them. Qualitative research methods were adopted in the form of an anonymous online survey which encouraged elaboration of responses where possible. It was found that rape myths, victim-blaming and disbelief of victim/survivor testimonies were common themes perpetuated by legal professionals, resulting in victim/survivor re-traumatisation. Other failings highlighted were inadequate police investigations and frequent 'no further action' outcomes, low charge, prosecution and conviction rates, lengthy waiting times for trials to begin and a dehumanising court process. Respondents noted that some individual police officers work well within a domestic and sexual violence setting, however advised that improved training and awareness should be facilitated for all legal professionals and representatives, in addition to improved access to specialist support for victim/survivors. Building on this research, future studies should seek to explore these responses in more detail in the form of semi-structured interviews with professionals and victim/survivors themselves to gain a more nuanced and thorough understanding of what does and does not work for survivors, and how to adequately address this.

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List of acronyms

CJS – Criminal Justice System

CPS – Crown Prosecution Service

DSV – Domestic and/or Sexual Violence

HMICFRS – Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services

IDVA – Independent Domestic Violence Advocate

ISVA – Independent Sexual Violence Advocate

MVAW – Male Violence Against Women

Acknowledgements

Dedicated to my momma, for everything she is and all she has done.

To all women and girls, everywhere – this is for you.

Introduction

This introductory chapter will focus on the research question: *What are the perspectives of professionals working within the legal system and/or a Domestic and Sexual Violence setting in relation to Secondary-Victimisation within the Criminal Justice System?* and will consist of four subsections: *background information and context; main focus of the research; value of the research, and an exploration of the aims and objectives.*

Background information and context

Following the Covid-19 pandemic, the rate of domestic abuse soared (United Nations, 2021), resulting in victim support services becoming overwhelmed by the ever-increasing demand for their services (Victim Support, 2020). In 2021, we observe record low conviction rates for rape in the UK – at just 1.6% (End Violence Against Women, 2021), and a statistic of just one in four domestic abuse reports to the police resulting in a charge (Grierson, 2021). Male violence against women is a pandemic within its own right – and recent research has uncovered the scope and prevalence of domestic and sexual violence.

In England and Wales, 1.6 million women experienced domestic violence in 2019, and 3.4 million women have been victims of sexual assault in their lives (Office for National Statistics, 2020). Globally, one in three women are expected to be victims of domestic and sexual violence (World Health Organisation, 2021), and, in a ground-breaking study of over 22,000 UK women, it was revealed that 99.7% of respondents had suffered repeat incidents of violence including assaults, harassment and rape (Taylor and Shrive, 2021). However, despite this alarming rate of victimisation, just 4% of the respondents reported that anybody had been convicted for the crimes against them (Taylor and Shrive, 2021). This raises concerns as to why justice appears to be inaccessible for many victim-survivors of domestic and sexual violence.

A key element of this may be linked to an unwillingness to report domestic and sexual violence to the police. Research suggests that the majority of survivors do not report to the police (Women's Aid, 2021), and further research revealed that many victim/survivors that did report to the police suffered repeat incidents that went unreported due to previous negative experiences (Molina and Poppleton, 2020). Victim/survivors are making deliberate decisions not to seek justice – which leaves us asking the question, *why?* Well, research with victim/survivors directly informs us that many of their experiences with the legal system are characterised by victim-blaming, disbelief, the adoption of rape myths and trivialisation of incidents (Campbell, 2005; Patterson, 2011), which results in secondary-victimisation – that is, suffering caused not as a direct result of an incident, but via the responses to it (Gekoski et al, 2013). Furthermore, research with professionals uncovers how this dehumanising treatment is used to discredit victim/survivors.

In a study investigating police officer's adoption of rape myths, it was found that '*women lead men on and then cry rape*', and '*women use rape as a way of getting back at men*' were two of the most common myths supported by police officers (Banard, 2014). Of course, these findings are not generalisable across all police forces; however, many studies of police officers corroborate these findings (Aronowitz et al, 2012; Barrett and Hamilton-Giachrits, 2013; Johnson and Campbell, 1997; Sleath and Bull, 2012). In 2021, it was unveiled that inconsistencies exist across all police forces within the UK, in terms of police officer attitudes and treatment towards victim/survivors (HMICFRS, 2021). However, research with victim/survivors suggests that negative interactions with police officers are not the sole cause of secondary-victimisation.

Victim/survivors of domestic abuse advise that their experiences are often minimised or dismissed entirely within the family courts, particularly if there are child contact concerns (Hester and Lilley, 2017). Other concerns within the court context are lengthy waiting times for trials to begin, causing survivors to feel 'in limbo' and unable to move forward with their lives (Ministry of Justice, 2020), alongside insensitive and interrogatory questioning (Daly and Curtis-Fawley, 2004), remarks about their personal, social and sexual lives made by defence barristers (Eleftheriou-Smith, 2017; Kelley et al, 2006), and shame associated with disclosing personal information in front of strangers in

the courtroom (Baird et al, 2016). Victim/survivors discuss feeling responsible and accountable for the abuse and violence they have suffered, and navigating the legal system for many survivors only serves to corroborate that.

Of course, this is no surprise when the government's response following the murder of Sarah Everard by a serving police officer, and suspected murder of Sabina Nessa is to urge women not to walk alone late at night, or issue personal defence alarms (Bell, 2021). These measures have been publicly branded as inadequate and insulting, guilty of shifting the responsibility of avoiding abuse, rape and murder onto women (Woode, 2021). Instead, the government is urged to consider male violence against women for the long-standing pandemic that it is, and act in a timely and appropriate manner to bring those accountable to justice. Personal safety alarms will not protect women from male violence like believing women and convicting abusers will.

Main focus of research

Professionals that work within a domestic and sexual violence setting, alongside legal professionals, have been chosen as the focus of this research. This is due to their knowledge and experience within this field. Participants were asked to conduct their responses in relation to female victim/survivors of domestic and sexual violence, as research suggests that women are disproportionately affected by these crimes (Bindel, 2019; Monckton-Smith, 2019). Respondents were invited to discuss their experiences of the legal system on behalf of their service users', and were asked to consider recommendations for improvement.

Value of research

The value of this research is significant, for two primary reasons: we observed a surge in male violence against women throughout the Covid-19 pandemic (UN, 2021), and we observe record low conviction rates for rape and charge rates for domestic violence in the UK (End Violence Against Women, 2021). The phenomenon of male violence against women is urgent and requires immediate action. To address the legal system's response to this crisis, we must first recognise where the issues lie, what is causing them and how to manage and fix them. This research has specifically recruited professionals to encourage them to draw on their knowledge, experience and expertise for the purposes of improving the legal system's response to victim/survivors and improving their access to justice.

Aims and objectives

This research intends to gain insight and a thorough understanding of professional perspectives of the legal system and how it does and does not work for victim/survivors. A key element of the research is the '*recommendations for improvement*' section as the main objective is to unveil the necessary changes required for the legal system to better support victim/survivors navigating it, to ultimately prevent secondary-victimisation. A discussion of how this was set to be achieved will take place within the methodology section, however, the next section will consider all relevant research and literature to this study.

Literature Review

Male violence against women and girls is a global pandemic. The long-standing statistic that one in three women will experience domestic and/or sexual violence in her lifetime (World Health Organisation, 2021) prompts us to consider what is being done to protect women and girls from the violence they are subjected to because of their sex, and whether they are being adequately protected by a competent legal system when they seek justice. Secondary-victimisation refers to the suffering victim/survivors experience not as a direct result of an incident, but due to the nature of responses from institutions and individuals representing them (Gekoski et al, 2013), and is often characterised by victim-blaming attitudes. Before we explore the prevalence of secondary-victimisation within the legal system, we must first consider the wider phenomenon of male violence against women as the context for which such attitudes are legitimised and reproduced.

Male violence against women (MVAW) is discussed within this context as 'any act of sex-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats, coercion or arbitrary deprivation of liberty, whether occurring in public or private life' (Amnesty International, 2021). Its prevalence extends globally, resulting in the death of an adolescent girl every ten minutes (Yougov, 2021), 82% of all intimate-partner homicide victims being women (Bindel, 2019; Monckton-Smith, 2019; Rennison and Welchans, 2000; United Nations, 2013), and one in three women experiencing domestic and/or sexual violence in her lifetime (WHO, 2021). Within the UK, recent research has revealed that 97% of women aged 18-24 have experienced sexual harassment (Yougov, 2021), an estimated 1.6 million women experienced domestic abuse in the last year (Office for National Statistics, 2020) and 3.4 million women had been victims of sexual assault in their lives (ONS, 2020). In another UK study of over 22,000 women, 99.7% of respondents had disclosed repeat incidents of violence including assaults, harassment and rape, and 51% reported waking up to their partners having sex or performing sex acts onto them (Taylor and Shrive, 2021). MVAW is such a phenomenon that, of all women killed in the UK in 2018, 61% were killed by a current or former partner, noting that 'overkill' was the result in just over half of these cases, whereby the killer has used more violence than necessary to kill the victim (Long et al, 2020).

Furthermore, sex-based violence has only increased in severity and prevalence since the beginning of the Covid-19 pandemic, inciting the UN Women to pledge a call-to-action for governments to tackle the 'shadow pandemic' that is MVAW (UN, 2021). However, this comes at a time when less than 3% of rape cases reported to the police proceed to be charged (Centre for Women's Justice, 2021). Between the period of 2009/10 and 2016/17, England and Wales observed an average of 3,446 rape allegation charges per year. In 2017/18, the annual volume of prosecutions had fallen by almost a quarter, and by 2018/19 had dropped by over half – just 1,758 prosecutions within the total of 55,000 allegations reported that year were being pursued by the Crown Prosecution Service (CPS). In 2021, prosecution rates remain at a record low despite the number of rape reports increasing (Centre for Women's Justice, 2021). Advocates have called on the government to improve its services for women navigating the legal system and prevent the re-traumatisation of dropped cases and record low convictions (End Violence Against Women, 2021). And yet, within the 20 schedules, 176 clauses and 296 pages of the proposed 'Police, Crime, Sentencing and Courts Bill, "women" are not mentioned even once (Ross, 2021).

Perhaps unsurprisingly, just one in five women go on to report experiencing domestic abuse to the police (Women's Aid, 2021), and just one in seven women believe that justice is attainable (Baird, 2020). The re-traumatising nature of women's engagement with the legal system is not limited to practical failings; much research in this field highlights the culture of disbelief, suspicion and scepticism women are subjected to throughout their navigation of the legal system, particularly in cases of sexual violence as misconceptions influence overall perceptions of credibility for victim/survivors.

Focusing primarily on women's disclosures of sexual violence, Burt (1980) coined the concept of 'Rape Myths', referring to 'attitudes and generally false beliefs about rape that are widely and persistently held, and that serve to deny and justify male sexual aggression against women' (Burt, 1980. P43). Rape myths are culturally situated and are characterised by misconceptions regarding the act of rape itself, its victims and perpetrators (Deming et al, 2013; Lonsway and Fitzgerald, 1994), and largely infer that women are partly if not wholly responsible for provoking their

sexual assault via their overall demeanour, clothing and behavioural choices (Burt, 1980; Deming et al, 2013; Klement et al, 2019; Lonsway and Fitzgerald, 1994). Rape myths serve to situate women as illegitimate complainants by debunking their testimonies and undermining their access to 'credible victim' status.

The notion of the 'credible victim' derives from the concept of rape myths and suggests that women who deviate from the traditional 'rape script' – that is, the way supposed *real victims* dress, look and behave – should be treated with increased scepticism and distrust (Kahn et al, 2003; Klement et al, 2019). Women who testify as being raped by somebody they know, who did not fight back against their attacker, who were intoxicated at the time, who were wearing revealing clothing or did not report their assault to the police immediately after it occurred are thought to deviate from the 'rape script' and so are culturally disregarded as credible witnesses (Kahn et al, 2003; Klement et al, 2019). This is notwithstanding our knowledge that the majority of sexual violence is inflicted by somebody known to the victim (Deming et al, 2013), to 'freeze' is the most common response to rape (Taylor, 2020), most rape victims do not report their rape to the police, or do so at a later date (Women's Aid, 2021), and less than 2% of rape reports are found to be fabrications (Taylor, 2020). In essence, rape myths blame, trivialise and discredit victims whilst sympathising with and excusing perpetrators.

Following on from Burt's (1980) theory of rape myths, research in the just under 40 years since has focused on highlighting the ways in which rape myths are legitimised and reproduced (Johnson et al, 1997; Payne et al, 1999). The media is considered largely responsible for the transmission of rape myths – in particular, television, written media, the internet and pornography. Research has indicated that exposure to common rape myths within newspaper headlines correlated with higher rape myth acceptance than control groups (Brown, 2002). Perhaps more concerning, however, is the rate of rape myth transmission within pornographic content, of which 90% on the internet features physical violence against women (Bridges et al, 2010). The consumption of 'lads mags' was positively associated with a higher rape myth acceptance in one study, which has been corroborated by other research highlighting the sexual victimisation of women in pornography as leading to an increase in supportive attitudes of sexual violence (Brown and L'Engle, 2009; Malamuth et al, 2012; Romero-Sanchez et al, 2015), and increased blame towards complainants in rape cases (Vandello et al, 2008). Perhaps justifying Burt's (1980) theorisation of rape myths as being 'widely and persistently held', pornographic content is widely accessible online to anybody with an internet connection, with young people acquiring much of their knowledge about sexuality from pornography (Brown, 2002; Valkenburg, 2007).

The impact of internalising rape myths is not limited to the ways in which society perceives rape victims, but also how victims perceive themselves. Research has found that women's internalisation of rape myths prevents them from identifying their sexual assault (Heath et al, 2013). In a study of 504 college women, it was found that 85% of women who had experienced the legal definition of sexual assault did not label it as such, particularly if the perpetrator was known to them or alcohol was involved (Deming et al, 2013; Kahn et al, 2003). Shame, self-blame and self-doubt are common emotional responses for victims of rape and sexual assault (Wasco and Campbell, 2002), with one in three developing post-traumatic stress disorder (Tjaden and Thoennes, 2006). The barriers rape and sexual assault victims face in identifying their assault in the midst of widespread societal and cultural misconceptions, paired with the psychological effects of trauma prevent many women from reporting to the police (Women's Aid, 2021), making those who do especially vulnerable to re-traumatisation and secondary-victimisation.

The police are largely considered as the 'gateway' to the legal system and are often the first point of contact for victims when reporting their assault (Banard, 2014). Research suggests that negative and even neutral reactions from police officers towards rape victim/survivors can cause long-term feelings of shame and self-blame (Campbell, 2005; Patterson, 2011). Adapting Payne, Lonsway and Fitzgerald's (1999) rape myth acceptance scale, Banard (2014) found that police officers within their research sample scored highly on the scale. Items with the highest acceptance were '*rape accusations are often used as a way to get back at men*', and '*a lot of women lead men on and then cry rape*'. In this sample, men were more likely than women to endorse rape myths and subscales '*she lied*', '*she wanted it*', and '*it wasn't rape*' were among the highest scored. Although this research is not generalisable outside of this particular police depot, various research in this area corroborates these findings (Aronowitz et al, 2012; Barrett and Hamilton-Giachritsis, 2013; Johnson and Campbell, 1997; Sleath and Bull, 2012).

The endorsement of rape myths by police officers can have catastrophic consequences for victim/survivors, not least because police that do are less motivated to investigate rape charges (Tempkin and Krahe, 2008), which are currently at a record low in the UK (Centre for Women's Justice, 2021). Interrogatory interviewing practices, trivialisation of reported incidents and outright denial and blame are amongst the most common reported experiences for victim/survivors reporting to the police (Campbell, 2005; Johnson and Campbell, 1997). Negative experiences with police officers can cause many to withdraw their statements and prosecutions entirely, as 42% of complainants did in the year ending September 2020 in the UK (Younger, 2021). However, even in cases that proceed within the legal system, victim/survivors report feelings of being 'in limbo' for periods as long as two years awaiting the trial, scarce updates from police officers about their case (Chambers and Millar, 1983; Lilley and Hester, 2017; Tempkin and Krahe, 2008), and being 'no further actioned' without sufficient explanations (Lilley and Hester, 2017).

The court process, however, has long been the central focus of research into secondary-victimisation and re-traumatisation for cases of rape and sexual assault. In a year-long Scottish study with victim/survivors of rape comprising of interviews and analysis of official court transcripts, Chambers and Millar (1983) highlighted key issues in the ways in which the court process is, at best, unsympathetic towards rape victims and at worst, outright blames them for their assaults. Interviews with victim/survivors revealed feelings that their character and choices were on trial during cross-examination, rather than that of the defendant. Very little consideration was paid to the fact that personal and private details were being discussed openly in the courtroom, and many victim/survivors reported the experience of giving evidence as confirming their worst expectations (Chambers and Millar, 1983). Analysis of official court transcripts uncovered the precise nature of what caused such re-traumatisation within the courtroom.

