

# **Impact of COVID-19 Pandemic on Victims, Witnesses and Survivors – Evidence from Support Organisations**

**Paper for Victims Taskforce - 10th June 2020**

This paper presents salient issues highlighted by individuals based within organisations including [SCID](#), [Rape Crisis Scotland](#), [ASSIST](#), [Scottish Women's Aid](#), [Break the Silence](#) and [Victim Support Scotland](#) about the impact of the COVID-19 pandemic and lockdown on victims, witnesses and survivors in Scotland. These issues have been identified through conversation with users of support services and with front-line support colleagues. The paper does not claim to present a comprehensive picture of the experience of the pandemic for all victims, witnesses and survivors in Scotland. Rather, it presents anecdotal evidence of examples encountered by these organisations, and key themes that have emerged. This paper is designed to add to a growing body of valuable evidence compiled over the course of the COVID-19 pandemic, including reports by the Scottish Government's Justice Analytical Services Division.

## **Referral patterns and support needs**

Many local support services have reported witnessing a rise in the proportion of certain categories of referrals over the course of the pandemic. In some regions there have been increased referrals of individuals who require support having experienced domestic abuse, sexual offences, child abuse, and anti-social behaviour. However, it is also the case that for some support organisations and in some regions that there has been a decrease in incoming referrals for support overall during the lockdown period, or continued blockages in interagency referral pathways that existed pre-lockdown. This suggests that many people affected by crime are not accessing support they might need. Some organisations are also reporting a backlog of cases due to lockdown circumstances, or delays elsewhere in the justice system, resulting in either case load or waiting lists becoming abnormally high. Many support organisations have rapidly adapted to new strategies for provision of support from a distance.

**Some organisations expect a spike in reporting post-lockdown. It will be important to ensure that specialist support is available for this.**

Organisations have put forward examples of individuals affected by domestic abuse and other crime types who have faced intimidation from accused individuals or the family of the accused while they have been at home during lockdown. Services are hearing of increases in social media and telephone harassment from individuals accused of domestic abuse towards their ex-partners and children, causing stress and anxiety issues for those affected. There has also been a noted increase in numbers of survivors of sexual assault contacting one of the national helplines to seek support to do with stalking and online abuse.

**Lockdown for some people has meant isolation of victims of crime from family who would normally be able to recognise the situation.**

Services have reported that children living with domestic abuse have had their safe spaces - in schools, nurseries, sports, after-school clubs - all taken away. The children have not consistently been offered spaces in schools by local authorities. As most school-age children see a children's support worker in school settings, access to one-to-one support has also evaporated unless a child is no longer living with the abuser and can access telephone or online support from a local service. Having children at home all day has also significantly diminished both children's and mothers' access to support, as neither may have adequate time alone to speak freely to support workers, police, or other service providers.

**Some clients have highlighted to services that the virus has been used to control or gaslight them, for example through abusers suggesting to the individual that lockdown is 'making them crazy.'**

Services have highlighted examples of people who have experienced domestic abuse who are worried that an accused knows that they are unable to leave the home during isolation, and feel that they are easy targets at home. Some women and children have shared with services that they are worried that police will make them return home to an abuser. In addition, domestic abuse services and children's support services have been contacted by mothers saying that abusive ex-partners have failed to return their children after a contact visit and have broken civil court orders with relative impunity, given the lack of a robustly operating

court system. It has also been raised that abusers have called police to report domestic abuse survivors, using lockdown measures to control children's and women's movements even when the latter had valid reasons for going out. One organisation reported that some officials have advised that women contact abusers to sort out problems. Services have highlighted in general that harm to children and their mothers through ongoing domestic abuse in the context of contact visitation with an abuser is an ongoing and serious problem, but public health measures necessary to control spread of COVID-19 have exacerbated the situation.

### **One family reported having difficulty accessing emergency social services and benefits.**

In one example given by a support service, a family was left without financial or practical help they required due to the arrest and bail conditions of an individual on which the rest of the family were dependent for day-to-day income and care needs. They reported having considerable difficulty in getting hold of public agencies in their area to provide alternative crisis help, experiencing long waits on the telephone to get to the correct services.

Organisations have reported increased reports of individuals in various areas of Scotland experiencing distress due to being victims of antisocial behaviour. Examples given have included neighbours breaching lockdown rules through gatherings and other behaviour, which has caused residents to fear contracting COVID-19. Some local services have also witnessed higher incidences of severe anti-social behaviour involving threatening behaviour, as well as what appears to be slower court processes for ASBOs to address reported incidents.

Restrictions on being able to travel nationally or internationally have also had a huge impact on some individuals affected by crime. For example, in one case reported, an individual bereaved by crime had not been able to return home from abroad. In another situation, relatives could not travel across the UK to manage funeral arrangements after the death of a loved one. Individuals providing support note that for other people bereaved by any type of crime, the pandemic and lockdown has reduced the possibilities for some of the valuable informal support that might take place including practical assistance and meals brought round from friends, family and members of their local community. Furthermore, practical

accompaniment to attend official appointments, for example through FLO accompaniment to identification arrangements, will also likely take on very different forms as a result of social distancing restrictions.

