

GLASGOW DOMESTIC ABUSE COURT FEASIBILITY STUDY GROUP

Report to the Scottish Government
April 2008

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ISBN: 978 0 7559 5801 6

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Edinburgh
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Produced for the Scottish Government by RR Donnelley B56616 06/08

Published by the Scottish Government, June, 2008

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EXECUTIVE SUMMARY

1. (para 1.4) The remit of the Feasibility Study Group was:

“To consider the feasibility of establishing a cost-effective and sustainable Domestic Abuse court for the whole of Glasgow; to identify alternative options for its remit, structure and method of operation, and assess the advantages, disadvantages and likely costs of each; and to report to the Cabinet Secretary for Justice by January 2008.”

2. (para 2.3) Our belief is that a strong case can be made for continuing and expanding the initiative of the domestic abuse pilot, and that focussed investment is justified by the particular needs and opportunities which arise in domestic abuse cases.
3. (para 4.3) Having considered a wide range of court process options, the Group believes that the choice for Glasgow effectively lies between two alternatives, which are:

Option I: Operate 2 specialist domestic abuse courts in a fashion similar to the pilot model, one to cover G and A Divisions, and one to cover B Division.

(para 4.7) This option would effectively replicate the pilot model, although on a larger scale and with economies of scale built in. Each court would have approximately 50% more business than the pilot court has had, with each covering about half the caseload for the city. The methods would be expected to be similar to those experienced during the pilot.

(para 4.8 – 4.11) This option is only feasible if an additional courtroom can be found for the purpose. It is possible that over the next 2-3 years a courtroom could become available in Glasgow Sheriff Court, as a consequence either of unification or of the wider summary justice reforms. However, the advice from the Scottish Courts Service is that at this stage, it would be premature to assume that a courtroom will become available in this way. In the short term, therefore, this option could only be pursued by securing an additional courtroom in Glasgow on a commercial basis, to take some of the work of the Sheriff Court.

Option II: Operate 1 specialist domestic abuse court in a fashion similar to the pilot model, to cover G and A Divisions; in B Division, apply enhanced victim support arrangements and deploy specialist staff, facilitated as far as possible by clustering trials in mainstream courts.

(para 4.22) The details of this option cannot be specified in advance but would need to be developed during the initial months of implementation. However, the assumption is that there could be *no increase in the court time* devoted to domestic abuse cases in B Division. Instead, the benefits would be secured through investment in support services on the ASSIST model, and the deployment of specialist sheriffs and procurators fiscal. We recommend that it should also be accompanied by additional procurator fiscal staffing, so that there could be more time given to preparation of cases and to liaison with ASSIST and the police on safety planning.

4. Option I would incur additional recurrent costs of £1.1m per annum, or Option II £600k per annum, above the current pilot costs of £600k per annum. In addition, Option I would require one-off investment of £1.3m to secure an additional courtroom, unless a courtroom became available as a result of Summary Justice Reform. (Annex, Table 2)

5. (para 4.4) The Group has also carefully considered whether it is possible to devise a further alternative, which applies a consistent approach across all areas of Glasgow and which is feasible within currently available accommodation. We have, however, concluded that any such approach would suffer from fatal drawbacks. This report describes and assesses a third option but we recommend that it should not be pursued:

Option III: Operate 1 specialist domestic abuse courtroom, in which all appearances from custody and intermediate diets would take place, together with sentencing for those offenders who plead guilty; cluster the trials in mainstream courts if possible in order to facilitate enhanced victim support arrangements.

6. (para 4.5) The Feasibility Study Group prefers Option I. However, we are conscious that this is the most expensive option, both in terms of running costs and especially in terms of the requirements for physical space, and we recognise that there will be competition for the use of such resources.

7. (para 5.13) For any of the options, the Group considers that the level of service provision to victims by ASSIST meets the needs of the court pilot in Glasgow and the victims going through the domestic abuse court process. We recommend that a separate and bespoke agency (ASSIST model) should continue to be used, and that work is continued to ensure effective and transparent protocols with relevant partners.

1. INTRODUCTION

- 1.1 A pilot domestic abuse court covering the South Side (G Division) of Glasgow was established in 2004. An evaluation of the pilot by Reid Howie Associates¹ was published in March 2007. In the light of this, in a written reply to Johann Lamont MSP on 19 September 2007, the Cabinet Secretary for Justice, Kenny MacAskill, announced the Scottish Government's intention to consider alternative ways of supporting a domestic abuse court across the whole of the city of Glasgow. He said:

"I have carefully considered the evaluation of the domestic abuse pilot court in Glasgow, which was published in the spring. The court has clearly brought benefits to victims and families. Yet the research does not recommend replication of the pilot model across Scotland: it proposes that local solutions should be developed to meet local needs. To this end I propose to take 2 specific actions.

"First, I want to extend our thinking about the range of options for handling domestic abuse cases from the point they enter court until disposal. We will prepare, consult upon and publish a guide to research and practice across Scotland. We will put this at the disposal of Sheriffs Principal and local criminal justice boards in order to support self-assessment and innovation at local level. I do not expect to see specialist domestic abuse courts in all parts of the country. I do expect to see criminal justice partners in each area examining their own practice and pursuing new approaches where appropriate."

"Secondly, I will take practical steps to further the aim of the Sheriff Principal for Glasgow & Strathkelvin to ensure the vigorous and sensitive handling of domestic abuse cases across the city. The current pilot only serves cases arising in G Division of Strathclyde Police. There is a need for new capacity to deal with the heavy caseload arising across Glasgow. My officials will convene a short-life working group with relevant interests including the police, Glasgow City Social Work Department and providers of victim support services. I have asked for a report by January 2008 to enable me to decide how the Scottish Government can best support a domestic abuse court serving the whole of Glasgow. This is not simply a matter of extending the work of the current pilot. We will need to develop a new and cost-effective model, including for the provision of support services to victims and witnesses and family members, that is sustainable in the longer term."

¹ *Evaluation of the Pilot Domestic Abuse Court*, Scottish Executive Justice Department 2007, ISBN 978 0 7559 6562 5; available at <http://www.scotland.gov.uk/Publications/2007/03/28153424/0>

- 1.2 The Feasibility Study Group met four times, between October 2007 and March 2008. The members of the group were:

Roma Menlowe, Criminal Procedure Division, Scottish Government (Chair)
Jim Andrews², Victim Support Scotland
Steve Bain, Scottish Courts Service
Gerry Considine, Glasgow Bar Association
Aileen Currie, Scottish Courts Service
Liam Doherty, Glasgow City Council, Social Work Services
Alistair Duncan, COPFS
John Fox, VIA, COPFS
Jillian Gilchrist, Violence Against Women Team, Scottish Government
Lily Greenan², Scottish Women's Aid
Fiona Holligan, COPFS
David Leitch, Strathclyde Police
Mhairi McGowan², ASSIST
Deb Nicholson², Glasgow Violence Against Women Partnership
Sheriff Susan Raeburn QC
Frank Russell², Victim Support Scotland
Yvonne Strachan, Equalities Unit, Scottish Government
Alistair Thomson, Glasgow Bar Association
Bill Barron, Criminal Procedure Division, Scottish Government (Secretariat)
Susan Herbert, Criminal Procedure Division, Scottish Government (Secretariat)

- 1.3 In addition, the following attended one or more meetings to assist with our discussions, either as substitutes for members or otherwise by invitation:

David Aitchison, Strathclyde Police
Isabel Drummond-Murray, Violence Against Women Team, Scottish Government
Eileen Flanagan, Violence Against Women Team, Scottish Government
Diane Machin, Criminal Procedure Division, Scottish Government
Joe Margey, Scottish Courts Service
Marilyn Riddell, Scottish Courts Service
Cheryl Stewart, Scottish Women's Aid
Gillian Sweeney, COPFS

- 1.4 The remit of the Feasibility Study Group was:

“To consider the feasibility of establishing a cost-effective and sustainable Domestic Abuse court for the whole of Glasgow; to identify alternative options for its remit, structure and method of operation, and assess the advantages, disadvantages and likely costs of each; and to report to the Cabinet Secretary for Justice by January 2008.”