The replication of common rape myths was observed during the research which acted as the foundation for many victim/survivor's experiences navigating the system. The cross-examination process in Chambers and Millar's (1983) study highlighted the alarming lack of understanding of the psychological impact of rape and sexual assault, inferring that the complainant's inability to fight off her attacker or scream for help was indicative of her consent. Other suggestions from defence barristers during the cross-examination stage revealed a preoccupation with the complainant's clothing choices and character assassination methods referring to previous sexual history, drug misuse, abuse and access to counselling services (Chambers and Millar, 1983). Members of the jury are also susceptible to internalising rape myths, which are subsequently more likely to be affirmed if they are reproduced by professionals within the courtroom (Chaiken et al, 1996). During interviews with victim/survivors, one responded:

"Rape is an abuse of power, it treats you as an object, a receptacle, a tool. You are ripped of any humanity and used for someone else's purpose and that's exactly how I felt I was treated during the entire process of reporting, despite my 'successful' outcome." (Chambers and Millar, 1983. P. 57)

In the almost 40 years since the Chambers and Millar (1983) study, legislation has been introduced to protect complainants from intrusive and interrogatory questioning (Tempkin et al, 2016), such as the Section 41 Youth Justice and Criminal Evidence Act, 1999, the Section 100 Criminal Justice Act, 2003 and the Sexual Offences Act, 2003 (CPS, 2021). It is a requirement within s.41 legislation that defence counsel must apply to the judge to approve the use of evidence involving the complainant's previous sexual history and may only be approved in circumstances where absolutely necessary and relevant to the case (Kelly et al, 2006). Such provisions were developed to prevent character assassination methods used to debunk complainants as credible witnesses, which results in secondary-victimisation.

However, Kelly et al (2006) raised concerns regarding the extent of legislative protection within s.41, as other rape myths beyond the complainant's previous sexual history were still increasingly mobilised. Perhaps more worryingly, it was noted that previous sexual history was still used as a line of questioning within cross-examination processes without the necessary applications to the judge (Kelly et al, 2006). Specialist training for rape prosecutors has since been introduced (Tempkin et al, 2016), however has faced backlash once again for being poorly implemented, poorly distributed and for failing to recognise the role rape myths often play within CPS decision-making (Angiolini, 2015).

Contemporary research into secondary-victimisation has derived from Chambers and Millar's (1983) study and corroborated their findings, almost 40 years on and despite the legislative measures designed to protect victim/survivors (Tempkin et al, 2016). Researchers observed court proceedings in rape cases in one London study

and revealed significant influences of rape myths within defence counsel: discussions of previous sexual history despite no s.41 applications; trivialising rape within marriage as not 'real rape'; stereotyping complainants for not fighting back, screaming or reporting to the police right away and inferring that the complainant's clothing choices were indicative of consent (Angiolini, 2015). This ultimately left victim/survivors feeling re-victimised, re-traumatised and to blame for their assaults and sets a clear precedent that legislation is only as effective as its practical implementation.

However, other government changes have been much more successful in their implementation. Independent Domestic/Sexual Violence Advisors (IDVAs/ISVAs) were established in 2006 (Lime Culture, 2006) to centre victim/survivors within their work, and support and empower them as they navigate the legal system. An extremely successful intervention, research suggests that IDVA/ISVA support offers a 'safe space' for women in an often otherwise uncompromising legal system (Lilley and Hester, 2017). Furthermore, research has highlighted the powerful positive impact IDVA/ISVA support has on reducing case attrition (Brown et al, 2010) and alleviating much of the psychological distress victim/survivors experience as a result of their involvement with the legal system (Stern, 2010). IDVA/ISVA's work on a one-to-one basis with clients, providing specialised and tailored support, thus offering a unique perspective into the legal system and how effective and efficient it is in cases of domestic and sexual violence. The research within this study has purposely identified practitioners that work with women and girls in this setting as the target audience, to widen our understanding of the challenges their clients face by drawing on their professional knowledge and experience, as previous research has done (Regehr and Alaggia, 2006). However, this research intends to offer a platform for practitioners to address issues that have specifically been influenced by the Covid-19 pandemic and combine perspectives from support practitioners alongside legal professionals, for comprehensive insight.

Following the SafeLives England and Wales practitioner survey (2021), it was revealed that there were not enough domestic abuse practitioners to support the demand for them in 2019. In 2020/2021, as a direct impact of the Covid-19 pandemic and limited funding, IDVA provision has fallen for the first time in five years – only 3% of police force areas have the minimum required number of IDVAs, while 14% have less than 50% (SafeLives' 2020/21 Survey of Domestic Abuse Practitioners in England and Wales, 2021), meaning that many women are unable to access advocacy and support services. Moreover, 2020 observed a significant increase in demand for domestic and sexual abuse support services, with Victim Support reporting 20,000 more referrals than its average since before the Covid-19 pandemic (Victim Support, 2020).

However, an £11 million funding increase was promised by the government in March of this year, in an effort to recruit more IDVA/ISVAs to ensure the continuation of these vital services. This is in addition to the newly proposed Victim's Code, which will allow vulnerable victim/survivors such as rape complainants to pre-record their evidence to prevent re-traumatising cross-examination processes (Ministry of Justice, 2021). Other changes will include immediate referrals to victim contact schemes for those eligible, automatic updates and the ability to choose the sex of police interviewers in cases of rape and sexual assault. In the declared 'end-to-end review' on rape findings earlier this year, ministers proposed a new plan to ensure that victim/survivors have increased access to therapeutic support, are more informed about their rights and are continuously engaged by practitioners throughout the legal process (Ministry of Justice, 2021). This year has been a step in the right direction for addressing the secondary-victimisation and re-traumatisation victim/survivors are subjected to within the legal system, however, the government has been criticised for its lack of urgency. Activists have stressed the importance of immediate government action, as positive results are not expected to be delivered by these proposed interventions for years to come (Centre for Women's Justice, 2021). Women's aid mirrored this sentiment and issued a statement criticising the 2-year awaiting review for failing to consult directly with survivors, or consider the impact on minority groups (Women's Aid, 2021).

Male violence against women has been considered within this chapter on a global scale, with reference to the current Covid-19 pandemic and with supporting research from up to a forty-year period. Secondary-victimisation has been explored in relation to the UK legal system, with research suggesting that very little has changed in terms of victim/survivor experiences of victim-blaming and re-traumatisation as a result of navigating the legal system. Research with victim/survivors suggests that IDVA/ISVA support is a crucial aspect of their engagement with the legal system, however these services are experiencing increased demand and limited funding. This year, the government

has made a step in the right direction by addressing rape failings and proposing a new Victim's Code. However, activists are left asking whether these proposals are enough to address the current crisis. Male violence against women and girls is a global pandemic that demands immediate action. Women and girls are asking – where is our justice? The following section will discuss the methodology pertaining to the research question: *'What are the perspectives of professionals working within the legal system and/or a Domestic and Sexual Violence setting in relation to Secondary-Victimisation within the Criminal Justice System?'*

Methodology

Introduction

Within this section, we will consider the research question: *'What are the perspectives of professionals working within the legal system and/or a Domestic and Sexual Violence setting in relation to Secondary-Victimisation within the Criminal Justice System?'* and how the methodology and identified theoretical framework reflected the wider aims of the research as intended to make positive impact on the lives and experiences of women navigating the legal system. The methodology will be discussed and justified in relation to this question, in addition to a consideration of the wider theoretical framework in which this research situates, ethical considerations of researching sensitive topics and limitations and obstacles faced throughout the research process.

Theoretical Framework

Ontology is defined within the SAGE Online Dictionary of Social Research Methods (2006) as "a concept concerned with the existence of, and relationship between, different aspects of society such as social actors, cultural norms and social structures... Ontological issues are concerned with questions pertaining to the kinds of things that exist within society" (Jupp, 2006). A philosophical concept, ontology considers whether social entities can exist independently from social actors, or whether they are curated by the perceptions and interpretations of individuals in society – namely, socially constructed (Bryman, 2008). The focus of ontology is what can be known about the world (Al-Saadi, 2014), while epistemology focuses on how this knowledge can be acquired (Snape and Spencer, 2003). Cohen, Manion and Morrison (2000) describe it as "the very bases of knowledge – its nature and form, how it can be acquired and how it is communicated to other human beings" (Cohen, Manion and Morrison, 2000. P.7), and go on to suggest that the methodological decisions made by researchers are not random but deliberate choices, influenced by the ontological and epistemological stance of the researcher.

To expand on this, if the adopted ontological position is that knowledge is objective and tangible, this demands an epistemological stance of positivism: encompassing direct observation, controlled environments, testing and measuring (Al-Saadi, 2014). In such cases, evidence and objectivity are highly valued, therefore research should be objective, value free, generalizable and replicable, in the form of quantitative methods (Wellington, 2000). Alternatively, if the ontological position assumes that knowledge is personal, subjective and unique to individuals, this in turn influences an epistemological stance of interpretivism/constructionism (Al-Saadi, 2014), with knowledge produced by exploring and understanding (not discovering) the meanings and interpretations of the participants in research. This, in turn, positions the research to favour qualitative research methods (Ormston et al, 2013). The interpretivist approach rejects the notion of 'value free' research conduction, and notes that researchers cannot detach themselves from the process. Instead, they should be encouraged to become personally engaged with their study (Romm, 2015).

The adopted ontological and epistemological positions by the researcher influence the theoretical framework in which their research is situated (Romm, 2015). This research adopts a transformative approach, defined as "an umbrella term that encompasses paradigmatic perspectives that are meant to be emancipatory, participatory, and inclusive" (Mertens, 1999, p. 4). The transformative paradigm places central importance on the lives and experiences of marginalised groups, and links the results of social inquiry to action" (Mertens, 1999, p.4). My research focuses on the experiences of female victim/survivors of domestic and sexual violence (DSV) and aims to uncover professional perspectives with the hope that their specialised knowledge of their field can help to improve support and access to justice for women navigating the legal system.

In the context of the transformative research paradigm, Mertens (1999) notes that social reality is transient, depending on social, cultural, political and power-based factors. Researchers are invited to consider these factors within their studies; historically, research has focused on the experiences of men, used 'malestream' research methods (Oakley, 1998) and generalised across to women, if they are included in the research process at all (Stanley and Wise, 1993). Second-wave feminism raised questions as to how knowledge is produced, who produces it and

how it is used (Westmarland, 2001) – noting that ‘universal knowledge’ as we understood it was actually male knowledge, derived from male scholarship and designed to subordinate women.

With this in mind, my ontological position accepts that knowledge is socially constructed, however acknowledges the power imbalances of those with a claim to knowledge. Female DSV victim/survivors often feel systematically silenced and marginalised from their own testimonies. Therefore, this research seeks to centre the lives and experiences of female victims and adopts an epistemological stance of interpretivism (although positivism and mixed methods are also accepted stances within this paradigm) (Neuman, 1998). This stance has influenced qualitative research methods, which favour in-depth, detailed responses from participants to better aid understanding.

Methodology: Sampling

This research chose to focus in particular on the perspectives of professionals working within the legal system, and/or a DSV setting. Much research in this field has rightfully centred victim/survivors by providing them with the platform to discuss their experiences. This research intended to expand on its victim-centred approach by drawing in on their professional advocates for an alternative perspective, with the hope that their specialised knowledge and experience would allow them to pinpoint aspects of the legal system that do not work for victim/survivors in terms of support available to them, and their access to justice. Previous research in this area has widely focused on either domestic or sexual violence complainants (See Regehr and Alaggia, 2006). This research is particularly interested in the ways in which rape myths affect victim/survivor’s experiences of the legal system, however, seeks to combine both domestic and sexual violence practitioners for a wider understanding of shared experiences.

With this in mind, professionals were recruited from Women’s Aid and Rape Crisis, and were invited to draw on their knowledge and experience to discuss the impact of policy changes, laws, and the obstacles faced as a result of the Covid-19 pandemic. As women are disproportionately affected by DSV (Dobash and Dobash, 2004; Hester, 2013; Myhill, 2015; Myhill, 2017; Office for National Statistics, 2020), the research focused on female victims and asked participants to conduct their responses in relation to women’s experiences navigating the legal system in DSV cases. This research recruited twelve participants, from Rape Crisis volunteers to self-employed barristers (See Appendix J for full participant details). All respondents had varying degrees of expertise, ranging from two months in their current roles, to fifteen years. In addition to this, respondents also included details of previous relevant voluntary and paid positions.

Probability sampling is widely used for quantitative research whereby each sample has the same probability as other samples to be selected to participate (Berndt, 2020), which is useful for ensuring data is representative of whole populations. However, this research has adopted qualitative research methods, which values insight over representation and reproducibility (Palinkas et al, 2015; Spradley, 1979). Non-probability sampling was chosen in line with the qualitative approach, of which there are three main categories: purposive, convenience and quota sampling (Business Research Methodology, 2021). Purposive sampling relies on the researcher’s own judgment during the participant selection process in terms of participant knowledge and experience; convenience sampling involves drawing from a population that is available to the researcher at that time (Edgar and Manz, 2017); and quota sampling involves creating a sample of individuals that represent a wider population of interest.

Purposive and convenience sampling methods were chosen for this research. Expert sampling is a form of purposive sampling that is used to secure a sample with particular expertise (Lærd, 2021; Palinkas et al, 2015), while snowball sampling is a form of convenience sampling whereby primary data sources nominate other potential data sources to participate in the research (Edgar and Manz, 2017). Within my research, Rape Crisis and Women’s Aid were approached and agreed to serve as gatekeeper organisations. Women’s Aid shared the link internally to all staff members, while Rape crisis featured the research in their newsletter distributed in partner centres across England and Wales, and both were asked to distribute the link to other potentially relevant research candidates. This demonstrates how purposive sampling methods can be useful for securing specific populations with desired attributes (Creswell and Plane-Clark, 2011), and how snowball sampling allows researchers to gain access to a population that otherwise would not be available due to limited resources and time sensitivity.

While purposive sampling can be criticised for researcher bias (Lærd, 2021) as the sample has derived from researcher judgment (in contrast to probability sampling methods which are designed to reduce bias), it can be

argued that this is only a disadvantage within qualitative research where judgments have not been based on clear criteria. Within my research, it is a logical consideration to focus on participants with expertise in the desired field, for the purpose of producing valid and reliable data. Similarly, there exists participant bias within the snowball recruitment technique; participants may only refer those whom they know to have similar views, and deliberately exclude those who disagree (Edgar and Manz, 2017). However, this method is favoured for its ability to recruit otherwise hesitant participants – if we consider the sensitive (and at times, controversial) nature of this research, being approached by a current, known participant of the research may be more useful than being approached directly by myself as the researcher in terms of encouraging participation.

Methods

This research adopted a qualitative approach from a feminist perspective, which is argued by Letherby (2003) to require a “political commitment to produce useful knowledge that will make a difference in women’s lives through social and individual change” (Letherby, 2003. P4). Feminist researchers are particularly concerned with highlighting women’s experiences, overcoming inequalities and improving women’s lives (Hesse-Biber and Leavy, 2008), and adopt this approach in pursuit of the liberation of women (McHugh, 2014). Qualitative research methods were chosen to “convey a deeper feeling for, and emotional closeness to the persons studied” (Jayaratne, 1983. P. 145) which is widely criticised by positivist frameworks for researcher bias, and not producing objective data (Westmarland, 2001). However, it has conversely been argued that a deconstruction of the power dynamics between researcher and participants, in addition to emotional involvement from the researcher, can lead to more significant findings (Finch, 1993; Oakley, 1998). This research favoured lengthy, detailed responses from participants and valued insight over representation, generalisability and reproducibility, in line with the qualitative approach.

In terms of the research method chosen, face-to-face, semi-structured interviews with professionals were the preferred method for data collection. This method allows for the development of a rapport between researcher and participant, which is easier face-to-face than via telephone (Prior, 2017). The semi-structured nature of the interview would allow the researcher to explore certain aspects of the responses in more detail, and for participants to ask questions and seek clarification, for clearer responses, resulting in higher research validity. Research also suggests that interviews for sensitive topics can benefit the data collection process, as it mimics a therapeutic environment of one-to-one contact (Muraglia et al, 2020)

However, semi-structured interviews can be time consuming for the researcher and participants (Kuter, 2001), which would have been a limitation within my research. Many organisations were unable to participate due to increased workloads as a result of the Covid-19 pandemic, therefore my research needed to adapt to this environment. Furthermore, interviewer bias is a risk with this research method, whereby the interviewer influences responses with their own characteristics, or by revealing their own opinions (Phellas et al., 2011), and provoking respondents to give perceived socially desirable responses.

As my research comprises of sensitive and at times, controversial questions in relation to how effective the legal system is in supporting victim/survivors of DSV and their access to justice, the benefit of anonymity was considered to be of significant value. The survey method was chosen with this in mind, as respondents could participate without personal identification. This method was also less time consuming for both researcher and participant than interviews (Kuter, 2001), and eliminated the risk of researcher influence during the study as it was completed in an external setting. To mitigate the limitation of lack of researcher/participant clarification and exploration, respondents were encouraged to elaborate on their responses. As participant attrition and fatigue are key concerns within survey-based research, just eight questions were asked, ensuring the survey was relatively short in length and that participants were in control of how much detail they wished to include, and which questions to answer.

There are four main types of survey questionnaire: postal, paper, email and web-based (Kuter, 2001). A postal survey requires respondents to post their responses back to the researcher, in contrast to paper surveys which are completed in the research setting. Email surveys require respondents to access the survey via email and send it back to the researcher upon completion, and web-based surveys are the most widely used form of survey, encompassing an online questionnaire accessible via a web-link (Phellas et al, 2011). An online survey was chosen due to its cost-effectiveness (in comparison to postal questionnaires), its efficiency in terms of distribution and access for participants, and its facilitation of participants with busy schedules. Furthermore, research suggests that

participants are more likely to provide honest responses via online surveys than on paper questionnaires in research settings, prefer to type out responses than write them, and prefer web-based questionnaires to email-based (Phellas et al, 2011).

For this reason, an online survey was the chosen research method, and was adapted to suit the overall theoretical framework and its wider aims and objectives. There was no financial incentive for participants; instead, it was emphasised in the participant information form that respondents would improve understanding in this subject area with the potential of making real, positive impact to those affected. The participant information sheet (see Appendix B) was accessed via the web link and provided details as to why they have been asked to participate, how their data would be used and stored, confidentiality and researcher details for questions or concerns. It included information about the study – such as its focus on female victim/survivors of domestic and sexual violence due to women being disproportionately affected by these crimes (Bindel, 2019; Monckton-Smith, 2019). Respondents were not permitted to access the survey unless they signed the consent form (see Appendix C) to state that they agreed and understood the information provided. Once signed, participants could access the survey, which consisted of eight optional questions (See Appendix D) that encouraged participant elaboration, and a section for any other relevant information not covered in prior questions. Definitions of terminology were provided at the beginning and at the necessary points throughout the survey to ensure respondents were well informed before answering; this was decided as a limitation of the survey method is that participants cannot ask for clarification as easily as they could in interviews (Green, 2017). The survey explored participant's current and previous roles, their perspectives and experiences of the police and courts in DSV cases, and whether they believe justice is attainable for women navigating the legal system at present.

Data analysis

The survey was open for two months before data analysis began, to ensure that as many respondents could participate as possible. The data was then analysed using Thematic analysis, which is a method specifically intended for identifying, analysing, organising and describing themes located within data sets (Braun and Clarke, 2006; King, 2004). The first essential step undertaken to conduct thematic analysis within this research was familiarisation with the data set, to ensure an overall understanding of the data I would be working with (Nowell et al., 2017). Thorough reading took place, and preliminary 'codes' - that is, labels assigned to sections of text to summarise the overall concept (Braun and Clarke, 2006), were identified.

Next, the practical coding process took place, assigning fixed names to these sections. This was completed by highlighting sections of text and assigning an appropriate label of the same colour. For example, in the extract *"There are still judgments made around victim's choices/lifestyle/clothes"*, the code 'Stereotyping' was assigned. This process was repeated for each of the twelve participant responses, resulting in a range of codes with variation in meaning. Each code was cut out then reviewed to ensure it was representative of the extracts and relevant, before being grouped with other similar codes. For example, 'Stereotyping' was grouped with other codes such as 'Victim-blaming' and 'Disbelief', before all the codes were reviewed for relevance and representability and used to devise overall subthemes. In this example, the above codes developed sub-themes of 'Victim-Stereotypes', 'Victim-blaming' and 'Disbelief of Women's Testimonies'.

The next step was assigning the subthemes to the overall superordinate themes (King, 2004; Nowell et al, 2017). This was done by examining the subthemes to identify the most appropriate key theme. For example, in the above case, 'Victim-Stereotypes', 'Victim-blaming' and 'Disbelief in Women's Testimonies' was grouped under the superordinate theme: 'Victims are Responsible for their Own Victimisation'. A final review process took place to ensure that the superordinate themes were representative of the subthemes, and that no aspect of the data was missing from the overall findings. In total, five superordinate themes were identified within the data. Visual representations of the data were produced (see Appendix E, F, G, H and I) to demonstrate how extracts of the data were grouped into subthemes which were used to devise the overall superordinate themes.

This method was chosen as it is accessible and particularly useful when working with and summarising large bodies of qualitative data, as it divides it to aid interpretation (King, 2004). While other data analysis methods such as content analysis are also used to systematically evaluate texts, this method is typically useful for converting qualitative data into quantitative data, which was not an aim of this research. Thematic analysis is of a flexible

nature that can be modified to suit the specification of many research studies, providing rich and detailed accounts of data (Green, 2017). However, this flexibility can lead to inconsistency when developing themes, and the risk of failing to recognise more nuanced patterns within the data (Holloway and Todres, 2003). It is argued that these issues can be mitigated by ensuring a rigorous process of data interpretation and effective use of reviewing the themes (Braun and Clarke, 2006). As the data within this research was of a subjective nature, summarising participant views, thoughts and experiences, thematic analysis was identified as the most suitable data analysis method for this research.

Ethics

Ethics is an essential consideration for all research, but particularly for research in sensitive topics such as DSV, which was considered extensively in the Ethics Application form (see Appendix A). The main risk to participants within this research was psychological distress (Ellsberg et al, 2001). It would be naïve to assume that professionals working in a DSV setting are accustomed to discussing it without becoming upset, indeed because they are not desensitised to the effects of sensitive topics, but also because they may themselves be victim/survivors of DSV. It is my duty as a researcher to abide by the researching principles to ensure that risks are appropriately managed, in accordance with the Researching Violence Against Women guide (Ellsberg and Heise, 2005), which emphasises the importance of ethics at the forefront of all research.

To appropriately manage this risk, participants were fully debriefed in the participant information sheet (see Appendix B) which could be accessed by clicking on the survey link. The information form explained what the research intended to discover, why they were asked to participate, and informed them that they may skip questions or revoke participation at any point before or during the survey by exiting the page. Participants were informed that due to the anonymised nature of the data, their responses could not be revoked after they had submitted them. This section also included researcher details to address any questions or concerns, and contact details for support services should they be required, as recommended within the World Health Organisation and University of Oxford research guidelines (Ellsberg and Heise, 2005; University of Oxford, 2021).

The participant information sheet was also an essential aspect of ensuring informed consent, as it included further information of how participant's data would be collected, used and stored in accordance with Worcester University's Policy for the Effective Management of Research Data (University of Worcester, 2016) and General Data Protection Regulations (GDPR) (Gov.uk, 2018). Participants were asked to agree that they were aged eighteen or over, had read and understood the information provided in the form and consented to participate before continuing to the survey. No financial incentive was used to aid recruitment of participants; instead, they were advised of the positive implications their responses would have on the wider field.

In terms of anonymity and confidentiality, participants were made aware in the participant information form that no personal identifiable information would be obtained during or as a part of the research, therefore neither myself as the researcher or the organisation that they work for could identify them as participants.

Limitations

This research adopted a qualitative approach and prioritised insight into participant's subjective experiences of their profession over objective, representative and generalisable data. While it can be criticised for being un-generalisable to wider populations due to the small participant sample (Phellas et al, 2011), the goal of this research was not to collect data representative of a large sample of respondents but instead uncover detailed perceptions of a select few. Therefore, as the aim of this research was not to produce objective data, this is not recognised as a limitation.

Similarly, it can be argued that researcher bias took place during the sampling stages, as purposive sampling was used to recruit participants (Al-saadi, 2014). This means that participants were selected by the researcher based on their desired characteristics, in this case, their profession. However, as this is a logical decision in accordance with the aims and objectives of the research question, this also is not recognised as a limitation. It would be appropriate, however, to identify participant bias within the snowball sampling phase, as participants may have prioritised those

with a particular set of views (Edgar and Manz, 2017; Parker et al, 2019). Additionally, snowball sampling allowed little researcher control over who the link was distributed to, and whether they were of the desired criteria. However, it allowed access to participants that otherwise would have been inaccessible due to limited resources and time constraints.

Furthermore, the timing of the study can be considered a limitation in this research. Of the twenty organisations contacted for participation, just two were secured, citing increased practitioner workloads as the reason for declining. The research methodology was adapted to suit the needs of the participants, resulting in the desired semi-structured interview method being replaced by the more accessible and efficient online survey method. Of course, this had the added benefit of anonymity, however clarity could not be achieved, nor could participant responses be explored in further detail. Participant attrition and fatigue may have also been a limitation with this research, as is often the case with qualitative research studies (Bryman, 2008). Future research in this area should seek to address these issues. While little can be done to mitigate the effects of Covid-19, researchers should consider increased demand and workloads for practitioners. The data from this research should act as a foundation for further exploration into practitioner perspectives and experiences, perhaps facilitated via interviews with participants.

Conclusion

We have identified the Transformative paradigm as the wider theoretical approach to this research, in addition to the ontological and epistemological assumptions it makes. This, in turn, has influenced the chosen methodology: qualitative methods, characterised by an online survey with open-ended questions to encourage elaboration. Participants were recruited by securing two organisations as gatekeepers: Women's Aid and Rape Crisis, of whom were asked to distribute the link to relevant potential respondents. This of course reduced researcher control in terms of who participated and whether they fit the research criteria, however ensured access to those who otherwise were inaccessible due to resource and time constraints. Overall, twelve participants were recruited with varying degrees of expertise, and were fully debriefed prior to their participation in terms of why they were asked to participate, how their data would be used and stored, how to withdraw from the study, and researcher/support service contact details. These were key ethical considerations and were managed in accordance with the Researching Violence Against Women guidelines. Participants were then asked eight questions in relation to their experience working with women and girls in a DSV setting and were encouraged to elaborate their responses, of which the results will be considered in the next chapter.

Findings and Discussion

Following on from the Thematic Analysis process, a range of views and perspectives were encapsulated, highlighting five superordinate themes, each illustrated further using subthemes. The following superordinate themes were identified: *Victims are Responsible for Their Own Victimisation*; *Re-traumatisation is Inevitable at Court*; *Inadequate Policing in Cases of Domestic and Sexual Violence*; *Exceptions and Improvements within Policing*, and *Recommendations for Policy and Practice*. This section will be dedicated to dissecting and interpreting the findings from the research survey using previous relevant research to assess whether the findings are corroborated or contradicted by the wider literature in this field of study.

Theme 1: Victims are Responsible for Their Own Victimisation

The first superordinate theme identified within the data set was ‘Victims are Responsible for Their Own Victimisation’, which is comprised of four subthemes: *Victim-blaming*, *Victim Stereotypes*, *Inadequate and Interrogatory Questioning* and *Disbelief in Women’s Testimonies* (see Appendix E for visual representation of data). Each subtheme will be discussed individually and interpreted using key research in the following sections.

Victim-blaming

Three participants addressed the victim-blaming attitudes victim/survivors experience from legal professionals throughout their navigation of the legal system. One respondent elaborated further on this, suggesting that justice will not be attainable until victim/survivors are treated as victims instead of suspects in their own victimisation:

“Women have also commented on police minimising their experiences, taking the side of the perpetrator and even blaming the victim for what has happened” (4.092)

“...Insinuations from barristers/magistrates that victims may be elaborating their experience or in some way to blame for what’s happened to them” (6.092)

“It won’t be equipped [to deliver justice] until women are no longer made to feel like they’re being investigated themselves... more time is spent investigating the woman’s phone data, counselling records, GP records, social services records, school and university records than there ever is in investigating the character or history of the suspect” (7.560)

Research within this area of study largely corroborates these findings. In an Arizonian survey distributed online to fifty-three legal and non-legal advocates of intimate-partner violence survivors, one respondent discussed their client’s experience of the legal system:

“Joan’s overall experience with the court was negative. Instead of feeling heard, she felt blamed for the abuse and traumatized by the process, causing her to question her decision to go to court at all” (Katirai, 2020. P83).

Applying this to a UK context, in a study by Women’s Aid and Queen Mary University of London, it was found that victim/survivors were repeatedly blamed for the abuse they had experienced and were visibly perceived as unstable by legal professionals, particularly where counselling records were obtained (Bowcott, 2018). Furthermore, a report by The Fawcett Society (2017) surveying over 8,000 UK respondents discovered that over a third of men and women believed that female victims of sexual violence are wholly or partly responsible for their victimisation if wearing a short skirt, being out late or being intoxicated at the time of the assault, demonstrating how victim-stereotypes and rape myths service to legitimise and reproduce victim-blaming attitudes.

Victim Stereotypes

The Fawcett Society’s (2017) report highlighted an important issue: women’s choices are regularly perceived as indicative of their levels of consent, or victim credibility. *Victim Stereotypes* was the second subtheme identified

within this section, in which three respondents discussed the assumptions and judgments made by legal professionals in relation to how victim/survivors appeared, acted and behaved:

"I have read police write ups which are judgmental and make assumptions" (4.338)

"Some police officers appear to think that if a woman has once been abused, that's her allotted amount of bad luck... if it happens again, she's either lying or she wanted it" (4.230)

"There are still judgments made around women's choices/lifestyle, clothes" (4.851)

Frontline practitioners, such as Rebecca Hitchen, the operations co-ordinator at Rape Crisis South London, advised that survivor's sexual history is commonly dissected within the courtroom, and occurs in little over half of the trials they attend with victims (Eleftheriou-Smith, 2017). Stereotypes discussed within the literature include the ways in which women's clothing is assumed to be indicative of consent, such as in an 1989 case whereby the jury reached a unanimous 'not guilty' verdict of a man that was acquitted of sexual assault charges. The jury noted that *"The way she was dressed with that skirt; you could see everything she had. She was advertising for sex."* (Lennon, 1989). Similarly, more recently, we observe the same stereotypes mobilised within modern-day cases of sexual violence. In a closing statement for an Irish rape trial in 2018, a lawyer asked the jury to consider the underwear worn by the complainant: *"You have to look at the way she was dressed. She was wearing a thong with a lace front"* (Safronova, 2018). This suggests that victim stereotypes are commonplace for victim/survivors navigating the legal system, and have been for many years.

Inappropriate and Interrogatory Questioning

Victim stereotypes often manifest in interrogatory and inappropriate questioning for victim/survivors navigating the legal system. Two respondents within this research identified how questions asked to victim/survivors are inappropriate, interrogatory and influenced by stereotypes:

"Some of the questions they ask are not appropriate i.e. how much alcohol has been consumed and history of the victim" (6.185)

"Victims are questioned in detail in front of the perpetrator... their statements are scrutinised to the point of victims being re-traumatised."

Research in this area is particularly concerned with the ways in which victim/survivors are subjected to intimidating court-room environments and defence barrister questioning regarding their social and sexual history, in an open court with the alleged perpetrator present (Daly and Curtis-Fawley, 2004). While the sexual history of rape complainants can be permitted as evidence under Section 41 of the Youth Justice and Criminal Evidence Act 1999 if an application is made and approved by the judge, Kelley et al (2006) found that in many cases this was mobilised even without the necessary application to the court. Victim/survivors are increasingly experiencing inappropriate questioning, as discovered following an eighteen-month study by Victim Commissioner Dame Vera Baird, whereby victims were questioned about their social and sexual history in over a third of cases (Baird et al, 2016). Victim/survivors also face questions pertaining to other myths and stereotypes, such as their clothing and appearance (Eleftheriou-Smith, 2017), and their relationship with alcohol. In one case, a victim/survivor was asked by defence counsel about her alcohol dependency and whether this has caused hallucinations or memory impairments (Baird et al, 2016). This intrusive and scrutinising questioning relating to victim/survivor's personal life often results in them feeling disbelieved (George and Ferguson, 2021).

Disbelief in Women's Testimonies

The fourth and final subtheme identified within this section was *Disbelief in Women's Testimonies*. Three participants discussed how their service users felt that they were not taken seriously by legal professionals:

"The police is still a patriarchal organisation and so often men's explanations are believed above women's evidence" (4. 583)

“For victims who want to pursue a conviction, many have felt that their experiences haven’t been taken seriously... or that the police haven’t believed what the victim was saying...”

“Victims feel that they are not believed...”