² The representatives from Scottish Women's Aid, Glasgow Violence Against Women Partnership, ASSIST and Victim Support Scotland were observers on the Group, in order to avoid any possible conflict of interest regarding the provision of victim support services. While they played a full part in the Group's work and discussions, responsibility for the content of this report lies with the remaining members of the Group.

- 1.5 This report presents our conclusions. Chapter 2 summarises the rationale for a specialist approach to domestic abuse, and Chapter 3 describes some relevant features of the pilot court which has served G Division since 2004. Chapter 4 then presents alternative future systems, and Chapter 5 discusses the future victim support arrangements in more depth. The alternative future systems and their direct costs are summarised in tabular form in the Annex.
- 1.6 The Group has noted and drawn on statistical information and research when available, in particular from the evaluation of the pilot court by Reid Howie. However, the evidence base in general is incomplete. It is difficult to make comparisons between the progress of domestic abuse cases in different courts across Scotland because these cases are not identified in the routine criminal justice statistics. There are also gaps in the evidence base on matters such as repeat offending and repeat victimisation, and the effectiveness of perpetrator programmes. The Group considers that there should be continuing monitoring of the outcome of the domestic abuse court initiative in Glasgow, through statistical data collection supported as necessary by specific research projects to throw light on key issues.

2. RATIONALE FOR A SPECIALIST DOMESTIC ABUSE COURT IN GLASGOW

- 2.1 This report is written in the context of the imminent implementation of the Scottish Government's agenda for summary justice reform (SJR). The Feasibility Study Group has been conscious that many of the original aims of the pilot domestic abuse court in Glasgow are objectives which SJR will seek to deliver across the whole range of summary justice. For example, the aims of increasing speed³ of processing summary cases, reducing attrition, and increasing early pleas have been common to both initiatives. Similarly, the Scottish Government has an ongoing agenda to improve support for victims of crime across the piece.
- 2.2 In this context, the question arises of the appropriateness of specialist courts. Is it valid to commit resources especially to dealing with a particular type of crime or to a particular locality, or would investment of the same resource yield more benefit if applied to the summary justice system as a whole?
- 2.3 The Feasibility Study Group has considered this question and in particular, whether there is a rationale for investment in a specialist domestic abuse court in Glasgow. Our belief is that a strong case can be made for continuing and expanding the initiative of the domestic abuse pilot, and that focussed investment is justified by the particular needs and opportunities which arise in domestic abuse cases.

The challenge of domestic abuse

- 2.4 Domestic abuse is defined in the COPFS/ACPOS protocol on the handling of domestic abuse as “any form of physical, sexual or mental and emotional abuse which might amount to criminal conduct and which takes place within the context of a close relationship. The relationship will be between partners (married, cohabiting or otherwise) or ex-partners. The abuse can be committed in the home or elsewhere”. It is often distinguished from other crimes of violence or exploitation because the lives of the victim and any children are bound up with that of the accused. This simple fact has three insidious consequences:
- 2.4.1 Far too often, domestic abuse remains a hidden crime, with victims and any who observe it reluctant to report it. Even when action is taken, the victim may be frightened or otherwise reluctant to testify against the accused;
- 2.4.2 Although criminal incidents between partners are sometimes one-off events, those that come to the attention of the police are often symptomatic of ongoing abuse in the relationship. Because of this, the danger of escalation is greater than with many other crimes;

³ The pilot court has achieved increases in speed of processing which substantially exceed the targets for the generality of bailed cases in summary justice reform. During the pilot, the target has been for those cases which proceed to a trial diet to reach this stage within 6 weeks – and this target was met in 74% of cases.

- 2.4.3 Disposal of those convicted of domestic abuse crimes calls for a particular type of judgement on the part of the sentencing sheriff. For example, a fine imposed on the offender may impact directly on the victim as well, and may escalate tension within an ongoing relationship. The issue of the safety of the victim and any children involved is key, and it is particularly important for the sheriff to have good information from the victim, both for disposals and also for bail decisions.
- 2.5 The Scottish Government's response at national level has been to support the application of robust policies by the police and prosecution about the investigation and prosecution of domestic abuse – sending a strong message about its seriousness. These policies (see also paragraph 3.3 below) make a considerable contribution towards an effective response to this crime. But, as international research has shown, these policies carry more impact if they are buttressed by highly effective handling of cases in court and by well integrated and comprehensive systems of victim support.
- 2.6 To address the respective problems in paragraph 2.4, the pilot domestic abuse court has therefore introduced improved arrangements for:
- 2.6.1 Support for victims from the initial stages following a referral to the police, through all the stages of a criminal prosecution; this, together with action to speed up the progress of these cases, has resulted in increased willingness of victims to participate in prosecutions;
- 2.6.2 Coordinated action by the COPFS, the police, ASSIST, social services departments and others to conduct risk assessments and safety planning for victims and their families, in order to minimise the likelihood of repeated or escalating victimisation;
- 2.6.3 The deployment of specialist sheriffs, informed by up-to-date information supplied by the victim, via ASSIST, to the procurator fiscal, to minimise the risk of inappropriate bail decisions or disposals.
- 2.7 These actions are designed both to improve the efficiency and effectiveness of the criminal proceedings, and also (especially through the safety planning and the police response) to help prevent repeated incidence of this crime.
- 2.8 A further reason for a specialist approach, though not unique to domestic abuse cases, is the advantage that successful prosecutions bring for helping perpetrators to address their offending behaviour. Perpetrator programmes such as the CHANGE programme and the forthcoming Caledonian programme have been developed to improve safety within family structures. The Group recognises the importance of these programmes, and of the need to work to ensure they are accredited and have regard to appropriate national guidelines. A domestic abuse court with a specialist sheriff can increase the numbers appropriately referred to and benefiting from such programmes⁴.

4 But note paragraph 3.11 regarding the funding of perpetrator programmes.

- 2.9 Taken together, it is clear that a specialist domestic abuse court has the potential to deliver significant amelioration of some unique problems which arise in domestic abuse cases. The prioritisation of Glasgow makes sense in this context. One reason for this is the amount of domestic abuse in that city, given that it is Scotland's biggest conurbation. Another reason is the pressure on the mainstream work of Glasgow Sheriff Court, the busiest court in Europe and where summary plea rates fall well short of those experienced in all other parts of Scotland; this accentuates the need to enable domestic abuse cases to be fast-tracked, and to provide support for victims in order to reduce attrition.

3. FEATURES OF THE G DIVISION PILOT COURT

3.1 An evaluation of the pilot domestic abuse court was carried out by Reid Howie Associates, and was published in March 2007. This chapter draws on that evaluation in part, but does not attempt to summarise it. Instead, the purpose of this chapter is to note briefly some features of the pilot court which are important background for the analysis of alternative future models, in chapter 4. This chapter is therefore concerned with the methods, the costs and the observed benefits of the pilot court.

Methods of the pilot court

3.2 The pilot court is a *specialist* court. A number of special arrangements were put in place at its inception, which enabled it to function in different ways, compared to the bulk of summary business in Glasgow Sheriff Court. The main features which make the court *specialist* have been as follows:

3.2.1 The domestic abuse court has its own dedicated courtroom (court 13), which takes all summary domestic abuse cases from G Division. No other business of the Sheriff Court is taken in this courtroom. At the start of the pilot this space could be made available at minimal cost, because one large courtroom in Glasgow Sheriff Court was physically divided into two courtrooms.