Disbelief in victim’s testimonies is widely acknowledged within the literature. In one study researching police officer’s attitudes of rape complainants using an adapted version of Payne et al’s (1999) rape myth acceptance scale, it was found that ‘rape accusations are used by women as a way of getting back at men’ was a common theme amongst police officers (Banard, 2014). Furthermore, research with victim/survivors of domestic abuse found that they often feel their testimonies are dismissed in family courts, particularly when child contact arrangements are in question (Hester and Lilley, 2017). The Review into the Criminal Justice System response to adult rape and serious sexual offences across England and Wales found lack of belief in victim’s testimonies to be a key feature in their withdrawal from services (George and Ferguson, 2021). The report highlighted the preoccupation for investigations to focus on victim credibility, mobilising intrusive questioning, and resulting in victim/survivors feeling disbelieved.

Theme 2: Re-traumatisation is inevitable at court

The second superordinate theme identified within the data set was *Re-traumatisation is inevitable at court*, which comprises of the three following subthemes: *Obstacles within the Court Process*; *Secondary-victimisation*, and *Inadequate Sentencing* (see Appendix F for visual representation of data). The themes will be discussed within the following section.

Obstacles within the Court Process

Three participants advised that the court process itself is difficult for victim/survivors, as certain types of crimes rarely make it to court, and those that do are subject to lengthy waiting times. One participant noted that even with a positive outcome, the survivor has likely endured a lengthy waiting period for their case to be heard at court:

“Even if a case gets to court and even if it gets a guilty verdict, that women has most likely had that case hanging over her for 2-3 years. That can’t be justice, even with the desired outcome at the end” (7.560)

“The long wait times for charging decisions and court dates.... Can feel as though it is not being taken seriously” (4.753)

“Cases of DVA rarely make it into the court arena” (5.092)

The 2021 Review into the Criminal Justice System has declared that time taken for cases to reach court is increasing (George and Ferguson, 2021). In 2019, the median time between charging a rape case and the case first attending court was nineteen days, compared with just one day in 2012 (Ministry Of Justice, 2020). We also observed a 73% increase for the days taken for adult rape cases to be omitted to completed at court, from 2011 to 2019 – 338 days to 584 days respectively (MOJ, 2020). In a survey with police, Crown Prosecution Service (CPS) and support service practitioners, it was highlighted that there exists significant backlog of cases which were linked to funding limitations, and frequent adjournments of cases (George and Ferguson, 2021). Interviews with victim/survivors described the feeling of being ‘in limbo’ waiting for their trials to begin, advising that they were unable to move forward with their lives throughout this lengthy waiting period (Hester and Lilley, 2017).

However, some cases cease to reach court altogether. In March 2021, Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) was commissioned to inspect the police’s engagement of women and girls (HM Government, 2021). The subsequent report revealed that to the year ending in March 2020, three in four domestic abuse offences reported to the police were closed without a charge (Grierson, 2021), citing lack of

evidence and withdrawal of support from the victim/survivor as the main justifications (Thompson, 2021). Therefore, there is a concern that the police response to domestic abuse is inadequate, resulting in fewer cases ending with a charge or prosecution.

Secondary-Victimisation

For cases that do reach court, five respondents acknowledged that the process can cause secondary-victimisation and re-traumatisation for victim/survivors. The nature of cross-examination, testifying in an open court and fear of the perpetrator were all discussed within this subtheme:

“...While they [victims] are waiting [at court], they are made aware that the defendant is free to walk around the court and leave and enter as he chooses...the woman I was supporting couldn't go to the canteen...for fear of bumping into the defendant or one of his supporters” (6.560)

“...seeing his face would have been incredibly traumatising for her – let alone standing in a room and telling him how he wins every day because she is so scared of him” (6.338)

“It can be traumatic for victims, especially sexual violence cases” (6.851)

“Some of the questions they ask are not appropriate i.e. how much alcohol has been consumed and history of the victim” (6.185)

“Victims are questioned in detail in front of the perpetrator, their statements are scrutinised to the point of victims being re-traumatised, victims feel that they are not believed...or in some way to blame for what happened to them...there is no subsequent support such as counselling” (6.092)

Previous research investigating victim/survivor's experiences of court in rape trials corroborates these findings. Reports of the court process being overwhelmingly negative, difficult to prepare for and traumatising were frequently discussed (Champion et al, 2021). Inappropriate and interrogatory questioning from defence barristers was largely considered to influence the negative experiences reported by victim/survivors (Baird et al, 2016), with questions pertaining to their clothing, actions and choices prior to, during and after their assaults. This was corroborated by further research, with over three quarters of victim/survivors reporting that the cross-examination process was re-traumatising (Molina and Poppleton, 2020). Despite training for The Criminal Bar in how to cross-examination without causing distress, only a handful of the victim/survivors felt that they were treated fairly, and more than twenty years after restrictions on questions regarding the complainant's previous sexual history were implemented, almost two thirds reported being questioned on it (Molina and Poppleton, 2020).

In addition to this, many victim/survivors of domestic and sexual violence have had to face the perpetrators in court due to limited special measures equipment. In a 2021 report by Victim's Commissioner Dame Vera Baird, it was found that victim/survivors are 'slipping through the net' and are not being offered the appropriate special measures (Baird, 2021). There are concerns that the new Domestic Abuse Act, which will see special measures extended to all domestic abuse victim/survivors (HM Government, 2021), will greatly increase the demand for already limited resources. However, even the implementation of special measures isn't sufficient enough to protect victim/survivors from secondary-victimisation. Victim/survivors have increasingly cited the shame and embarrassment they felt discussing their most intimate and personal details with strangers in the courtroom (Gentleman, 2013). One rape complainant advised that the process made her feel that she had been 'raped all over again' following her court appearance. However, within the newly published 'Victims Code' earlier this year, the government hope to alleviate much of the distress caused to victim/survivors by extending Section 28 of the Youth Justice and Criminal Evidence Act 1999 across all crown courts to ensure that all vulnerable victim/survivors are able to pre-record their cross-examination process (HM Government, 2021), meaning that they will not have to give evidence at trial.

Inadequate Sentencing

The final subtheme identified was *Inadequate sentencing*. Three participants identified key issues with court outcomes, such as low conviction rates for rape and sexual violence, and inadequate punishments for perpetrators that pose a serious risk to women:

“The focus seems to be on results rather than giving everyone a fair chance at being heard... thousands of dangerous and predatory individuals continue to live their lives with no consequences for their actions, whilst survivors often battle daily to cope” (7.753)

“Only about 1-3% of rape, sexual abuse cases are successfully prosecuted. This is down to a lack of awareness, victim blaming and lack of training” (7.888)

“The justice system can be quite relaxed in sentencing perps of dv/sexual abuse” (7.851)

Research indicates that the majority of domestic and sexual violence goes unreported (World Health Organisation, 2021), and those that do report to the police face obstacles in getting their cases into the court arena (Grierson, 2021). In 2017/18, just 1,758 prosecutions were secured from 55,000 rape allegations in England and Wales (Centre for Women’s Justice, 2021). In 2020, prosecution and conviction rates for rape reached a record low – at just 1.6% (End Violence Against Women, 2021), sparking the ‘end-to-end’ review on rape findings earlier this year which proposed harsher sentences for sexual offenders, specifically set to be addressed within the Police, Crime, Sentencing and Courts Bill later this year (HM Government, 2021).

Unfortunately, until then, victim/survivors face the prospect of the perpetrators in their cases facing lenient sentences, if convictions are secured at all. ‘Sabrina’ discussed her experiences of attending court following a domestic assault from her ex-partner, whereby she was beaten for five hours before she was able to contact the police (Tickle, 2016). Pleading guilty to a reduced charge of actual bodily harm (ABH), the perpetrator in Sabrina’s case was sentenced to just two years in prison, despite the assurance from the CPS prosecutor that it was the worst case of ABH she had ever seen (Tickle, 2016). Sabrina disclosed her fear of what may happen to her once her ex-partner is released from prison, and noted that he had a history of domestic abuse.

However, many victim/survivors’ cases do not make it to the court arena. In UK a survey researching violence against women with over 22,000 respondents, just 4% reported that the perpetrator(s) in their cases were convicted of a crime (Taylor and Shrive, 2021), suggesting that justice is difficult to obtain for victim/survivors of domestic and sexual violence.

Theme 3: Inadequate Policing in Cases of Domestic and Sexual Violence

The third superordinate theme identified was *Inadequate Policing in Cases of Domestic and Sexual Violence*, and is comprised of three subordinate themes: *Lack of Domestic and Sexual Violence Training and Awareness*, *Inadequate Investigations* and *Lack of Faith in the Police* (see Appendix G for visual representation of data). Each subordinate theme will be dissected in the next section.

Lack of Domestic and Sexual Violence Training and Awareness

The first subordinate theme identified within this section was *Lack of Domestic and Sexual Violence Training and Awareness*. Four participants discussed their experiences of this in relation to their service users, advising that insensitivity, power dynamics and a lack of empathy for victim/survivors were key factors:

“[Police are] insensitive to what they [victims] have endured, blunt questioning, priority in obtaining a prosecution at the expense of victims feelings” (4.092)

“Their [police] lack of specialist training is indicative in their approach to domestic abuse” (4.264)

“[police] have questioned why a woman has [nominated single point of contact] and don’t demonstrate any understanding of how distressing it can be for women to receive texts/calls/emails from police in the middle of any given day.... The panic this can cause and the power dynamic that’s at play” (4.851)

“...This lack of vital training shows in their practice when dealing with victims; insensitive to what they have endured, blunt questioning, priority on obtaining a prosecution at the expense of the victims feeling” (4.092)

Research in this field is particularly varied. Interviews with victim/survivors of rape revealed that 48% believed that they were treated sensitively, respectfully and fairly by the police at the reporting stage, whilst 41% believed that they were not, and 11% were unsure (Molina and Poppleton, 2020). Victim/survivors from ethnic minority groups are significantly less likely to report fair treatment and sensitivity from police officers (Victim’s Commissioner, 2021). When participants were asked about their negative experiences with the police, the overall theme was the feeling of being disbelieved. One advised they were ‘*left feeling like it was me under interrogation*’, with others citing remarks from police officers such as accusing them of lying or exaggerating their victimisation (Molina and Poppleton, 2020). Eighteen of the participants within this research identified the need for further training on domestic abuse, rape myths, empathy and the law on consent for police officers, with several more advising that the police should adopt a trauma-informed approach and improve their understanding of post-traumatic stress.

Furthermore, we observe varied views for victim/survivors interacting with the police in domestic violence cases. An online survey with over 500 victim/survivors of domestic abuse that reported to the police revealed that 79% were satisfied with the initial police response. However, although a considerable number of respondents felt satisfied, one in three felt no safer or less safe after the report (HMICFRS, 2014). Following on from this, HMICFRS commissioned interviews with nine focus groups of seventy victim/survivors, of which many were high-risk and had multiple interactions with the police, to further explore their experiences. It was discovered that the majority had experienced blame, judgment, lack of empathy and lack of understanding from police officers dealing with their cases (HMICFRS, 2014). This suggests that interactions and experiences with the police is particularly varied on an individual level, a theme that will be further explored within the *and Improvements within Policing* section.

Inadequate Investigations

Respondents addressed inadequacies within police investigations in domestic and sexual violence cases. Eight participants discussed their service user’s negative experiences with police officers, citing frequent ‘no further action’ decisions, lack of empathy for victim/survivors and slow response times as the main areas of concern:

“Police had a woman’s phone for over a year prior to realising they couldn’t access data they needed on it. So they emailed the woman to ask her to log into Tinder (the app through which she met the perp), to see if her old messages were still there and send him screenshots... No understanding of how retraumatising it could be” (4.560)

“The police will put the responsibility on the victim to prove breaches and will deem no further action often” (4.338)

“They have so much to do, that cases slip away not being investigated... not all allegations are adequately dealt with” (5.753)

“They quite often look for the easy option... do not endeavour to look at all the evidence... in part due to lack of resources and time available... also lack of empathy with victims” (5.264)

“We are constantly being told by police they aren’t contacting the women we are supporting with updates because they are dealing with ‘live cases.’ As the vast majority of SV crimes are reported after the incident, they are not given the same level of importance” (5.560)

“They take phones and for months on end nothing happens.... Slow to collect witness statements and often only do so after women have pushed them on this” (5.560)

“Many have not provided a statement but want to and often don’t understand any ‘no further action’ decisions” (5.338)

“Police have been slow to respond... taken days/weeks to come to victims’ property to take a statement... victims feel more powerless, unsupported, unsafe... not wanting to report further incidents”

Research with Independent Sexual Violence Advisors (ISVA) corroborates these findings. It was discovered that victim/survivors of sexual violence suffered poor communication from police officers regarding updates on their case, and ISVA's felt much of the information obtained from police officers was actively sought out by themselves on behalf of their service user's (Hester and Lilley, 2017). This can also be confirmed by recent research conducted with victim/survivors, which found that just 25% of respondents felt that they were regularly updated about their case (Victim Commissioner, 2021). Additional research with ISVA's revealed that they observed an increase in cases assigned a 'no further action' by police officers throughout 2017-18 and 2018-19 (George and Ferguson, 2021), and research with victim/survivors in one study found that while just over two thirds of their cases were 'no further actioned' with reason, only a third felt they were informed clearly and promptly (Molina and Poppleton, 2020), resulting in feelings of re-traumatisation.

Furthermore, research found that whilst there are a large number of committed officers working in domestic abuse specialist units, there still exist many inadequacies and weaknesses within UK forces. Frequent delays in allocating cases to officers, uncertainties around who is responsible for witness care and investigation and inadequate 'tick box' risk assessments were frequently reported (HMICFRS, 2014). Furthermore, whilst specialist domestic abuse units were developed to provide direct support to victim/survivors, there are concerns of reduced capacity due to being under-resourced and overwhelmed. This is believed to be a result of high vacancy levels as staff suffer unsustainable workloads, limited additional training and poor support (HMICFRS, 2014)

Lack of Faith in the Police

The final subordinate theme identified within this section was *Lack of Faith in the Police*, with four respondents advising that the legal system provides insufficient support for victim/survivors and that they themselves would not consider reporting to the police following their service user's experiences:

"The police is still a patriarchal organisation and so often men's explanations are believed above women's evidence"
(4.583)

"The vast majority of women we speak to say that if they had known what is involved, they would never have reported to the police" (7.560)

"Victims of domestic abuse feel unsupported by the justice system and police which leads to under reporting and realistically therefore, deaths" (7.338)

"If I was to experience a domestic or sexual crime, I don't think I would report to the police" (4.583)

Research with victim/survivors of rape confirms these findings, revealing that many feel that they would not go through the process again or report any further rapes or sexual violence, with others advising that they had experienced further sexual violence after reporting to the police, however had not gone on to report it (Molina and Poppleton, 2020). One rape complainant advised: *"This whole process has been more traumatic than the actual rape. I have zero belief in the justice legal system."* (Victim's Commissioner, 2021). This is further corroborated by research into victim/survivor's experiences of the legal system; In England and Wales, just one in seven rape victims believe that justice is attainable (Topping, 2020).

Theme 4: Exceptions and Improvements within Policing

The next superordinate theme identified within the data set was *Exceptions and Improvements within Policing*, as, while a significant number of respondents were critical of the police's approach to domestic and sexual violence victim/survivors, five respondents also recognised that individual police officers work well on these cases, identifying the subordinate theme of *Competent Individual Officers*. The second subordinate theme within this section is *Police Improvements*, as one respondent noted that they had observed positive changes in police attitudes over a fifteen-year period (See Appendix H for visual representation of data). The two subordinate themes will be dissected in further detail in the following sections.

Competent Individual Officers

Within this subordinate theme, four respondents noted that individual officers can perform well in cases of domestic and sexual violence, particularly if they are interested in the field, or if they make an effort to ensure their practice is trauma-informed and approach victim/survivors sensitively:

“There are some great individual officers but generally their agenda is different” (4.583)

“There are certainly individual police officers who work in a very trauma-informed and sensitive way, and make a huge difference to how positive the experience is for survivors” (4.753)

“It depends on whether the individual officer is interested about DS violence... the DVPOs are amazing because they have chosen to be in that role” (5.498)

“I would consider that the police make some efforts to be trauma-informed... it depends on the officer” (4.338)

As discussed within the previous section, 48% of rape victim/survivors felt that they were treated sensitively, respectfully and fairly by the police when reporting the crime (Molina and Poppleton, 2020). Those who did not feel this was the case were asked to elaborate on their negative experiences with the police, and advised they were made to feel interrogated and to blame for their assaults. However, interviews with those who identified positive experiences with police revealed that police officers made them feel supported and believed:

“The female officer responsible for the rape case was exceptional. She was timely, called regularly, and ensured I received adequate support”

“My first investigating officer was amazing and made me feel heard and believed”

“I always felt like I was treated with respect by the police, I never felt, as I think many other women have, that I wasn’t believed. I never felt like the police or the support services minimised what had happened and if anything I was daunted by the seriousness of the situation.” (Molina and Poppleton, 2020).