3.2.2 The majority of the business in the domestic abuse court is handled by two specialist sheriffs, Sheriff Raeburn and Sheriff Totten, who each devote a considerable portion of their time to it. Three other specialist sheriffs cover the remainder of the business. This ensures a high degree of consistency of approach.

3.2.3 A dedicated COPFS team (consisting of 1.6 procurator fiscal deputies, 1 VIA assistant and 1.4 admin assistants) provides further continuity. All G Division domestic abuse summary prosecutions are handled by the dedicated procurators fiscal⁵. These specialists are supported by enhanced training on domestic abuse.

3.2.4 Summary domestic abuse prosecutions from G Division are taken in the specialist court *at all stages*. Thus the accused's first appearance (invariably from custody), intermediate diets, trials and sentencing are all held in court 13. The relatively light pressure of business enables court processes to proceed more reliably and therefore reduces churn.

5 Special arrangements were also put in place for the domestic abuse court and other pilot specialist courts, in order to allow better continuity of representation by defence agents as well. The main aim of these special arrangements was to allow a client's existing solicitor to provide advice and representation at the early stages of the case, including at the initial appearance from custody. The arrangements also allowed for the current cap on follow up duty solicitor payments to be removed, thereby allowing the duty solicitor to be paid on a time and line basis for the later stages of the case.

The Group noted the value of these special arrangements for the pilot court, but did not discuss legal aid issues in any detail because its work coincided with consultation on the future of the legal aid system for all summary cases. The Group welcomes the recent decision that certain aspects of these special arrangements, in particular the ability of a client's existing solicitor to provide assistance by way of representation in custody cases, will be rolled out to all summary cases later this year, as part of the reform of summary criminal legal assistance.

- 3.2.5 A specialist victim support service, ASSIST, was established to support victims of domestic abuse and their dependent children. ASSIST, which is commissioned by Glasgow City Council and housed within Glasgow Community & Safety Services, provides continuity of support to victims. Among ASSIST's unique contributions are: its ability to contact victims within 24 hours of notification by the police, while the accused is normally in custody, which allows early initial risk assessment and risk management; the continuity of contact with victims; the regular flow of information to the procurator fiscal, informing them of the victim's views; and the provision of advanced safety planning, in particular through Multi-Agency Risk Assessment Conferencing (MARACs). In addition, ASSIST is recognised as playing a pivotal role of coordinating the work of the various agencies, including the police, criminal justice agencies, social work, and voluntary sector agencies. The integration of the support for victims with the court processes has been crucial.
- 3.2.6 The caseload handled by the pilot court has been lower than that for a comparable summary courtroom in Glasgow. Direct numerical comparisons are not possible, because the domestic abuse court contains a mix of custodies, IDs, trials and sentencing, while these various stages are split between courtrooms for other summary cases. However, sheriffs, procurators fiscal and defence agents involved in the domestic abuse court are clear that the pressure of business has been lower than the norm for Glasgow, and that this has made a significant contribution to its greater effectiveness, not least because it has allowed time for improved communication between procurators fiscal and defence agents.
- 3.3 Equally important to the success of the domestic abuse court are the policies adopted by the police and the Crown Office and Procurator Fiscal Service. There is a presumption that prosecution will be in the public interest in all domestic abuse cases involving violence where a sufficiency of evidence exists that a crime has been committed. In non-violent cases where there is a sufficiency of evidence, careful consideration is given as to whether it is in the public interest to prosecute or, in exceptional cases, to adopt an alternative disposal to prosecution. However these policies, which are set out in the ACPOS/COPFS joint protocol on handling domestic abuse cases⁶, are common across Scotland and therefore cannot be seen as specialist features of the pilot court.
- 3.4 The Group wishes to make a specific comment about one feature of the court process which has not worked well, which concerns the level of Reliance staffing during custody hearings. Until now, only one Reliance officer has served the domestic abuse custody court, and this has led to significant delays between successive cases, to allow time for the Reliance officer to transfer one accused to custody and escort another from custody, completing appropriate paperwork in each case. This seems a waste of court resources and a false economy. We understand that this inefficiency is now to be removed from the pilot domestic abuse court and the Group recommends that this better practice should continue in future, irrespective of the future model adopted.

⁶ *Joint Protocol between Association of Chief Police Officers in Scotland (ACPOS) and the Crown Office and Procurator Fiscal Service (COPFS) 2004*, available at <http://www.crownoffice.gov.uk/Publications/2005/09/InPartnership>

- 3.5 It is worth noting that not all of the features listed in paragraph 3.2 are shared by all the Specialist Domestic Violence Courts (SDVCs) which have been developed in England and Wales. SDVCs in England and Wales are often on a smaller scale than the Glasgow pilot. While prosecutors and magistrates in receipt of domestic violence training, and Independent Domestic Violence Advisers (IDVAs⁷) are common to all of them, they do not necessarily bring all stages of a case into the same courtroom. The majority adopt some form of “clustering” of cases so that domestic violence cases are brought together to be heard on the same day(s) of the week at each of the key procedural stages, which permits efficient handling both by the IDVAs and by the agencies involved in the criminal justice process.

Costs of the pilot court

- 3.6 The full costs of the pilot have not been assessed. As noted above, the capital cost of providing an additional courtroom was marginal, because space was created within the existing Sheriff Court building. The costs of servicing the courtroom as a building have not been estimated, but in any case would now be seen as opportunity costs rather than cash costs. Likewise, the costs of accommodation and services for ASSIST have been provided by Glasgow Community & Safety Services, and no charge is currently being made for these. Nor has the group considered any additional costs due to the legal aid arrangements, given that this aspect forms no part of our analysis, for the reasons set out in footnote 5 above.

- 3.7 There are also cost implications for the police and for social work departments, which includes the cost of preparing for, attending, and taking action following MARACs⁸. However, these cannot be quantified.

- 3.8 The quantifiable direct recurrent costs of the domestic abuse court pilot are therefore limited to the following:

Shrieval and staff costs for an additional court: <i>(met by the Scottish Government and Scottish Courts Service)</i>	£208k
Additional Prosecution staff costs: 1.6 procurators fiscal and 1.4 support staff <i>(met partly by COPFS and partly by SG Criminal Justice Directorate)</i>	£138k
ASSIST <i>(met by SG Equality Unit with a contribution from Glasgow City Council)</i>	£270k
Total recurrent costs	£616k

- 3.9 While these may be seen as direct additional costs, there will be some partial compensatory time-releasing savings elsewhere in the system, in the form of reduced pressure on the mainstream courts and victim support agencies. These savings, however, are unquantifiable and on any estimation would represent only a small fraction of the total. The overall recurrent costs of the pilot may therefore reasonably be stated as **£600k per annum**.

⁷ IDVAs are broadly the equivalent of ASSIST, although they are not necessarily commissioned to support *all* victims at *all* stages, as ASSIST has been during the pilot.

⁸ In practice, when selecting cases for MARAC during the pilot, a higher risk threshold has been applied than is the norm in England and Wales, because it would be difficult for Glasgow MARAC members, especially social work departments, to commit more time.