However, research reveals a noticeable difference in victim/survivor experiences with the police based on ethnicity. Just 33% of ethnic minority respondents in one study felt that they were treated fairly and respectfully by the police officers working on their case (Victim Commissioner, 2021). Furthermore, just 16% of ethnic minority respondents agreed with the statement that ‘victims are fully supported by the police’, further confirming the variation of victim/survivor experiences with the police when considering the individual characteristics of the complainant.

Police Improvements

The next subordinate theme identified within this section was *Police Improvements*. Whilst only one participant directly expressed the view that police officer’s attitudes and conduct has improved over the course of their career, this section was included to ensure that the data analysis fully reflects and represents all perspectives from the research participants. Much of the discussion of police officer conduct centred low charge rates for domestic and sexual violence, lengthy waiting times and negative attitudes towards complainants. However, a significant number of respondents recognised positive aspects of the police in practice. The majority of these focused on individual police officer conduct, however, one discussed improvement over a fifteen-year period:

“I have seen positive changes in police attitudes towards victims over the last 15 years... Police actively looking after the welfare of victims whilst at court” (4.813)

Whilst there is no observable improvement in charge rates for domestic violence – a 37% decline in police referrals to the CPS in 2019-20 when compared with 2015/16 (Davidge, 2021), the National Police Chief’s Council lead for domestic abuse Louisa Rolfe advised:

“The police response to domestic abuse has improved over recent years and that is reflected in our greater recording standards, better training for officers and better risk assessment. That said, we are constantly learning and developing” (Grierson, 2021).

However, it was advised within the HMICFRS Improving Responses to Domestic Violence report that *“the overall police response to victims of domestic abuse is not good enough. This is despite considerable improvements in the service over the last decade, and the commitment and dedication of many able police officers and police staff”*, citing weaknesses in services despite all police forces advising that tackling domestic abuse cases is a main priority for them (HMICFRS, 2014).

In 2021, following the Covid-19 pandemic, Women’s Aid conducted a study into the impact of the pandemic on domestic abuse and the services supporting victim/survivors. Of all respondents, 17.6% advised that they had reported one or more incidents to the police during lockdown, with many citing issues such as delays, lack of updates and poor understanding of domestic abuse. One victim/survivor advised:

“They made me feel like the criminal, asking why I haven’t left, like it was my fault. No matter what he does to me now, I’ll never ring them again.” (Davidge, 2021).

This suggests that negative experiences and a lack of faith in the police, as mentioned within previous sections, is still a prevalent issue for victim/survivors. However, despite this, the HMICFRS review of policing domestic violence during the pandemic concluded that overall, police officers worked proactively to protect victims of domestic abuse throughout the Covid-19 pandemic. Via police-led campaigns, changes were made to the Health Protection (Coronavirus Restrictions) Regulations 2020, to specifically enable victim/survivors to leave their homes to seek support and refuge from domestic violence (HMICFRS, 2021). Moreover, specific police forces such as Cleveland Police ensured that victim/survivors that were identified as high-risk after previous reports, where safe to do so, received text messages including details of how to contact the police, and how to use the Silent Solution 55 system. Suffolk Constabulary contacted over 600 previous domestic abuse complainants via telephone to reassure, inform and encourage them to report any further incidents to the police. This was facilitated using a call script to reduce risk to the victim/survivors should the perpetrator be present (HMICFRS, 2021). However, it is recognised within the report that police forces are not consistent with their approach to domestic violence, advising that inconsistencies still exist within police officer’s understanding of the scope and impact of domestic violence, and that the low charge rates for domestic violence are unacceptable.

Theme 5: Recommendations for Policy and Practice

The final superordinate theme identified was *Recommendations for Policy and Practice*, as a large aspect of this research sought to explore professional corrections and suggested improvements, to improve the experiences of victim/survivors navigating the legal system. This superordinate theme is comprised of two subthemes: *Improved Trauma-Informed Training* and *Practice and Improved Access to Specialist Support for Victim/Survivors* (See Appendix I for visual representation of data). The subordinate themes will be discussed within the next section.

Improved Trauma-Informed Training and Practice

Respondents identified the need for improved trauma-informed training for professionals working and representing the legal system. Eleven participants acknowledged the need for improved training, with three participants outlining a general need for improved education and awareness training on domestic and sexual violence, recognising that this should be trauma-informed and victim-centred:

“There needs to be much more education on consent. A lot of people think an act of rape always involves violence. If there’s no violence then it’s not rape in their eyes” (9.813)

“Systems cannot improve without education, awareness and reviewing” (9.338)

“Trauma-informed training for all involved in the legal system. Regularly updated and their practice monitored to ensure they are complying” (8.753)

Policing:

Three respondents specifically addressed training improvements within policing, such as the need for trauma-informed police training delivered by specialists:

“Police understanding and education needs to drastically improve” (8.338)

“Police training needs to be reassessed regarding DVA victims, such training should be delivered by DVA specialists and should involve a coordinated multi-agency response” (8.092)

One participant advised that the victim’s code, which has recently been updated (HM Government, 2021), should be adhered to, to ensure all victim/survivors are regularly updated on their case:

“Every woman’s entitlement to an update at least every 28 days according to the victims code should be respected and adhered to...All trainee SOIT officers should meet with their local ISVA service” (8.560)

These perspectives are mirrored within existing research in this field. Within the 2014 HMICFRS review on Improving the Police Response to Domestic Abuse, comprising of a police force inspection, concerns were raised regarding police officer attitudes towards victim/survivors of domestic abuse, associated with a lack of understanding (HMICFRS, 2014). Training was acknowledged to be insufficient, widely encompassing e-learning which failed to address the depth and scope of the issue. It was recommended that police staff should be trained to understand the dynamics of domestic abuse, particularly coercive control.

In surveys with legal professions, Police and CPS participants advised that the police should receive improved and regular training on understanding victim/survivors, investigating cases (including disclosure), and achieving Best Evidence interviews (George and Ferguson, 2021). Victim/survivors themselves also corroborated this view, indicating that the police require training on the signs of trauma, awareness of post-traumatic stress, domestic abuse and rape myths:

“Police need FAR better training on how to deal in the immediate aftermath of a rape... The policewoman and her counterpart, seemed chilled, almost jovial, whereas I was confused, in shock and didn’t know what to expect. This made me feel like ‘just another case’, rather than a human being who had just been raped.” (Molina and Poppleton, 2020).

This year, within the end-to-end rape review, it was proposed that 20,000 additional officers will be recruited into the police, and the National Police Chief’s Council will work to improve training for officers, including trauma awareness training (HM Government, 2021). The government advises that this scheme will also be rolled out to prosecutors and is expected to be in place by the end of this year.

Courts:

Five respondents specifically addressed the necessary improvements and revisions within a court context. Awareness of rape myths and post-traumatic stress were common themes, whilst another addressed the need for sentencing guidelines to be reviewed:

“A professional advisor for juries to explain myths” (8.185)

“Regulations on the use of ‘rape myths’ in defence... further perpetuates the idea that this is not 100% the responsibility of the offender” (8.753)

“Judges should be trained to recognise post-traumatic stress responses and pause the hearing when necessary” (8.230)

“Training magistrates, judges and CPS lawyers as well as DA coordinators” (8.888)

“Sentencing guidelines to be reviewed” (8.851)

Research with police and support service participants corroborates these findings. It was found that rape myths are rarely challenged in court, with 57% of investigators, 78% of police-led participants and 59% of support service participants reporting that very little was done to dispel rape myths when they were used within the courtroom (George and Ferguson, 2021). Furthermore, barristers and ISVA staff suggested that improved rape myth awareness training for judges and prosecutors was necessary, alongside raising awareness among jurors. Police officers within another study also shared this view, as concerns were raised that judges are not adequately trained to understand the complexities of rape cases (George and Ferguson, 2021). This year, we have observed an update on the legal guidance for CPS services, which includes more information on rape myths and stereotypes (HM Government, 2021).

Improved Access to Specialist Support for Victim/Survivors

The second subordinate theme identified within this section was *Improved Access to Specialist Support for Victim/Survivors*, of which five participants discussed matters such as improved access to special measures, legal aid and counselling services:

“Support women throughout the process...special measures as default...fund specialist services” (8.583)

“Section 28 recordings should be made widely available” (8.813)

“Mandatory video link for victims in court – rather than at request of the victim... More counselling support available without a 3-9 month wait” (8.338)

“All survivors should be able to access counselling/therapy while they have ongoing criminal proceedings, without exceptions. The notes from these sessions should not be disclosable to the court. Survivors are being denied the therapeutic support they need for years on end” (8.560)

“That all DA victims have access to free legal services to get orders and specialist advice as victims who are working and don’t qualify for legal aid are left without any support” (8.498)

Three respondents advised that support should be accessible and available for victim/survivors navigating the legal system, including two advising that immediate referrals into the relevant support services should be made:

“Support systems should be in place for any victim of DVA going through the legal system to ensure they are fully supported while their case is being heard” (8.092)

“Women should be referred to their local DV/SV service the minute they make an initial report and our services should be more consistently explained to survivors” (8.560)

“Survivors should be offered an intermediary / ISVA as standard... prosecution barristers should ensure that they speak to the victim at court... if the police are dropping an offence they must explain clearly why” (8.230)

Following the Call for Evidence of violence against women and girls within the UK, which comprised of 180,000 respondents, it was acknowledged that access to psychological support for victim/survivors of domestic, and particularly sexual violence, is inaccessible for many due to lengthy waiting lists (HM Government, 2021). Research also suggests that victim/survivors feel reluctant to access psychological support, in part due to lengthy waiting lists for therapy, but also for fear that their counselling records will be discussed at trial (Horvath et al, 2021). Interviews with crisis workers has also corroborated this, citing that counselling resources are overshadowed by the fear that details discussed within the sessions will be used to discredit victim/survivors at trial (Gibney and Jones, 2014). The enactment of the Domestic Abuse Act 2021 proposes a strategy for implementing a ‘once in a lifetime’ opportunity for tackling violence against women and girls, starting with increased support for victim/survivors (HM Government, 2021). This is said to be achieved by increasing funding for support services, such as Independent Domestic/Sexual Violence Advisors (IDVA/ISVA).

IDVA/ISVA support services are considered a significant aspect of the legal system, as research suggests that these services make a considerable contribution to both the system, and the experiences of victim/survivors navigating it.

Research suggests that just 10% of complainants with ISVA support chose not to pursue their case (Molina and Poppleton, 2020). In interviews with survivors, it was revealed that they did not feel they could have navigated the legal system without this vital support:

“She just stood by me and told me that everything’s gonna be fine and she was just a shoulder to cry on ... I was being sick and everything ... and she got me there. I just didn’t know what to expect when I went in ... if it wasn’t for [the ISVA], like I say, I wouldn’t a’ been able to do it”

“I don’t think it would’ve ended up going to court without them. Or I’d have gone to court but I’d have probably ended up being an absolute wreck. I’d have been lost without them to be honest.”

“Without speaking to her I don’t think I’d have done it” (Hester and Lilley, 2017)

However, research revealed that there were not enough domestic abuse practitioners to support the demand for them in 2019 (SafeLives, 2021), resulting in many victim/survivors being denied access to vital specialist support. One respondent of the Call for Evidence wrote:

“Support services are vital. I would never [have] been able to overcome the abuse without specialised support. Some helplines were really hard to access. We need more services and investment as it took me days of trying to call all the time to get through” (HM Government, 2021)

To tackle this, the government had pledged a £300 million investment into victim/survivor support, which includes £27 million to recruit more IDVA/ISVA practitioners (HM Government, 2021). The new Victim’s Code also intends to make Section 28 of the Youth Justice and Criminal Evidence Act 1999 recordings more accessible for vulnerable victim/survivors, of which those who have suffered domestic abuse will be included (Ministry of Justice, 2021)

Conclusion:

The data analysis identified five superordinate themes within this research: *Victims are Responsible for Their Own Victimisation; Re-traumatisation is Inevitable at Court; Inadequate Policing in Cases of Domestic and Sexual Violence; Exceptions and Improvements within Policing, and Recommendations for Policy and Practice*. Each theme comprised of subthemes, which were dissected and discussed in relation to the relevant research and literature. It was found that much of the previous research and literature within this field of study corroborated the findings, including research with survivors themselves. This research, and the wider research in this area suggests that the legal system can be re-traumatising for victim/survivors of domestic and sexual violence, and that blame, disbelief, stereotypes and lack of support are all significant factors. Participants within this research identified the court process to be particularly re-traumatising, citing interrogatory and undignified cross-examination processes as a key issue, which is corroborated by much of the research into victim/survivors experiences of court. However, this research observed mixed perspectives regarding policing in domestic and sexual violence cases. Whilst a significant number of participants advised that police investigations, attitudes and low charge rates were of concern, it was also noted that individual police officers often perform well within these cases. This variation in perspectives is also reflected within the wider research, as victim/survivors report different experiences based on the specific police officer, police force, and the influence of their individual characteristics. It was widely agreed upon by the participants within this study that improvements to training and access to specialist support for victim/survivors are necessary for the benefit of vulnerable individuals navigating the legal system.

Conclusion

This final chapter will consist of five parts: *a consideration of the findings; research aims and objectives; contributions to knowledge; recommendations for future research* and a *personal reflection* section. The research question: *What are the perspectives of professionals working within the legal system and/or a Domestic and Sexual Violence setting in relation to Secondary-Victimisation within the Criminal Justice System?* will be answered by summarising the key findings and producing an overall conclusion of the data. Next, we will consider whether the research met its key aims and objectives before reflecting on any contributions the findings will have to already existing knowledge in this field. Implications and recommendations for future research and practice will then be explored, followed by a personal reflection section.

A consideration of the findings

The literature review set the foundations for which this research was built on. Much of the research explored victim/survivor experiences in addition to a focus on individual legal professionals such as police officers and Independent Domestic/Sexual Violence Advocates. It unveiled significant failings within the legal system, such as poor professional conduct in relation to rape myths and stereotypes of victim/survivors, lengthy waiting times for cases to reach court, and inadequate charge/prosecution/conviction rates for domestic and sexual violence. To further explore this, this study set to unite domestic and sexual violence practitioners alongside legal professionals to better understand the root cause of these issues.

This research was largely corroborated by existing literature in this field, concluding that the legal system can and does cause re-traumatisation and secondary-victimisation to many victim/survivors of domestic and sexual violence. Respondents identified inadequacies and failings within the conduct of legal professionals and representatives; attribution of blame to victim/survivors, the use of rape myths and stereotypes, and outright disbelief of survivor testimonies were commonly cited. Practical inadequacies were also acknowledged, such as a lack of robust police investigations, insufficient waiting times for cases to attend court, low charge/prosecution/conviction rates and frequent 'no further action' decisions from police officers. However, it was recognised by a significant number of participants that some individual police officers work well in domestic and sexual violence cases; a variation also observed within the literature. Respondent's perspectives of the court arena were largely negative, and recommendations for improvement centred increased training and awareness for legal practitioners and representatives, to address the bias against female victim/survivors of domestic and sexual violence. Participants also advised that access to specialist support for victim/survivors should be improved, as this may make the process significantly less re-traumatising.

Research aims and objectives

The aims and objectives of this research centred insight and a thorough understanding of professional perspectives in relation to their service user's experiences of re-traumatisation and secondary-victimisation. The *'recommendations for improvement'* section of this research was significant, as the objective was to allow professionals to draw on their knowledge and experience to suggest specific aspects of the legal system that required improvement, and how this can be achieved. The aims and objectives of this research were met – with respondent's identifying all key aspects of the legal system that did not work for victim/survivors, and how changes to the way the legal system operates can benefit victim/survivors navigating the legal system, to prevent re-traumatisation and secondary-victimisation.

Contributions to knowledge

This research sought to build on existing literature in this field which largely highlighted the failings and inadequacies of the legal system, with an additional element: improvements and recommendations. It also intended to unify domestic and sexual violence practitioners alongside legal professionals for a more nuanced understanding of what does and does not work for victim/survivors and how to make it work for them. The findings from this research study are largely corroborated by existing literature in this field, and produced in-depth, detailed descriptions of how

the legal system should adapt to centre the wellbeing of victim/survivors navigating it. Findings from this research can be useful for understanding inadequacies and how to address them.