Observed benefits of the pilot court

- 3.10 The beneficial outcomes achieved by the pilot court have been documented in the evaluation by Reid Howie. In particular:
- 3.10.1 The court was successful in hearing most cases within the target times of four weeks from first calling to ID and six weeks to trial diet;
 - 3.10.2 An analysis comparing domestic abuse cases heard in the specialist court with those heard in other summary courts in Glasgow showed a higher rate of guilty pleas overall (81% compared with 73%), as well as more pleas at or before an ID. The court also had a higher rate of conviction (86% compared with 77%) and a lower rate of attrition (10% compared with 18%). Experience of the pilot court would indicate that these outcomes have been achieved through the zero tolerance culture of the court including perpetrators being aware that domestic abuse is taken so seriously there is a special court, the engagement of complainers, and the short timescale between first appearance and trial. In addition there is a lack of “churn” in the specialist court:- the practice of both the procurator fiscal and the bench to avoid adjournments has been supported by a commitment by the procurator fiscal to provide the defence with a summary of evidence at first appearance, and (in cases of not guilty pleas) early disclosure of full statements by the intermediate diet. Another factor is that the smaller court puts the accused in the spotlight.
 - 3.10.3 There was a high level of satisfaction among victims whose cases were heard in the pilot court. (This summary finding probably reflects a high level of satisfaction with all aspects of the ASSIST processes, including speed of initial contact, continuity of support through the procedural stages, and actions taken following risk assessments and safety planning.)
 - 3.10.4 There were differences between the pilot and mainstream courts in the pattern of disposals, with probation being used more often and fines much less often. We consider that this probably reflects the greater awareness of and sensitivity to domestic abuse issues on the part of the specialist sheriffs.
- 3.11 One notable omission from this list is the lack of any empirical evidence of long-term impact on offenders. Anecdotal evidence suggests that the imposition of swifter justice will help to change a culture which too often sees domestic abuse as acceptable, or at least unremarkable, and will lead to steady reductions in recidivism and in due course in the incidence of this crime. However, as Reid Howie noted, it is impossible to draw such conclusions without a long-term study of offenders, extending over some 5-10 years. In the absence of such a study, it is regrettably not possible to measure the impact of the specialist court on the area where it is arguably of most long-term significance. In this regard, the Feasibility Study Group is also aware that investment in perpetrator programmes lagged behind investment in court processes and victim support throughout the period of the pilot, an imbalance which may have been unavoidable because there was no nationally accredited programme during the period of the pilot. The Group recommends that the Scottish Government should seek to increase funding for accredited perpetrator programmes including partner work, and to secure improved evidence about their effectiveness.

- 3.12 Members of the group involved in the criminal justice process are also aware from their own experience of improvements within the processes which led to these outcomes. In particular, defence agents have commented on the improved legal aid arrangements and on the greater ease with which they can contact a procurator fiscal to discuss a case. The deployment of dedicated staff across all agencies was noted as a considerable benefit of the SDVCs in a recent review⁹ of the first 23 SDVCs in England and Wales.
- 3.13 Similarly, members of the group involved with victim support are conscious of markedly improved possibilities as a result of the investment in ASSIST. Perhaps most significantly, ASSIST is at the hub of improved multi-agency collaboration, involving the police, procurators fiscal, social work services and other public agencies, characterised by much more open sharing of information than is the norm. This has permitted improved risk assessment and safety planning, including through the Multi Agency Risk Assessment Conferencing (MARACs) which ASSIST coordinate on behalf of the most vulnerable victims.
- 3.14 The group considers that the combination of effective prosecutions of offenders and proactive risk assessment work with high risk victims will have had an impact in terms of preventing escalation of domestic abuse and diminishing its incidence, although these effects cannot be firmly evidenced or quantified. The importance of effective prevention would be hard to overstate. By way of context, a study by Sylvia Walby¹⁰, published in 2004, estimated that across England and Wales, the cost to public services (police, health, social services etc) of domestic abuse amounted to £3.1bn per annum. The Group also considers that there would be advantage in a comparable study being commissioned in Scotland, in order to establish the potential value of initiatives to prevent domestic abuse.

9 HMCS, Home Office and CPS (2008), *Justice with Safety*, available at www.crimereduction.homeoffice.gov.uk/dv/dv018.htm

10 Walby S (2004) *The Cost of Domestic Violence*, Home Office Women and Equality Unit

4. FUTURE COURT PROCESS OPTIONS

4.1 The Feasibility Study Group considers that the pilot model has worked well. However, the level of investment required to improve the handling of cases has been substantial, and we recognise that this report comes at a time when another Government priority is to improve the efficiency of handling of all summary cases. The Group believes that there remains a strong case for a specialist domestic abuse court in Glasgow, for the reasons set out in chapter 2. As our remit requires, we have had regard for cost-effectiveness in identifying future options; but we also consider that the benefits of the pilot court could not have been secured without the necessary investment in shrieval and court service resources, the procurator fiscal service and enhanced victim support.

Specialism of sheriffs?

4.2 A prior question which arises under each of the options concerns the approach taken to specialism of sheriffs. The court handling of domestic abuse cases will of course depend on the sheriffs who preside over these cases. The various models each consider the extent to which domestic abuse cases should be handled by a small “specialist” cadre or by a wider range of sheriffs. That is an issue for the sheriff principal. The Group sees benefit in maintaining a degree of specialism, as the evidence suggests that domestic abuse courts work best when the presiding judge is a specialist¹¹. On the other hand, the Group also considers that handling domestic abuse cases is a mainstream part of Sheriff Court business, and we would expect all sheriffs to be kept informed of relevant research and development of practice in this area. The Group therefore recommends that the Scottish Government should consider with the Judicial Studies Committee whether further training or guidance on domestic abuse would be useful to sheriffs.

The options

4.3 Figures from Strathclyde Police indicate that the domestic abuse caseload in Glasgow typically divides between the 3 divisions in the following way: 46% in B Division; 34% in G Division (the division covered by the pilot); and 20% in A Division. Having considered a wide range of court process options, the Group believes that the choice for Glasgow effectively lies between two alternatives, which are:

Option I: Operate 2 specialist domestic abuse courts in a fashion similar to the pilot model, one to cover G and A Divisions, and one to cover B Division.

Option II: Operate 1 specialist domestic abuse court in a fashion similar to the pilot model, to cover G and A Divisions; in B Division, apply enhanced victim support arrangements and deploy specialist staff, facilitated as far as possible by clustering trials in mainstream courts.

11 Sack (2002) *Creating a Domestic Violence Court – Guidelines and Best Practices*.

- 4.4 In fulfilment of our remit, the Group has also carefully considered whether it is possible to devise a further alternative, which applies a consistent approach across all areas of Glasgow and which is feasible within currently available accommodation. We have, however, concluded that any such approach would suffer from fatal drawbacks. This report describes and assesses a third option but, as will be seen below, we recommend that it should not be pursued:

Option III: Operate 1 specialist domestic abuse courtroom, in which all appearances from custody and intermediate diets would take place, together with sentencing for those offenders who plead guilty; cluster the trials in mainstream courts if possible in order to facilitate enhanced victim support arrangements.

- 4.5 The advantages, disadvantages and costs of each of these are analysed below. As will be seen, the Feasibility Study Group prefers Option I. However, we are conscious that this is the most expensive option, both in terms of running costs and especially in terms of the requirements for physical space, and we recognise that there will be competition for the use of such resources.
- 4.6 Options II and III are untried, and even Option I would be a new departure given the substantial increase in specialist court caseload required. Therefore, whichever option is pursued, the group recommends that there should be ongoing monitoring of performance and impact. The Group also notes that under any of the options, responsibility for the programming of business within the Sheriff Court would remain with the Sheriff Principal for Glasgow and Strathkelvin.

Option I: Operate 2 specialist domestic abuse courts in a fashion similar to the pilot model, one to cover G and A Divisions, and one to cover B Division.