Recommendations

Insight was a particularly important element within this study, justifying the adoption of a qualitative approach to research. The online questionnaire featuring open-ended questions sought to encourage participants to elaborate on their responses, which was observed, however these responses could not be explored in further detail due to the nature of the research method. Further research should build on this in an interview setting, to allow the researcher to specifically address key points within participant responses. A semi-structured interview would allow for specific topic areas to be addressed, and researcher exploration would be made possible. Additionally, further research could unify victim/survivors and practitioners as participants for a more nuanced understanding.

Personal reflection

Conducting this research has been a long, challenging (particularly within a global pandemic) - but rewarding experience, and has equipped me with improved knowledge, insight and understanding of how significant support services are for victim/survivors. Domestic abuse has affected my family significantly, and I try to keep this at the heart of everything I do. Currently, I work to support victim/survivors of domestic abuse and am committed to challenging bias and victim-blaming within this setting. It is my hope that we acknowledge and listen to victim/survivors, practitioners and research in this field to ensure that no woman is denied vital access to support, or access to justice.

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Appendix

Appendix A
Application for Ethical Approval



APPLICATION FOR ETHICAL APPROVAL (UNDERGRADUATE & POST GRADUATE TAUGHT STUDENTS)

To be completed by staff, associate researchers and students enrolled on postgraduate research degrees proposing to undertake ANY research involving humans [that is research with living human beings; human beings who have died (cadavers, human remains and body parts); embryos and fetuses, human tissue, DNA and bodily fluids; data and records relating to humans; human burial sites] or animals.

SECTION A: RESEARCHER AND PROJECT DETAILS

Student Name	Jade Jeffrey
Email <i>(Must be a University of Worcester email)</i>	Jefj1_20@uni.worc.ac.uk
School	School of Psychology
Student Status	Masters
Supervisor / Tutor	Holly Taylor-Dunn
Course	Understanding Domestic and Sexual Violence
Module	Dissertation
Project Title	What are the perspectives of professionals working within the legal system and/or a Domestic and Sexual Violence setting in relation to Secondary-Victimisation within the Criminal Justice System?

SECTION B: APPLICATION DOCUMENT CHECKLIST

PLEASE NOTE:

- All research materials / supporting documentation must be submitted as separate documents with this form.
- Please ensure the documents are clearly named to indicate what they are.
- Your proposal will not be reviewed without these documents. If these documents are not received by the submission deadline date your proposal will be returned to you.

Please indicate which documents are included:

- Participant Information Sheet (PIS) & Privacy Statement (*University of Worcester Template*)
 - Consent Form (*University of Worcester Template*)
 - Interview Guide / Schedule
 - Questionnaires
 - Letter / Email from Gatekeeper granting access to research site, data or population
 - Other (*Please specify*)
-
- Have you identified the relevant laboratory guidance concerning operation of labs in the context of Covid-19 and do you agree to comply with this guidance? (*where applicable*)
 - Have you included details about how GDPR requirements have been met?
 - Have you read both the **Research Proposal Checklist Declaration** (Section C) and **Declaration of Student** (Section D)?
 - Is the application being sent from a University of Worcester email address?

SECTION C: RESEARCH PROPOSAL CHECKLIST

		Yes	No
1	Does your proposed research involve the collection of data from human participants?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2	Does your proposed research require you to gain access to secondary data or documentary material through an organisation or individual?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Does your proposed research involve the use of data or documentary material which (a) is not anonymised and (b) is of a sensitive or confidential nature and (c) relates to the living or recently deceased?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	Does your proposed research involve participants who are particularly vulnerable or unable to give informed consent? <i>(If your project involves adults who lack capacity to consent, please refer to the Guide to the Ethics Checklist as it may need to be reviewed by an NHS Research Ethics Committee)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	Will your proposed research require the co-operation of a gatekeeper for initial access to the groups or individuals to be recruited?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Will financial inducements be offered to participants in your proposed research beyond reasonable expenses and/or compensation for time?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7	Will your proposed research involve collection of data relating to sensitive topics?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8	Will your proposed research involve collection of security-sensitive materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9	Is pain or discomfort likely to result from your proposed research?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	Could your proposed research induce psychological stress or anxiety or cause harm or negative consequences beyond the risks encountered in normal life?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11	Will it be necessary for participants to take part in your proposed research without their knowledge and consent at the time?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12	Does your proposed research involve deception?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13	Will your proposed research require the gathering of information about unlawful activity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14	Will invasive procedures be part of your proposed research?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15	Will your proposed research involve prolonged, high intensity or repetitive testing?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16	Does your proposed research involve the testing or observation of animals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17	Does your proposed research involve the significant destruction of invertebrates?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18	Does your proposed research involve collection of DNA, cells, tissues or other samples from humans or animals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19	Does your proposed research involve human remains?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20	Does your proposed research involve human burial sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21	Will the proposed data collection in part or in whole be undertaken outside the UK?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
22	Does your proposed research involve NHS staff or healthy volunteers not recruited as NHS patients on NHS premises? <i>(If yes, before completing this application it is important you refer to the further guidance in the Guide to the Ethics Checklist)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23	Does your proposed research involve NHS patients, their relatives or carers? <i>(If yes, before completing this application it is important you refer to the further guidance in the Guide to the Ethics Checklist)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If the answers to any of these questions change during the course of your research, you must alert your Supervisor / Tutor immediately.

RESEARCH PROPOSAL CHECKLIST DECLARATION

By submitting this application via my UW email account, I am declaring that I have answered the questions above honestly and to the best of my knowledge.

Student: Jade Jeffrey

Date: 18/02/21

Supervisor / Tutor

Date:

You must now complete **SECTION D** (below) and submit the completed form to your Supervisor.

SECTION D: FULL APPLICATION

Details of the Research

Outline the context and rationale for the research, the aims and objectives of the research, and the methods of data collection. This should draw on the previous literature and should be more than simply a set of aims and objectives. The methods of data collection also need to be justified, and the selection of specific measures or tests should be justified in relation to their validity for the population in question.

This research intends to centre the experiences of female victims of domestic and/or sexual violence (DSV) from the perspective of their professional advocates, in the hope of gaining insight into their observations of secondary-victimisation and recommendations of improvement for a more victim-centred legal system. The framework behind this research is personal experience working with victim/survivors of DSV throughout the court process, which often proves an excruciating time for victim/survivors and those closest to them. It is in great hope and determination that, through essential research in this field, victim/survivors will feel represented by their legal system and believe that justice is attainable.

Previous research in the field of secondary-victimisation has encompassed various methods, and is often characterised by the use of the Transformative research paradigm in that it provides a platform for otherwise marginalised communities, and favours practical applications to evoke societal change (Antunes, 2009). Quantitative research in this field often typically adopts the Rape Myth Acceptance Scale among professionals working with victims/survivors of Domestic and/or Sexual Violence (DSV) (Banard, 2014). Such research often focuses primarily on Police Officers, highlighting the Police as ‘gatekeepers’ of the legal system (Lafree, 1989; Maier, 2014). Police officers are often the first point of contact for victims of DSV, but research has indicated that the adoption of rape myths – the level of victim credibility due to their choice of clothing, level of intoxication and so on (Lonsway and Fitzgerald, 1994) - can result in police scepticism of not only the character of the complainant, but also whether or not the attack took place. This can have disastrous consequences for women – who are the primary focus of this research, as women are more likely to be victims of DSV than men (Bindel, 2019; Home Office, 2019; Long et al, 2020) – as they may be denied full protection from their perpetrators, particularly if the perpetrator is still present at the scene on Police arrival. Such beliefs can also contribute to case attrition in DSV cases where victim/survivors feel disbelieved (Kaiser et al, 2015).

In one study of Police Officer attitudes to victims of rape, using the Illinois rape myth acceptance scale originally devised by Payne et al (1999), it was found that the highest items of rape myth acceptance among Police Officers were ‘a lot of women lead men on and cry rape’, and ‘rape accusations are used by women as a way of getting back at men’ (Banard, 2014). Such scepticism of victim testimony is bound to negatively affect the experiences of DSV victim/survivors navigating the legal system. Qualitative research in this area aims to explore exactly what impact such attitudes incur.

Victim/survivors have disclosed their negative experiences with the Police, such as feelings of being in ‘limbo’ during the process of the case, with poor communication throughout (Hester and Lilley, 2017). However, secondary-victimisation and re-traumatisation extends far beyond the scope of Police attitudes. Victim/survivors often feel re-traumatised throughout the legal process; one study addressed feelings of dismissal over the abuse experienced by women in family courts, as well as disclosure of perpetrators ‘drawing out’ and manipulating cases of historic sexual abuse by claiming they have dementia, incentivising psychological reports and further delaying the justice process (Hester and Lilley, 2017). It is no surprise, then, that just one in seven rape victims believe justice is attainable in England and Wales (Topping, 2020).

Research with professionals working with victim/survivors of DSV offers a unique perspective, whilst still centring the lives and experiences of vulnerable groups. Such data has allowed special insight as professionals can allocate exactly which aspects of the legal system are causing the re-traumatisation of victims, and recommend improvements. In one study, it was addressed that referral pathways are in need of better refinement, to prevent women becoming lost in the system (Hester and Lilley, 2017). DSV Professionals also identified the need for more hands-on support from the Police, as a frequent concern from their service-users is lack of communication from the Police about their case. Crisis workers have highlighted the insufficient psychological support available to victim/survivors of DSV, and how access to such support is overshadowed by the knowledge that their notes can be used by defence counsel in court (Gibney and Jones, 2014). The often brutal cross-examination practices in cases of rape were also identified by victim advocates, in addition to noting the poor understanding from professionals in the legal system in relation to the psychological processing of trauma (Parcher, 2017). If victim/survivors don’t conform to expected behavior ideals, it infers a weakness in their credibility and leaves the complainant feeling to blame for their victimisation.

While data on professional perspectives of the legal system is widely available, data on sexual and domestic violence combined is particularly limited. My research is interested in the experiences of victims of rape and sexual violence with reference to how rape myths and victim-blaming attitudes can impact on the victim’s experiences of the legal system. Due to this, Rape Crisis was carefully selected as the target population for this research. However, my research also intends to address the gap of exploration into domestic violence by recruiting Women’s Aid into the sample, to bring together both domestic and sexual violence practitioners. Participants are also asked to draw on any previous paid or voluntary roles within their responses. This is to ensure that no element is excluded from my data, as my research aims to make meaningful impact to this discourse to improve services for women. With this in mind, this research proposal can be located within the Transformative research paradigm, as it closely aligns with the motivations and assumptions this paradigm makes. Transformative research centres the experiences of marginalised communities, views knowledge as a social construct and asserts that knowledge should be acquired from community members (Antunes, 2009). Whilst this research focuses on professionals, it still centres victim/survivors of DSV at the forefront of the study and in its pursuit of useful, practical

applications for improvement. Therefore, the ontological position assumed by this research is that data can be understood via engagement with individuals, which has led me to develop the epistemological stance of interpretivism; the research methodology will reflect this and be qualitative in nature.

Qualitative methodology is an essential feature of this research as it aims to provoke elaborate responses from participants to aid researcher understanding around this topic. For full confidence in participant disclosure, the research survey will be anonymous in nature which means that no identifiable personal information will be asked of participants. Anonymity has been favoured in this research as to encourage the disclosure of sensitive information without the consequence of being potentially identifiable by Rape Crisis or Women's Aid as the Gatekeeper organisations, or myself as the researcher. Careful consideration was paid by myself as the researcher as to whether interviews or survey questionnaires would be more suited to this research. It has been noted that interviews can offer a beneficiary element for participants in sensitive research (Dempsey et al, 2016) and allow for researcher requests for elaboration in semi-structured interviews, both of which would be useful for my research. However, the online survey method was chosen for multiple purposes: largely as it can ensure the anonymity of participants, which I have identified as essential for participant confidence in the disclosure of sensitive information. In addition to this, online surveys are easier to distribute to a wider audience within Rape Crisis and Women's Aid, can be completed at the convenience of the participants and is convenient for mitigating the transmission of Covid-19, which is an important risk factor of current research practice.

To compensate for being unable to ask participants to elaborate as you would expect in semi-structured interviews, the online survey will feature few questions but encourage descriptive responses where necessary. It is hoped that the shortness in length of the survey will encourage full participation for respondents and prevent participant fatigue and attrition. Responses will be analysed using Thematic analysis to identify common themes within the data (Braun and Clarke, 2017) as this method of analysis is considered useful for highlighting key similarities, differences and providing often unanticipated insights (King, 2004).

Who are your participants/subjects? (if applicable)

The focus of this research will be professionals working with female victims of domestic and/or sexual violence (DSV) and those working within the wider legal system. Participants will be invited to draw on their work within their organisation, but also encouraged to detail any other relevant information from previous paid or voluntary roles. Much research indicates that women are disproportionately affected by domestic and sexual violence, with 1 in 4 UK women experiencing domestic abuse and 1 in 5 experiencing sexual assault in her lifetime. Globally, this rises to 1 in 3 (Home Office, 2019). As women are more likely to experience such crimes, it is only natural for my research to explore the perspectives of professionals working with female DSV victims in relation to secondary-victimisation. This research seeks to uncover the extent of professional observations of victim re-traumatisation, and any recommendations to ensure a trauma-informed and victim-centred legal system.

How do you intend to recruit your participants? (if applicable)

This should explain the number of participants and the means by which participants in the research will be recruited. If any incentives and/or compensation (financial or other) is to be offered to participants, this should be clearly explained and justified. The sample size should be justified either on the basis of a power analysis, or on the basis of previous studies. Please ensure that you include in your application copies of any poster(s), advertisement(s), emails or letter(s) to be used for recruitment.

I have secured Women's Aid and Rape Crisis as Gatekeeper's for my research. Women's Aid agreed to distribute the link via email to relevant staff members. Rape Crisis agreed to feature the details of my research, alongside the link to the online survey, in their weekly newsletter which is distributed to Rape Crisis centres across England and Wales. The online survey will include a full debrief of the research in the form of a Participant Information Sheet (PIS) and Consent form, which must be signed (ticked) by participants before they can proceed with the online survey. Participants will be made aware of the sensitive nature of the research, and contact details of support services will be made available throughout the survey to prevent psychological distress. Participants will also be made aware of the anonymous nature of the research; the organisations will not have access to the details of who responds or the content of the responses. This is to ensure participants feel safe and comfortable in disclosing information to myself as the researcher. Participants will also be encouraged to share the survey link with other relevant participants that work in a DSV or legal setting. Therefore, the sampling methods I have adopted are purposive and snow-ball.

As the population size does not reduce the validity of data in qualitative study, a large sample is not considered necessary for my research. Indeed, small sample sizes are characteristic of qualitative research which is favoured by feminist approaches to research for offering greater insight into issues affecting women (Landman, 2006). I am hopeful of recruiting approximately ten participants for my research.

There will be no financial incentive to participate in this research. Instead, it will be emphasised that participant responses are greatly valued in the pursuit for policy and facility improvements for female victims of DSV navigating the legal system.

How will you gain informed consent/assent? (if applicable)

Where you will provide an information sheet and/or consent form, please append this. The University of Worcester Participation Sheet and Privacy Statement template must be used. If you are undertaking a deception study or covert research, please outline how you will debrief participants below.

Consent is an essential aspect of research and consists of more than simply signing a document. The 'informed' aspect is pivotal, particularly in sensitive research. Participants must be aware of the purpose of the research, the risks of psychological distress, what data is being collected, what will happen during the research, how the data will be used/stored/shared and who the data controller is if they wish to make a complaint (Getting Informed Consent for User Research, 2019).

It is also my responsibility as a researcher to inform participants of their right to revoke participation or skip questions. As detailed in the Participant Information Sheet (PIS), participation can be revoked before and during engagement with the research. This can be achieved by simply closing the browser they are using to access the online survey. However, once the survey is submitted, participation cannot be revoked due to the anonymised nature of the data. .

Women's Aid and Rape Crisis will be acting as the Gatekeepers within my research and will be responsible for distributing the link to the online survey to relevant Women's Aid practitioners via email, and Rape Crisis centres across England and Wales. Participants will also be encouraged to share the survey link with other relevant practitioners employed in a DSV setting or within the legal system. The PIS will feature at the beginning of the online survey and will detail all points addressed above. Contact details for myself as the researcher, as well as my supervisor will be provided. In addition to this, contact details of an individual not affiliated with this research will also be provided. The purpose of this is to ensure that participants can contact the appropriate bodies for questions, concerns or complaints in relation to this research.

A Consent form will feature after the PIS on the online survey, which, when ticked, will signify that they have read and understand the details provided in the Information Sheet and agree to continue. Individuals will be unable to participate unless they have completed the consent form. Contact details for relevant support services will be provided to prevent psychological distress upon completion of the survey. Respondents will be assured that their employer will not be made aware of who participates, nor have access to the responses. Relevant definitions of terminology used widely within the research will feature at the beginning and on the relevant questions within the survey. Participants will be invited to draw on their current role and also any previous relevant paid or voluntary experience they may have.