Description

- 4.7 This option would effectively replicate the pilot model, although on a larger scale and with economies of scale built in. Each court would have approximately 50% more business than the pilot court has had, with each covering about half the caseload for the city. The methods would be expected to be similar to those experienced during the pilot.

Feasibility and costs

Accommodation

- 4.8 This option is only feasible if an additional courtroom can be found for the purpose. There is no current spare capacity within Glasgow Sheriff Court, so there is no prospect of an additional courtroom being created within the building, as happened in 2003-04 to allow the pilot to commence. We have therefore asked the Scottish Courts Service if there is a possibility that a courtroom might become available as a result of reductions in other business.

- 4.9 An objective of the Scottish Government's summary justice reform programme is to reduce pressure on the Sheriff Courts, by a range of measures which will encourage business to be dealt with earlier and where appropriate outside court. The expectation is that this will in due course lead to reductions in the pressures on the summary courts across Scotland. A further aspect of summary justice reform is the unification of the courts estate, currently split between Sheriff Courts and District Courts. It is possible that over the next 2-3 years a courtroom could become available in Glasgow Sheriff Court, as a consequence either of unification or of the wider summary justice reforms. The sheriff principal has confirmed that in this event, he might well be minded to make the new courtroom available to the specialist domestic abuse court.
- 4.10 However, the advice from the Scottish Courts Service is that at this stage, it would be premature to assume that a courtroom will become available in this way. It is too early to predict with confidence what the effects of summary justice reform will be, given the range of behavioural change involved, and especially in Glasgow where the pressures of business are currently most intense, including continuing increases in the levels of solemn criminal business.
- 4.11 In the short term, therefore, this option could only be pursued by securing an additional courtroom in Glasgow on a commercial basis, to take some of the work of the Sheriff Court and thereby free up space. In practice this would mean renting a *pair* of additional courtrooms, because outhousing a single courtroom would not allow the level of flexibility necessary for effective court programming and containment of delays and end-to-end times. The courts to be outhoused would not necessarily be the domestic abuse courts; indeed, the logistical difficulties, including in particular security considerations, would be minimised if civil rather than criminal business were outhoused, with the domestic abuse court using space freed up in the main Sheriff Court building. Additionally, experience has shown that landlords are reluctant to rent property for use as a criminal court.
- 4.12 Estimates provided by SCS are that if a suitable building were available to rent, its initial conversion to provide two civil courtrooms would cost in the region of **£1.3m**, and rental and services would cost a recurrent **£300k per annum**.

Shrieval deployment

- 4.13 Operating two specialist courtrooms on the pilot model would require at least double the shrieval input. As noted in chapter 3, the pilot has benefited considerably from the commitment of the specialist sheriffs. It would be for the sheriff principal to consider how to provide shrieval resource for the new court (see paragraph 4.2). On balance, we consider that this option would work best if supported by an increased number of sheriffs devoting a significant amount of time to domestic abuse.

Other recurrent costs

- 4.14 This option could be supported by the current ASSIST model with additional resources to cover the two courts and all three divisions. It is estimated that rolling out the current model and maintaining service levels for this option would increase the cost from £270k to **£726k per annum**.

- 4.15 Irrespective of the arrangements for shrieval deployment, the shrieval and staffing costs of the additional courtroom would be as for the pilot, so the combined costs would double, from £208k to **£416k per annum**. Under this option the COPFS costs would also at least double, from £138k to perhaps **£300k per annum**.
- 4.16 Overall, the total direct costs of this option (inclusive of the full costs of the development of a pair of outhoused courtrooms) would comprise an initial investment of £1.3m to set up the accommodation, and a recurrent £1.1m on top of the costs of the pilot.

Assessment

- 4.17 The caseload for each courtroom would be significantly higher than for the pilot court, and there would no doubt be a negative impact on the timescales and guilty plea rates achieved, compared with the pilot. Additional caseload may also make it harder to maintain the improved communication between defence agents and procurators fiscal, and to continue to minimise churn. However, despite this, the Group considers that it should still be possible broadly to secure the perceived benefits of the pilot in this expanded model.
- 4.18 In addition to the direct benefits of the specialist court, there would also be consequential – although unquantifiable – benefits for the wider work of the Sheriff Court. The removal of A Division’s and B Division’s domestic abuse cases from the workload of the mainstream courtrooms would yield a modest reduction in the pressure on those courts, which would help the wider efforts to secure more efficient and swifter summary justice for all.
- 4.19 The Group has noted that the sustainability of this option would continue to be dependent on the availability of the necessary courtroom, shrieval resource, and other recurrent finance, and the willingness of the funders to continue to give priority to domestic abuse cases in this one particular locality.

Option II: Operate 1 specialist domestic abuse court in a fashion similar to the pilot model, to cover G and A Divisions; in B Division, apply enhanced victim support arrangements and deploy specialist staff, facilitated as far as possible by clustering trials in mainstream courts.

Description

- 4.20 This option would not provide a uniform solution for the whole of Glasgow. One half of the city (G and A Divisions) would be serviced by a specialist court on the pilot model. The remainder of the city (B Division) would be served by a different type of court model, with some common features but distinct in important ways.
- 4.21 In B Division, the approach would be to seek the benefits of the specialist approach as far as is possible within the mainstream court structure. There are some precedents for this approach in England and Wales. In this context, the Group has noted the aim of summary justice reform to improve the speed of summary justice and improve the rate of early pleas, across the board. These improvements would of course benefit the domestic abuse cases, as well as others, although not by as much as has been achieved in the pilot with its dedicated courtroom.

- 4.22 The details of this option cannot be specified in advance but would need to be developed during the initial months of implementation. However, the assumption is that there could be *no increase in the court time* devoted to domestic abuse cases in B Division. Instead, the benefits would be secured through investment in support services on the ASSIST model, and the deployment of specialist sheriffs and procurators fiscal. We recommend that it should also be accompanied by additional procurator fiscal staffing, so that there could be more time given to preparation of cases and to liaison with ASSIST and the police on safety planning.
- 4.23 One issue that would need to be explored during the implementation phase is the question of clustering. Domestic abuse cases, like other B Division summary cases, would go through the mainstream custody court (one of two such courts on Mondays) and the intermediate diet court. Those that reached the trial stage would be assigned, as currently, to one of 3 trial courts for B Division. If a clustering approach were pursued, attempts would then be made, within the constraints of the business, to cluster these where possible to a common courtroom. This could not be done rigidly, but it might still be possible to allow the deployment of procurators fiscal and sheriffs to this courtroom to take account of the concentration of domestic abuse work there. However, clustering on this scale is an unknown quantity, and it is not clear whether worthwhile clustering could be introduced without unacceptable impact on the flexibility of court programming and consequently on the churn experienced by domestic abuse cases and/or other summary cases in B Division.
- 4.24 This approach could be supported by provisions to make specialist domestic abuse training available to any sheriffs and procurators fiscal who might be involved in domestic abuse cases in B Division. The aim should be to make it possible for the insight and knowledge about the issues to be shared by as many as possible, so that when it did not prove possible for a “specialist” sheriff or fiscal to take the case at trial, there would still be some consistency of approach.
- 4.25 The Group has considered whether, under this option, there would be a case for using the single available dedicated courtroom for B Division, and the alternative approach for G and A Divisions, where the pressure of mainstream business is arguably lesser. However, such a switch would mean discarding the close working relationships between police, fiscal service, defence agents, ASSIST and associated organisations such as social workers, which have been a beneficial feature of the pilot in G Division. In our view, this is a compelling argument, if this option were pursued, for applying the dedicated courtroom to G and A Divisions.

Feasibility and costs

- 4.26 The approach in G and A Divisions would be as for Option I. The existing structure of the pilot court would be retained, and its caseload increased by some 60% to cater for the two divisions. The procurator fiscal service costs for this court should rise a little to cover this increase, perhaps from £138k to **£170k per annum**. We recommend that there should also be investment in additional procurator fiscal resource in B Division – though on a lesser scale given the more limited options for intervention by the fiscal. This might bring the total cost of the specialist procurator fiscal service to **£250k per annum**.

- 4.27 There would be no direct impact on shrieval or court service costs.
- 4.28 The cost of providing enhanced victim support services for B Division cannot be specified with confidence, because these would depend on the model which is developed. This would in turn depend on the model of clustering which is implemented. If a high degree of clustering proves possible, it might then be possible to provide a victim support service comparable to G and A Divisions. However, there would probably be a need for additional resources to ASSIST (compared with Option I) to enable them to engage with all cases irrespective of courtroom and timing. The annual costs of the ASSIST service might therefore rise to at least **£800k per annum**. Alternatively, and particularly if clustering proves difficult, it might be better to make more use of national victim support and victim information agencies as an alternative for parts of ASSIST's function. In that event, the total support service cost might be slightly less, though the Group has not quantified this.
- 4.29 Overall, our best estimate is that this option might carry recurrent costs of around **£600k per annum** on top of the costs of the pilot.

Assessment

- 4.30 The benefits in G and A Divisions would be as for Option I.
- 4.31 In B Division, the approach would qualify as “specialist” mainly because of the enhanced victim support arrangements, the enhanced activity of the procurator fiscal service and, depending on the scope for clustering, the deployment of sheriffs with a particular expertise in domestic abuse. The benefits of better communication between agencies, more informed court disposals and better safety planning should therefore be achievable, though perhaps falling slightly short of the benefits in the other two divisions. In addition, the experience of running a specialist court in this way, without a dedicated courtroom, might also be of benefit to sheriffs principal in the rest of Scotland, when considering their own response to domestic abuse in settings where a dedicated courtroom may not be a viable option.
- 4.32 However, compared to Option I, or to the position in G and A Divisions within this option, there would be two significant drawbacks for B Division:
- 4.32.1 There could be no *continuity*, and there would be probably be less *consistency* of approach, in the sheriff presiding over the case at the various stages; and
- 4.32.2 Because these cases would be integrated in the mainstream business of B Division, they could not be protected from the full pressure of business in the mainstream courts. It would therefore be inevitable cases would experience greater churn and delay than they would be subject to in arrangements closer to the pilot court, with the likelihood that more cases would fall as a result of victims declining to continue to participate¹².

¹² While COPFS and the Scottish Courts Service can seek to prioritise B Division domestic abuse cases in mainstream courts, such cases would compete for priority with other sensitive cases and cases with legal timescale constraints. Because of the assumption that there would be no increase in court time, this could only be done at the expense of the timescales for other B Division summary cases.

- 4.33 Overall, despite the uncertainties, the Group considers that exploring this option would be a viable alternative to the preferred Option I. Having said that, the Group does not consider that it would be right to plan for such a two tier system as a stable outcome for the long term. However, particularly if there is a reasonable prospect of a courtroom becoming available during the next few years, this option has obvious advantages (not shared by Option III), as a potential staging post on the route to Option I.

Option III: Operate 1 specialist domestic abuse courtroom, in which all appearances from custody and intermediate diets would take place, together with sentencing for those offenders who plead guilty; cluster the trials in mainstream courts if possible in order to facilitate enhanced victim support arrangements.

Description

- 4.34 Our remit required us to identify “alternative options” for “a cost-effective and sustainable Domestic Abuse court for the whole of Glasgow”. Given that the pilot has been operating in a single dedicated courtroom, and in view of the accommodation constraints faced by the Scottish Courts Service, we set out to identify ways of using that existing resource to service a city-wide domestic abuse court (as well as identifying more resource-committing options such as Option I in this paper). It was immediately clear that it would not be possible to accommodate all stages of every case within that single courtroom. We therefore considered which stages of court process should be covered within a dedicated courtroom to secure the greatest benefit. This option is the result of that consideration.
- 4.35 The rationale for this option is that the greatest benefits of the specialist court approach are found in the early stages of a case, rather than at the trial. Therefore, if only one specialist courtroom is available, it would make sense to ensure that the court dealt with all the appearances from custody through to sentence in the event of a guilty plea, and from custody through to intermediate diet in the event of a trial being fixed.

Feasibility and costs

- 4.36 As with Option II, it is difficult to be precise about the recurrent costs of this option. There should be no direct impact on shrieval or court service costs, and the costs of a specialist COPFS team to service the dedicated courtroom might be only a little higher than for the pilot. On the other hand, there would be scope to expand the investment in victim support services, though the size of that increase would depend on the detailed specification of this model and the division of function between ASSIST and existing national agencies. Overall, the direct costs would therefore be expected to increase, over the costs of the pilot, by up to **£500k per annum**.
- 4.37 This option would require domestic abuse trials from G Division to revert to mainstream G Division trial courts, and a consequential lengthening of end-to-end times for all G Division cases.

Assessment

- 4.38 This would preserve a number of key benefits of the specialist court. It would permit the victim support service to contact all victims of domestic abuse within 24 hours of a police referral, which would allow effective risk assessment and safety planning at the vital initial stage. It would ensure that the case was prepared, up until the intermediate diet, by a specialist procurator fiscal – with all the benefits of better liaison with the defence that has been observed in the pilot. And it would ensure that all the initial decisions – including the crucial decision about bail at the first appearance – were made by a specialist sheriff. Those cases where a plea of guilty was tendered at or before the ID would be concluded entirely within the specialist court.
- 4.39 This option is not without precedent, at least on a smaller scale. Many SDVCs in England and Wales have adopted a similar approach, with specialist initial stages followed by dispersed trials. However, compared with Option I, there would be a number of significant disadvantages. These are:
- 4.39.1 Those cases which proceeded to trial would, for their trial and sentencing stages, revert to the normal arrangements. As a result they would suffer from greater delays, leading to a greater likelihood that victims will choose not to participate in the criminal justice process.
- 4.39.2 This problem would be exacerbated by the strong likelihood that there would be a fall in the proportion of cases in which a plea of guilty was tendered at or before ID. The accused, aware that his case might suffer greater delays if prolonged beyond the end of the specialist phases, might thereby be less inclined to offer an early plea. This could make it very hard to sustain the success of the pilot court in accelerating cases and reducing attrition.
- 4.39.3 It would be harder to ensure optimal victim support arrangements and coordinated community response for the trials. If there was clustering of trials by division it would be possible to provide a full service on the ASSIST model in which support was available to the complainer throughout the process including an ASSIST presence at court, but this would require additional resources over and above those estimated for Option I. An alternative might be to make use of nationwide support agencies such as VIA and the Witness Service for the trial support, but this would lose the continuity of support which has been such an important feature of ASSIST's service to victims during the pilot. Furthermore, without additional investment, neither VSS nor the Witness Service nor Women's Aid groups would be able to provide advocacy nor be equipped to undertake the ongoing risk assessment and risk management required. If there was no clustering of trials then the initial risk assessment, safety planning and advocacy for all victims in the city would be possible but attendance at all mainstream courts would fall due to the number of courts involved. This would cause loss of co-ordination and would impact on continuity of support and effective information flow.