Confidentiality, Anonymity, Data Storage and Disposal (if applicable)

Provide explanation of any measures to preserve confidentiality and anonymity of data, including specific explanation of data storage and disposal plans. Plans for data storage and disposal must be feasible given the nature of the study.

Please use the following headings:

- i) **Confidentiality:** will participants be identified (*directly or indirectly*) in any study outputs or their identity disclosed to any third party? If yes, please provide further details and justification.
- ii) **Anonymity:** are the data being collected fully anonymously i.e. the identity of participants (directly or indirectly) will not be known at any point to the researcher? If the data **are not** being collected anonymously will it be stored in an identifiable format, or after data collection will it be anonymised (*permanently de-identified to the researcher*) or pseudonymised (*process whereby all identifiers are removed and a unique reference is assigned to each participant to which the researcher retains the key, in a separate secure location and is therefore still able to identify a participant's data*)? Please give full details.
- iii) **Data storage:** where will the data (*paper and electronic*) be stored including consent forms? Who will have access to the data? If applicable, include details of level of encryption on portable devices.
- iv) **Disposal:** how long will the data be stored? What arrangements will be in place for the secure disposal of data?

For guidance please refer to the current UW Policy for the Effective Management of Research Data and the Undergraduate & Post Graduate Taught Data Storage Guidance

The data collected from my research will be anonymised and stored on an encrypted USB in accordance with the University's Policy for the Effective Management of Research Data and its Information Security Policy. The data will be accessible to the University of Worcester and other researchers that agree to work within the data protection policies. All or part of this research may be submitted for publication to academic and/or professional journals. Data will be stored in an anonymised format for up to ten years and will be archived and shared in line with the Policy for the Effective Management of Research Data.

Potential Risks to Participants / Subjects / Researcher (if applicable)

Identify any risks for participants/subjects that may arise from the research and how you intend to mitigate these risks. Potential risks to the researcher must also be considered. Risks may include physical, practical, psychological and emotional consequences of participation.

It is my duty as a researcher to abide by the researching principles in ensuring that it is well conducted and adequately manages the effects of discussing sensitive topics. In accordance with the Researching Violence against Women (WHO, 2005) guidelines, ethics should be at the forefront of my research design to prevent harm to both participants and researcher.

Psychological distress is a potential risk to participants for my research. It would be naive to assume that professionals working in the field of DSV are accustomed to discussing it without becoming upset, indeed because they are not immune to the effects of such sensitive topics but also because they may themselves be a victim/survivor of DSV. Participants will be fully debriefed prior to their participation and so will be aware of

their right to (and how to) discontinue participation prior to and during engagement the survey, or skip questions they do not wish to answer. Researcher contact details will be provided in the Participant Information Sheet (PIS) in addition to contact details of support services for the purposes of providing emotional support should the participant find themselves in requirement of it. These are widely adopted methods of reducing negative psychological effects for participants engaging in sensitive research topics (Fahie, 2014).

Psychological distress is also a potential risk to me as the researcher, upon disclosure and discussion of sensitive topics. While I have experience with the disclosure of distressing details as well as working to support victims of DSV, the effects of vicarious trauma (Jesrani, 2018) must be recognised in order for my research to be ethical. To overcome such obstacles, I will ensure I discuss any concerns I may have with my dissertation supervisor.

How specifically are you working to mitigate the transmission of COVID-19?

Please include reference to any specific protocols or subject-specific guidance that you are following. This should include all stages of the research, but particularly recruitment of participants and data collection. Please also consider whether the risk to participants is increased due to their potential direct or indirect experience of COVID-19.

My research will comprise of an online survey which will be distributed by Women's Aid via email and in a Rape Crisis newsletter and so will not involve direct physical contact with or between respondents.

Other Ethical Issues

Identify any other ethical issues (not addressed in the sections above) that may arise from your research and how you intend to address them.

Published Ethical Guidelines to be followed

Identify the professional code(s) of practice and/or ethical guidelines relevant to the subject of the research.

World Health Organisation, 2005 [pdf] *Researching Violence Against Women*. Available at: <https://apps.who.int/iris/bitstream/handle/10665/42966/9241546476_eng.pdf;jsessionid=6FD551288CC8896B211BECABD6BDA923?sequence=1> [Accessed 1 January 2021].

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DECLARATION OF STUDENT

By submitting this form via your University of Worcester email account, you are confirming the following:

- I have read the University's Ethics Policy and any relevant codes of practice or guidelines and I have identified and addressed the ethical issues in my research honestly and to the best of my knowledge.
- I confirm that I have a data management plan in place in accordance with the policy for the effective management of research data.

Student Signature:

Jade Jeffrey

Date:

25/07/21

DECLARATION OF SUPERVISOR / TUTOR / MODULE LEADER

Undergraduate & Post Graduate Taught Students

- I am satisfied that the student has identified and addressed the ethical issues and grant ethical approval for this research.

Post Graduate Taught Students only

- I refer this Application for Ethical Approval to University Research Ethics Panel for review.

Supervisor Signature:

Date:

References:

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What are the Perspectives of Professionals Working within the Legal System and/or a Domestic and Sexual Violence Setting in Relation to Secondary-Victimisation within the Criminal Justice System?

Page 1: Participant Information Form

Title of Project: What are the Perspectives of Professionals Working within the Legal System and/or a Domestic and Sexual Violence Setting in Relation to Secondary-Victimisation within the Criminal Justice System?

The University of Worcester engages in a wide range of research which seeks to provide greater understanding of the world around us, to contribute to improved human health and well-being and to provide answers to social, economic and environmental problems.

Researcher details:

Ms. Jade Jeffrey

Master's student at the University of Worcester

Jefj1_20@uni.worc.ac.uk

I would like to invite you to take part in a research project which involves completing an anonymous online survey. Before you decide to take part it is important for you to understand why the research is being carried out and what it will involve.

What is the purpose of the research?

This study aims to understand professional perspectives of secondary-victimisation in relation to female victims of domestic and/or sexual violence within the UK legal system and provide the opportunity for professionals to suggest recommendations to ensure a victim-centered and trauma-informed approach.

Why have I been invited to take part?

You have received this invitation because you currently work for a charity or organisation supporting female victims of domestic and/or sexual violence, or work within the legal system. Information you provide should include, but is not limited to, your experience working for your current organisation/role in addition to any other relevant information from previous paid or voluntary roles.

What will happen if I agree to take part?

- If you agree to take part you will have access to the online survey by clicking 'Next' at the bottom of the page.
- The survey comprises of 9 questions and should take approximately 15 minutes to complete. However, the survey does encourage elaboration where appropriate, and so you may prefer to dedicate more time to these questions.
- The questions are designed to understand your experiences of working with female victims of domestic and/or sexual violence, with particular focus on your perspectives of secondary-victimisation, including observations and any recommendations for improvement within the legal system.
- All questions are optional and so can be skipped if necessary.
- You should ensure that no personal or identifiable information is included in the survey to ensure its anonymity, such as your name or contact details.

Do I have to take part?

No. It is up to you to decide whether or not you want to take part in this study. Deciding to take part or not will not impact you in any way and your employer or the research team will not be aware of who has or has not participated.

If you do decide to take part, you will be asked at the start of the survey to agree to a statement to indicate that you are over 18 years old, have read and understood this information and agree to take part in the survey. By submitting the survey, you are providing consent for the data you have given to be used in the study.

You can withdraw from the study by closing the browser page down without submitting your responses and your data will not be saved. Please note that once you have submitted your survey responses you will be unable to withdraw your data as participation is anonymous.

What are the benefits for me in taking part?

Participation in this study will contribute to the knowledge surrounding the topic of secondary-victimisation and re-traumatisation within the legal system. This will allow researchers to gain greater understanding of the issue and work to improve services for victim/survivors navigating the legal system. Each participant in this research is of great value, not only to the research aims but also for wider public discourse and policy reform.

Are there any risks for me if I take part?

The research incurs the risk of psychological distress due to the discussion of sensitive topics. For access to support, advice or information, contact details have been provided below and at the end of this survey.

National Domestic Abuse Helpline (run by Refuge)

Free, confidential 24-hour support to victims of domestic abuse and those who are worried about friends or loved ones.

Telephone: 0808 2000 247

Email via website: <https://www.nationaldahelpline.org.uk/contact-us>

NSPCC/Childline

Trained professionals who can provide expert advice and support if you are concerned about a child or if you are a parent, carer or professional seeking advice.

Telephone: 0808 800 5000 (Monday-Friday 8am-10pm and 9am-6pm on weekends)

Email: help@nspcc.org.uk

National Association for People Abused in Childhood

Support for adult survivors of all types of childhood abuse, including physical, sexual, emotional abuse or neglect.

Telephone: 0808 801 0331 (Monday-Thursday 10am-9pm and Friday 10am-6pm)

Email: support@napac.org.uk

Safeline

National male survivor helpline dedicated to supporting male survivors of rape and sexual abuse and those that support them, such as friends or family.

Telephone: 0808 800 5005 (Monday, Wednesday and Friday 9am-5pm, Tuesday and Thursday 8am-8pm and Saturday 10am-2pm)

Email via website: <https://www.safeline.org.uk/contact-us/>

Southall Black Sisters

Specialist support for those who are currently or have previously experienced sex-based violence including forced marriage and so-called 'honor-based' abuse. Advice, information, advocacy and counselling services are provided in several languages.

Telephone: 0208 571 9595 (Monday-Friday 9am-5pm)

Email via website: <https://southallblacksisters.org.uk/contact-us/>

Stay Safe East

Specialist and holistic advocacy and support services for disabled people who are victims and survivors of domestic and/or sexual violence.

Telephone: 0208 519 7241

Email: enquiries@staysafe-east.org.uk

What will you do with my data?

The data you submit will be treated confidentially at all times. No personal identifiable information will be obtained during or as part of the study. Your answers will be completely anonymous.

The research is being carried out as part of a Master's degree at the University of Worcester and the results will be presented in the form of a Master's dissertation which

should be completed by no later than 30/09/21. We may submit all or part of this research for publication to academic and/or professional journals and present this research at conferences.

During the project, all data will be kept securely on an encrypted USB in line with the University's Policy for the Effective Management of Research Data and its [Information Security Policy](#). The data will be accessible to the University and other researchers that agree to work in accordance with the data protection policies.

How long will you keep my data for?

At the completion of the project, we will retain your data in the anonymised form that it was collected for up to ten years. This anonymised data will be archived and shared in line with our Policy for the Effective Management of Research Data.

Thank you for taking the time to read this information.

If you have any questions or would like further information, please use the following contacts:

Researcher:

Ms. Jade Jeffrey

University of Worcester

jefj1_20@uni.worc.ac.uk

Supervisor:

Dr. Holly Taylor-Dunn

University of Worcester

Holly.taylor@worc.ac.uk

Who has oversight of the research?

The research has been approved by the Research Ethics Panel for the College of Psychology in line with the University's Research Ethics Policy.

The University is registered with the Information Commissioner's Office and the University Data Protection Officer is Helen Johnstone. For more on the University

approach to Information Assurance and Security visit:
<https://www.worcester.ac.uk/informationassurance/index.html>.

If you would like to speak to an independent person who is not a member of the research team, please contact Michelle Jellis at the University of Worcester, using the following details:

Michelle Jellis

Secretary to Research Ethics Panel for College of Health, Life and Environmental Sciences

University of Worcester

Henwick Grove

Worcester WR2 6AJ

ethics@worc.ac.uk

1. Do you consent to participate in this survey? *Required*

I confirm that I am aged 18 or over, have read and understood the above information and agree to participate in this survey



What are the Perspectives of Professionals Working within the Legal System and/or a Domestic and Sexual Violence Setting in Relation to Secondary-Victimisation within the Criminal Justice System?

Page 2: Definitions

Definitions:

These will be available to you at the beginning of the survey and within the relevant questions by clicking the 'more info' option.

Secondary-Victimisation – Secondary-victimisation refers to behaviors and attitudes of social service providers that are "victim-blaming" and insensitive, and which traumatize victims of violence who are being served by these agencies.

Re-traumatisation – Re-traumatisation occurs when a person re-experiences a previously traumatic event, either consciously or unconsciously. This can be caused by

stressors that are similar to the environment or circumstance of the original trauma.

Trauma-informed - Trauma-informed care is a strengths-based framework that is grounded in an understanding of and responsiveness to the impact of trauma, that emphasizes physical, psychological, and emotional safety for both providers and survivors, and that creates opportunities for survivors to rebuild a sense of control.

Victim-centered – Victim-centered practice refers to the systematic focus on the needs and concerns of a victim to ensure the compassionate and sensitive delivery of services in a non-judgmental manner.

Legal System – Legal system refers to a procedure or process for interpreting and enforcing the law.

2. What is your current job role and organisaiton?

2.a. How long have you worked in your current role?

3. Please detail any previous voluntary or paid positions that may be relevant to this research in the space provided below: *Optional*

4. In your professional experience, do you consider the police to be trauma- informed in their approach to victim/survivors of domestic and/or sexual violence? We encourage you to be specific and elaborate where possible, and draw on your experience in your current and any previous relevant roles.

[More info](#)

5. In your professional experience, do you believe the police adequately investigate all allegations of domestic and/or sexual violence?

A large, empty rectangular box with a thin black border and a light beige background, intended for a user to provide a response to the question below.


6. In your professional experience, do you consider the courts to be equipped in preventing re-traumatisation for victims of domestic and/or sexual violence?

[More info](#)

A large, empty rectangular box with a thin black border and a light beige background, intended for a user to provide a response to the question above.

7. In your professional experience, do you consider the current UK legal system equipped to provide justice to victim/survivors of domestic and/or sexual violence?

[More info](#)



8. Do you have any professional recommendations for improving the experience of victim/survivors of domestic and/or sexual violence within the legal system?



9. Please use the space below to detail any other information that you consider relevant to the research question *Optional*



Page 6: Thank you for taking part

Thank you for taking the time to complete this survey. Your responses are very much appreciated by the research team.

For access to support, advice or information, contact details have been provided below:

National Domestic Abuse Helpline (run by Refuge)

Free, confidential support 24 hours a day to victims of domestic abuse and those who are worried about friends or loved ones.

Telephone: 0808 2000 247

Email via website: <https://www.nationaldahelpline.org.uk/contact-us>

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Telephone: 0808 800 5000 (Monday-Friday 8am-10pm and 9am-6pm on weekends)

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Email via website: <https://www.safeline.org.uk/contact-us/>

Southall Black Sisters

Specialist support for gender related violence including forced marriage and 'honor-based'; abuse. Advice, information, advocacy and counselling is provided in several languages.