- 4.39.4 There would be a loss of continuity in shrieval and procurator fiscal staffing for the successive stages of a case. For COPFS in particular, it would be impossible to maintain a divisional distribution of cases at the custody hearings (or the IDs), with the result that all cases which reached the trial stage would then be conducted by a different procurator fiscal.
- 4.39.5 There would be a particular problem concerning the loading of the specialist court on Mondays. The preparation required before bringing domestic abuse cases to court means that the custody court cannot realistically commence before midday or early afternoon. Because of this, the sheer number of weekend domestic abuse custody cases requiring to be processed on a Monday would almost certainly necessitate the court continuing late into the evening¹³. Besides the obvious difficulties for the Courts Service, this would be extremely difficult for the victim, who might be waiting for results of a bail application before deciding whether to flee the family home.
- 4.39.6 The arrangements for deferred sentencing could present problems. There would be many more deferred sentences in this court than there were in court 13 during the pilot, which would necessitate sessions where multiple sentences were passed. One paradoxical drawback with this is that the impact of sentences on individual accused might be lessened, because of the likelihood of (a significantly increased volume of) cases being dealt with by the sheriff in a consistent way in terms both of disposal and of message delivered to the offender.
- 4.40 Several of these drawbacks seem to us critical. Taken together, they would undoubtedly undermine the efficiency and effectiveness of the domestic abuse court, and for that reason we do not recommend that this option should be pursued.

Conclusion on court options

- 4.41 Options II and III have partial precedents in England and Wales, but because of the size of Glasgow Sheriff Court and the pressure of business there, Option I makes most sense in the Glasgow context, and the Group recommends that this option should be pursued if resources permit. Option II seems to us to be the only viable alternative. The Group is reluctant to view Option II as a permanent solution but is clear that it offers real and worthwhile gains and would represent an advance on the current situation.

¹³ The Courts Service would need the flexibility to move custody cases from the specialist court to another custody court when necessary. Otherwise there would be a risk that some cases could not be processed on the day and the accused would then walk free.

5. GLASGOW-WIDE SUPPORT SERVICE

- 5.1 An important factor in the success of the domestic abuse court pilot in Glasgow has been the dedicated support service for victims provided by ASSIST. This service has evolved over the period of the pilot and is considered one of the key underlying principles of the pilot. Indeed much of the success of the pilot is credited to the service provided to victims.
- 5.2 Enhanced specialist support over and above that provided by mainstream services is required because of the nature of domestic abuse: victims of domestic abuse are different from victims of many other crimes, violent or otherwise, as they either are or have been in a close personal relationship with the perpetrator. Domestic abuse is often carried out over a period of time, by a partner or ex-partner, and tends to escalate in severity and frequency.
- 5.3 Children are often involved in domestic abuse cases and this can result in additional difficulties in victims coming forward. Children on occasion can be called as witnesses to an incident, although in the majority of cases the only eyewitness called in the domestic abuse incident is the adult victim.
- 5.4 It is therefore vital that any support service has a good understanding and knowledge of the particular nature of domestic abuse and in providing support and advocacy has at its heart the wellbeing and safety of the victim.

Identified needs of the support for victims of domestic abuse

- 5.5 The Group has analysed the service provided by ASSIST during the pilot, and has identified 4 main additional services which were considered important particularly in the role of safety planning. These are:
- 5.5.1 Contact for victims within 24 hours, which allows early initial risk assessment and safety planning;
 - 5.5.2 Continuity of contact with victims, allowing the procurator fiscal and the court the benefit of up-to-date information about the views of the victim;
 - 5.5.3 Advocacy (ie advice, information and support to the victim on an ongoing basis, not only at the point of crisis); and
 - 5.5.4 Multi-agency risk assessment conferencing (MARACs).

What delivery options could meet the identified needs?

- 5.6 The Group has further considered how best these needs can be met. Three options have been explored: continue to use a separate and bespoke agency (like ASSIST); existing services providing services to a best practice standard; and a mixture of bespoke and existing agencies.

National agencies

- 5.7 In this context, the relevant national agencies contributing in this field are the following:

Scottish Women's Aid

- 5.7.1 Scottish Women's Aid is the national voluntary organisation in Scotland working to improve services to women, children and young people with experience of domestic abuse. There are 39 local Women's Aid groups affiliated to Scottish Women's Aid. The local groups are autonomous and the range of services offered may vary around the country depending on the size and location of the group.
- 5.7.2 There are 4 local Women's Aid groups in the Glasgow area, one of which works with ethnic minority women and children. At present, most Women's Aid groups operate on a self-referral basis, where a woman can contact them at any stage and be offered advice and support in addressing her particular situation.
- 5.7.3 In order to carry out the additional services needed, groups would have to be able to accept third party referrals as the existing court pilot approach relies on referral of all victims (with their consent) to ASSIST. Safety planning has been central to the work of Women's Aid for many years. A more formalised risk assessment and risk management approach would therefore be possible with some additional training. It should be noted that groups have already adopted a more formal approach to other areas of risk management as part of meeting Care Commission requirements. The concept is therefore not unfamiliar. However, Women's Aid groups are currently focussed largely on accommodation provision and the intensive support that goes with that and, to provide the systematic risk assessment and pro-active contact of the ASSIST model as well as the consistency and continuity of service required, additional staffing would have to be found. In relation to the MARACs Women's Aid groups could be involved, but again, this may require some additional staffing. Finally Women's Aid groups do not provide a service to men, so another agency would be required to provide a service to this minority group of victims of domestic abuse.

Victim Support Scotland

- 5.7.4 Victim Support Scotland is a national voluntary-led charity which provides services to victims and witnesses primarily by volunteers managed by staff. This method of service delivery significantly reduces operational costs and represents 'best value' in real terms for the Scottish Government.
- 5.7.5 The Local Authority based Victim Services currently receive referrals (including domestic abuse) from the three police divisions within the city of Glasgow. The referral method is subject to local variation and as Victim Support Scotland operates on a Monday to Friday basis, the organisation does not always have the capability of making contact with the victims of domestic abuse within the first 24 hours. Volunteers working for Victim Support (Victim Services) receive training in the provision of practical and emotional support in cases of domestic abuse. This includes basic safety planning information. Victim Service volunteers are not currently trained in specialist risk assessment and safety planning arrangements or the domestic abuse advocacy provided under the ASSIST model.
- 5.7.6 Victim Support Scotland could with additional staffing or working in partnership with other agencies develop and deliver this additional support service.

5.7.7 Victim Support Scotland's Witness Service which is present within every Sheriff and High Court in Scotland provides support and assistance to victims and witnesses of crime. A protocol exists with COPFS in relation to referral arrangements in serious crime cases. In keeping with the Victim Service the provision of support and assistance to victims and witnesses within the court setting is provided by volunteers managed by staff. Importantly for Victim Support Scotland staff and volunteers operating within the court setting have no personal knowledge of the circumstances of specific cases or information in relation to the victim or accused.

Victim Information and Advice (VIA)

5.7.8 VIA, which is part of the Crown Office and Procurator Fiscal Service, keeps victims, witnesses and bereaved nearest relatives informed of key events and offers explanatory advice where appropriate. Victims of domestic abuse account for 50% of VIA's work. Its relevant functions include:

- providing general information and advice about how the criminal justice system works and what can be expected in relation to the particular case type;
- providing updates on the progress of a case (including court dates, bail information and sentencing decisions);
- arranging for witnesses to be shown the court before a trial;
- discussing any additional requirements (for example, access to court or needing an interpreter);
- obtaining views of eligible witnesses about special measures that might help when giving evidence; and
- offering details of organisations that can offer practical and/or emotional support, facilitating contact where appropriate.

5.7.9 VIA does not provide advocacy support nor does it carry out risk assessment or safety planning. A protocol has been developed between VIA and ASSIST which recognises individual roles and responsibilities and seeks to avoid duplication of effort and confusing victims. This protocol is subject to review.