Telephone: 0208 571 9595 (Monday-Friday 9am-5pm)

Email via website: <https://southallblacksisters.org.uk/contact-us/>

Stay Safe East

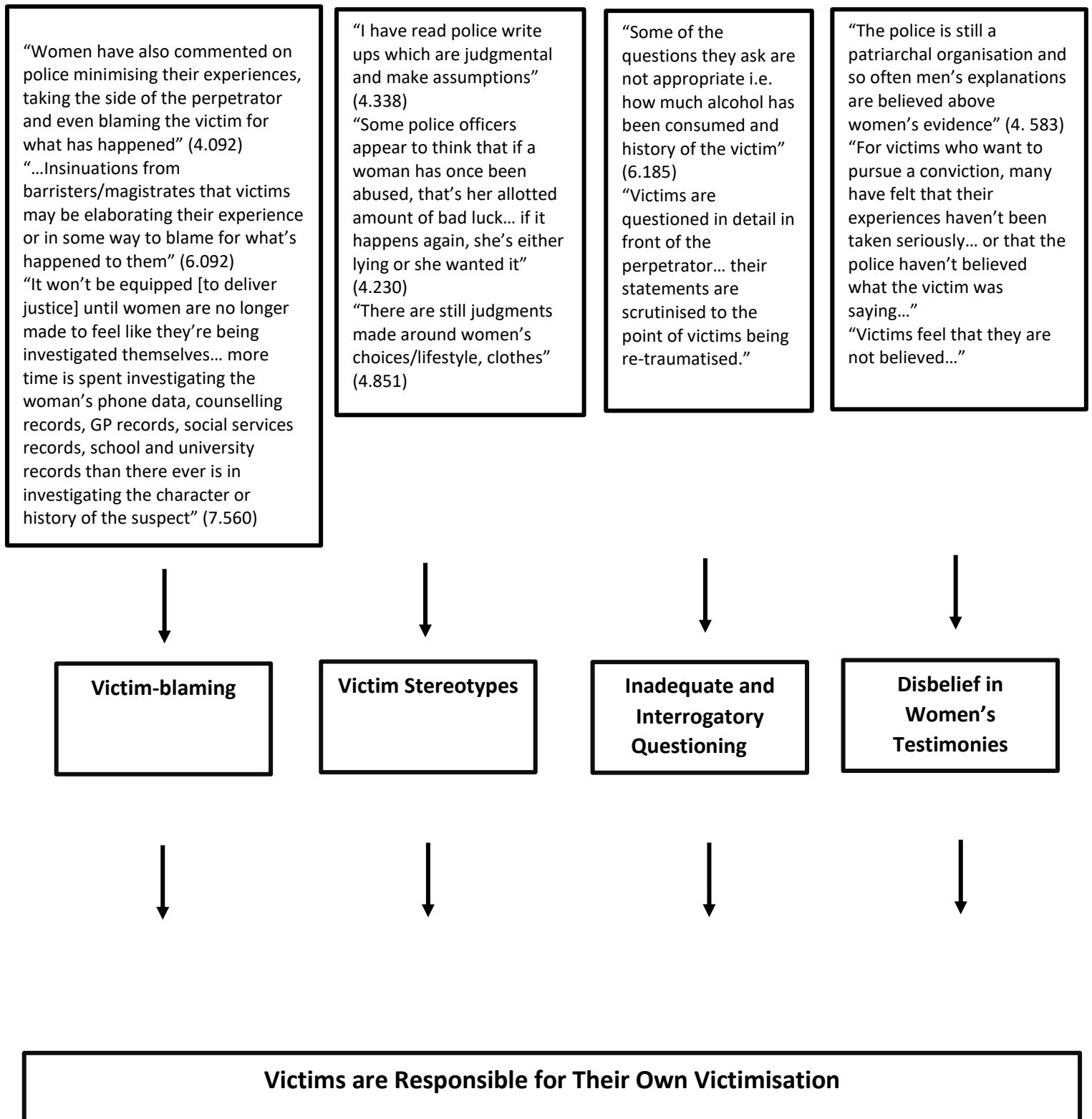
Specialist and holistic advocacy and support services to disabled people who are victims and survivors of domestic and/or sexual violence.

Telephone: 0208 519 7241

Email: enquiries@staysafe-east.org.uk

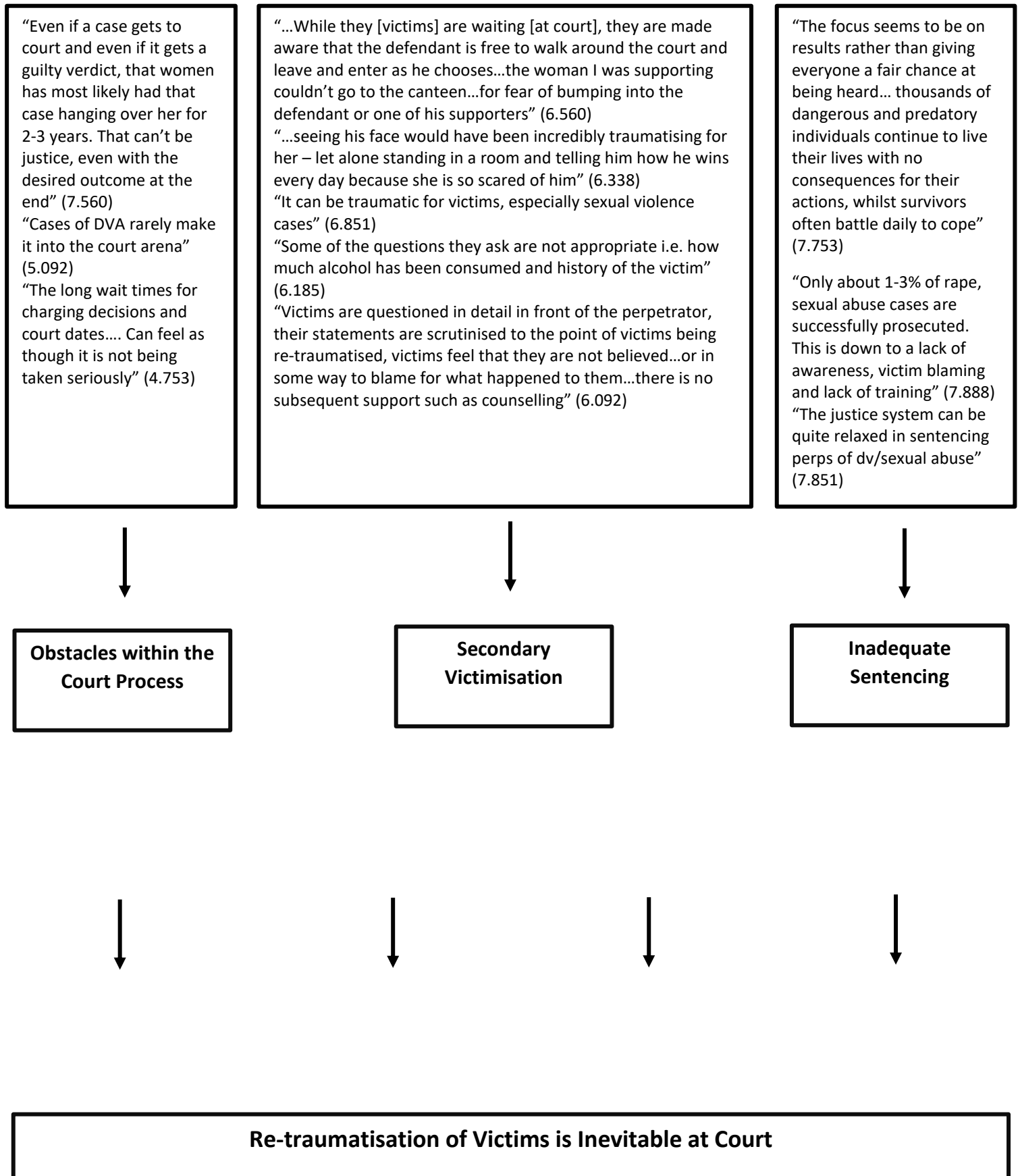
Thank you for your continued support in working with victim/survivors of domestic and/or sexual violence.

A visual to represent key extracts from the survey, the subordinate themes and overall superordinate theme identified

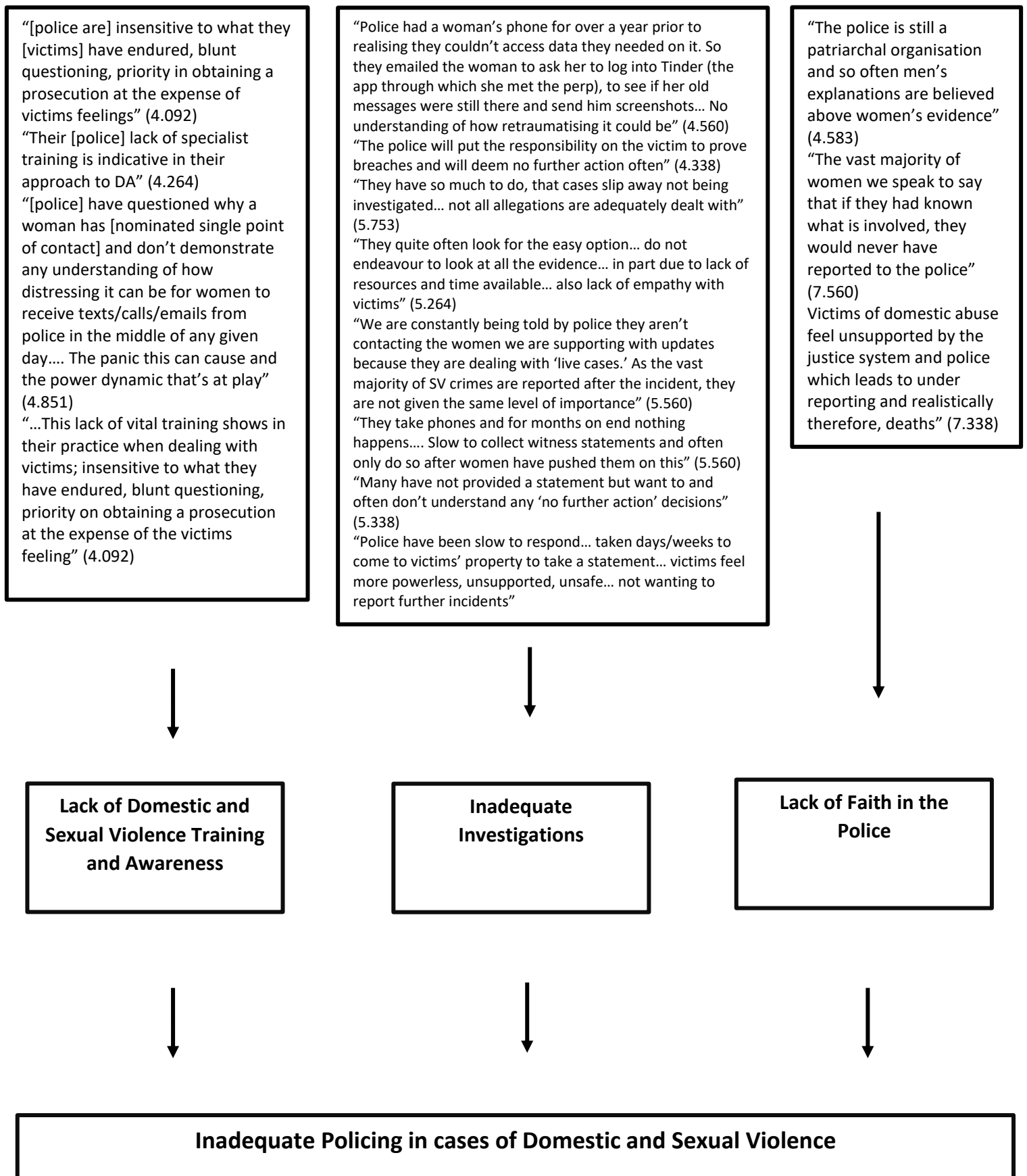


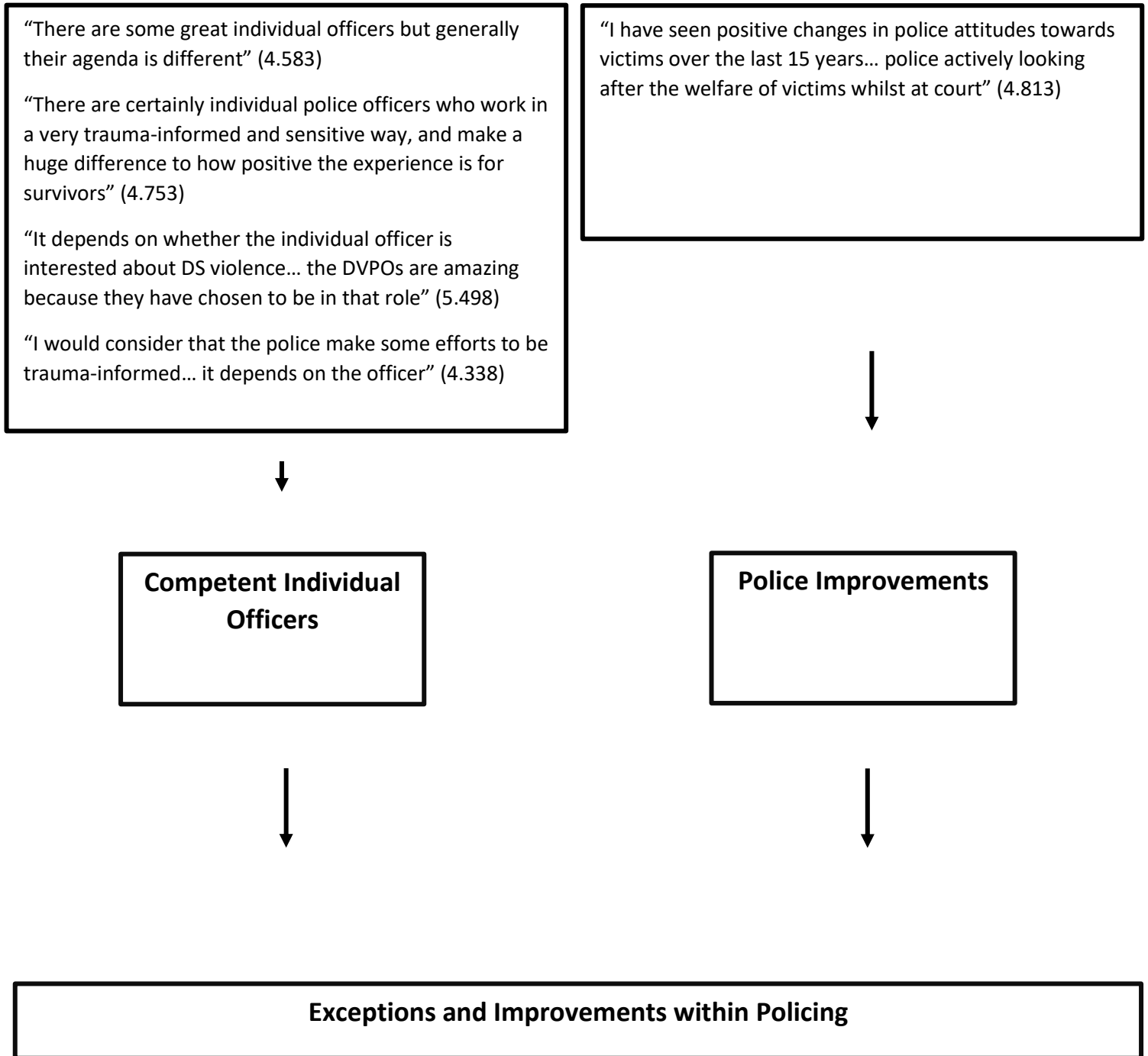
Appendix F

A visual to represent key extracts from the survey, the subordinate themes and overall superordinate theme identified



A visual to represent key extracts from the survey, the subordinate themes and overall superordinate theme identified





A visual to represent key extracts from the survey, the subordinate themes and overall superordinate theme identified

“There needs to be much more education on consent. A lot of people think an act of rape always involves violence. If there’s no violence then it’s not rape in their eyes” (9.813)
“Systems cannot improve without education, awareness and reviewing” (9.338)
“Trauma-informed training for all involved in the legal system. Regularly updated and their practice monitored to ensure they are complying” (8.753)
“Every woman’s entitlement to an update at least every 28 days according to the victims code should be respected and adhered to...All trainee SOIT officers should meet with their local ISVA service” (8.560)
“Sentencing guidelines to be reviewed” (8.851)
“Police understanding and education needs to drastically improve” (8.338)
“Police training needs to be reassessed regarding DVA victims, such training should be delivered by DVA specialists and should involve a coordinated multi-agency response” (8.092)
“A professional advisor for juries to explain myths” (8.185)
“Judges should be trained to recognise post-traumatic stress responses and pause the hearing when necessary” (8.230)
“Regulations on the use of ‘rape myths’ in defence... further perpetuates the idea that this is not 100% the responsibility of the offender” (8.753)
“Training magistrates, judges and CPS lawyers as well as DA coordinators” (8.888)

“Survivors should be offered an intermediary / ISVA as standard... prosecution barristers should ensure that they speak to the victim at court... if the police are dropping an offence they must explain clearly why” (8.230)
“Section 28 recordings should be made widely available” (8.813)
“Support women throughout the process...special measures as default...fund specialist services” (8.583)
“Women should be referred to their local DV/SV service the minute they make an initial report and our services should be more consistently explained to survivors” (8.560)
“All survivors should be able to access counselling/therapy while they have ongoing criminal proceedings, without exceptions. The notes from these sessions should not be disclosable to the court. Survivors are being denied the therapeutic support they need for years on end” (8.560)
“That all DA victims have access to free legal services to get orders and specialist advice as victims who are working and don’t qualify for legal aid are left without any support” (8.498)
“Mandatory video link for victims in court – rather than at request of the victim... More counselling support available without a 3-9 month wait” (8.338)
“Support systems should be in place for any victim of DVA going through the legal system to ensure they are fully supported while their case is being heard” (8.092)



Improved Trauma-Informed Training and Practice



Improved Access to Specialist Support for Victim/Survivors



Recommendations for Policy and Practice

Appendix J

A visualisation to represent the current roles of participants

Volunteer - Trafford Rape Crisis

Barrister - self employed

Civil Servant Ministry of Justice

Partnership Manager

Specialist Support Worker, Rape Crisis

Criminal justice officer, Standing together

Criminal justice programme manager

Independent Sexual Violence Advocate, East London Rape Crisis

idva / birmingham and solihull womens aid

IDVA

IDVA

Servie Manager . Manchester Women's Aid