The bespoke model

5.8 The ASSIST model, in its current form, has been developed and expanded over the lifetime of the pilot and has consistently provided well-evaluated services, not only to the victims and their children going through the domestic abuse court, but also to the relevant support agencies and key partners operating in the court and Glasgow's G Division.

5.9 All the staff working with ASSIST either came with, or have developed, a great deal of knowledge and understanding of working with victims of domestic abuse.

5.10 Protocols have been established, by ASSIST, with all key partners involved with the day to day operation of the court – including Strathclyde Police, COPFS, VIA, VSS and Witness Service. These have been assessed continuously over the lifetime of the pilot and amended as and when necessary in order to ensure effective and transparent working relationships. The fact that information can be shared quickly between the police, procurator fiscal and ASSIST is considered to have been a major factor in the successful operation of the court.

Comparison of options

- 5.11 It is possible that the remit and capacity of existing national organisations could be developed to enable them to provide more specialist support services but this would require time, increased capacity and financial resource. However, it is unlikely that the level of provision required could be developed in the short term and certainly not in order seamlessly to transfer responsibility from ASSIST at the end of the transition period. At this stage there is also nothing to indicate that in so doing there would be either cost saving or improved provision. A reworking of existing protocols, which have developed over the lifetime of the pilot would also be required. In other words the gains made by ASSIST during the pilot would to a large extent be lost.
- 5.12 The costs provided for the ASSIST model during the pilot have been in line with comparable services in England and Cardiff. The Group considers that the costs would be comparable if either Women's Aid groups or Victim Support were to be funded to develop a similar service. Either would require further development of staff and additional costs.

Proposed way forward

- 5.13 The Group considers that the level of service provision by ASSIST meets the needs of the court pilot in Glasgow and the victims going through the domestic abuse court process. We recommend that a separate and bespoke agency (ASSIST model) should continue to be used, and that work is continued to ensure effective and transparent protocols with relevant partners.
- 5.14 The Group recognises that if the ASSIST model were to be adopted for the next phase of provision in Glasgow, there is a current assumption that Glasgow City Council would continue to commission the service via Glasgow Community & Safety Services. As is expected from most funded projects, ASSIST would need to provide a business plan and detail of outcomes and measurements, and progress reporting would be a condition of grant.
- 5.15 The evaluation of the pilot identified some gaps in provision, most notably the support for those victims who do not consent to ASSIST and information to witnesses. It should be a consideration of future support services that some additional training is made available to VIA and Witness Service to enable them to provide support for the former group.

Implications for the rest of Scotland

- 5.16 The Group's remit is limited to considering the way forward in Glasgow. However, our discussions may be relevant for other areas of Scotland, and in particular for the toolkit which is currently being developed by the Scottish Government to assist related local initiatives in other areas.

- 5.17 While the Group considers that the ASSIST model is best placed to offer the support services necessary to support victims whose partners/ex-partners are appearing in the Glasgow domestic abuse court, we believe there is scope for development of that approach to improve local response across Scotland. Over the next 3 year period we would therefore like to see developmental work carried out by the Equality Unit of the Scottish Government. In particular, the Equality Unit should consider whether the suite of standards and training programmes developed in England and Wales by Coordinated Action Against Domestic Abuse (CAADA) could be adapted to help assure standards of service to victims of domestic abuse, in Glasgow and elsewhere.
- 5.18 The Group would like to see the Scottish Government's Equality Unit and Victims & Witnesses Unit initiate work to explore ways to develop better collaboration and joined up responses between key agencies working with victims of domestic abuse and of other forms of violence against women. This work could be undertaken in different parts of Scotland. It need not necessarily link to specialist court provision, but it might work in concert with the learning from the domestic abuse pilot. It would allow local partners to develop enhanced support provision. It could take account of developments in England and Wales, including the development of occupational standards for working with victims of domestic abuse. And among other issues, it could explore the extent to which services to victims of domestic abuse could be provided by suitably trained volunteers.
- 5.19 The expertise from the ASSIST model could help development of service co-ordination and advocacy work for victims of domestic abuse in other areas of Scotland. The ASSIST operation manual could be used to develop the key requirements for such a service and enable other organisations to develop co-ordination and advocacy work. The possibilities for developing agency co-operation around support services outside Glasgow should be explored. In addition the group considers that some future consideration should be given to developing a national standard for victim support in relation to domestic abuse, for use by all the voluntary sector agencies involved. Time and resources permitting, there would also be scope for the Scottish Government to explore with organisations like ASSIST and VSS, how training and capacity building could be developed to assist the building of support services in other areas.

ANNEX

Table 1: Summary of principal features of the 3 options

	Option I	Option II	Option III
General description	Two dedicated courtrooms	Dedicated courtroom for G & A Divisions; enhanced victim support and deployment of specialist staff in B Division	Dedicated courtroom for custodies, IDs, and sentencing following guilty pleas; trials and subsequent sentencing in mainstream courts
Dedicated courtroom(s) used for:	All domestic abuse cases at all stages	G and A Division cases at all stages	Custodies, IDs, and sentencing following guilty pleas
Court programming issues	Requires an additional courtroom to be found and serviced. Higher caseload per court would have a negative impact on timescales and guilty plea rates	B Division cases would be affected by delays and churn because of the pressure of mainstream business; in G & A Divisions, higher caseload compared to pilot would have a negative impact on timescales and guilty plea rates	Trials subject to pressures of mainstream courts. Probable fall in guilty plea rate; overload on domestic abuse custody court on Mondays
Shrieval resource issues	Expansion of cadre of specialist sheriffs	Loss of continuity and consistency for B Division cases	Loss of continuity and consistency for all cases which proceed to trial
COPFS issues	Substantial expansion of dedicated procurator fiscal team	Significant expansion of dedicated procurator fiscal team	Some expansion of dedicated procurator fiscal team, but significant loss of continuity
Victim support issues	Expansion of victim support services on the existing model	Expansion of victim support services on the existing model; possible collaboration with national agencies to cover some aspects of the dispersed cases in B Division	Expansion of victim support services on the existing model; possible collaboration with national agencies to cover some aspects of the dispersed cases which go to trial. Loss of continuity and wrap around service. Probable increased victim drop out. Loss of coordination and effective information flow.

Table 2: Summary of direct costs of each option compared with the pilot

(All figures are per annum apart from £1.3m in top row.)

	Pilot	Option I	Option II	Option III
Court accommodation – initial cost		£1.3m		
Recurrent costs				
Court accommodation		£0.3m		
Shrieval and SCS	£0.208m	£0.416m	£0.208m	£0.208m
COPFS	£0.138m	£0.3m	£0.25m	£0.15m
Victim support	£0.270m	£0.726m	At least £0.8m	£0.75m?
Total recurrent costs	£0.616m	£1.740m	£1.258m?	£1.108m?
Increase in recurrent costs over pilot		£1.1m	£0.6m	£0.5m

GLOSSARY OF ACRONYMS

ACPOS	Association of Chief Police Officers in Scotland
ASSIST	Advice, Support, Safety & Information Services Together
CAADA	Coordinated Action Against Domestic Abuse
COPFS	Crown Office and Procurator Fiscal Service
ID	Intermediate Diet
IDVA	Independent Domestic Violence Adviser (England and Wales)
MARAC	Multi-Agency Risk Assessment Conferencing
SCS	Scottish Courts Service
SDVC	Specialist Domestic Violence Court (England and Wales)
SG	The Scottish Government
SJR	Summary Justice Reform
SWA	Scottish Women's Aid
VIA	Victim Information and Advice
VSS	Victim Support Scotland



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RR Donnelley B56616 06/08