One organisation reported a rapid increase since April 2020 to their fund for people affected by crime to receive financial support for urgent needs. In some regions of Scotland, many applications to this fund have centred around supporting individuals affected by domestic abuse who are requiring financial support with protecting or fleeing their homes during the pandemic. Another organisation providing urgent financial assistance shared with a domestic abuse service that 60-70 percent of the cases that they were processing involved domestic abuse. During the pandemic period, there have been also been applications to urgent financial assistance funds across all crime types from individuals for essential needs such as utility bills, food and other household essentials, funeral expenses, home security, emergency rent, and emergency travel.

**Concerns have also been raised by individuals working within organisations about types of crime that might be happening yet going unreported or unrecognised during COVID-19.**

The widespread increased use of digital devices by children and young people during lockdown, in many situations unsupervised by adults, has led to fears of an increase in online abuse and grooming of these vulnerable young individuals. One organisation highlights that they are aware that services that aim to prevent offending against children have reported increased self-referrals of potential offenders seeking help before they offend. While guides on internet safety and young people produced prior to the pandemic are in existence, new public health messages on mainstream media in the context of the pandemic were also seen to be important. Prevention of such offences is identified as a key concern, considering the digital changes taking place and the high number of young people already identified as living at risk of child sexual exploitation prior to the pandemic.

## **The mental health of victims, witnesses and survivors**

**In general, people affected by crime are having more time to think about their situation and are saying they are experiencing higher anxiety and stress due to isolation at home.**

Support services have widely reported the negative impact of the pandemic and lockdown on the mental health of the people they support. Examples given have highlighted that the traumatic impact of being affected by crime has also been accompanied by other stressors on mental health directly related to COVID-19 such as; being furloughed or other employment changes/depleted income issues, looking after children or others, being at risk of illness, decreased access to other public services, or oneself or others falling unwell. These are in addition to factors related to the justice system such as court delays and communication around case changes, which are themes explored later in this paper.

Many people affected by crime rely on support networks and coping mechanisms which are not possible during lockdown. Support organisations report that for individuals who have experienced trauma the pandemic situation has been extremely difficult for these individuals to manage, and COVID-19 was the focus of much of the contact on at least one national helpline for the first few weeks of lockdown. Services highlight that safeguarding incidents, including expressions of intentions to commit suicide, have rapidly risen over the lockdown period. For some clients, deterioration in their mental health during lockdown has resulted in individuals affected by domestic abuse feeling they need the perpetrator for support. Other services have also highlighted that there have been made aware of incidences when individuals have got back together with the accused individual during lockdown.

**Clients affected by domestic abuse are widely reporting that anxiety had increased. They are anxious inside and outside the home: outside because of the virus, and inside because of the perpetrator.**

Individuals affected by crime who are living with underlying physical or mental health conditions or who are family carers of children or other dependants are reporting to supporters that they are finding it difficult to manage. Support conversations with these individuals have often been longer than prior to the pandemic and based around how individuals are feeling or coping with lockdown. It has been highlighted by individuals that some services that they would normally access in times of mental distress such as GPs, community mental health services, and other specialist support charities, are operating reduced or distance-only support and/or are reportedly reaching capacity. One example was given by a support service of a distressed parent who was referred by a health professional to website content, when the parent was hoping for in-person advice to support their child's physical stress symptoms that had arisen since being a victim of crime.

Services working directly with young victims of crime of all types have also emphasised the lasting mental health impact of both experiences of crime and current hardship under the pandemic, and the importance of support being available for these individuals. Anecdotal information has been received by services on increases in self-harming among young people, many of whom are witnessing increased issues at home to do with arguments or substance misuse and/or who are worried about the family future.

**Survivors have said how much they appreciate services operating, albeit in a different way from normal.**

As reflected in the above statement, individuals have expressed to a range of support organisations that they appreciate the continued support that is available and being able to access updates on what is happening throughout their case progression. In some incidences, individuals have stated to professionals that they would, however, prefer the chance to talk to somebody face-to-face were this possible as they feel very distanced even on a video link. One service also reported that they were encountering service users who were feeling guilty that they need support at the time of the pandemic, or who had expressed that they felt less deserving of support than others at this time.

The potential impact on the emotional wellbeing of staff and volunteers providing distance-based support to service users experiencing heightened distress has been acknowledged across many support organisations. Important provisions such as additional supervision and training have been put in place across the sector to support staff and volunteers with their own mental wellbeing throughout this challenging period.

## **Court delays**

**Survivors of sexual violence involved with the criminal justice system often describe feeling 'stuck' by the process and unable to move on until the process is complete.**

There have been reports from across support organisations of the impact on people affected by crime of pandemic-related delays in court trials, including preliminary hearings and appeal hearings. Examples have also been given where the sentencing of convicted individuals has been delayed as Criminal Justice Social Work reports were unable to be completed. It has also been raised that access to lawyers, never an easy process for children and women living with domestic abuse, has been exacerbated by the fact that many family law solicitors are on furlough and cannot be reached to answer queries or take up new cases.

It has been highlighted that there are a significant number of survivors of sexual violence and individuals affected by other crimes have had trials adjourned since the decision to suspend jury trials was made. This is causing considerable anxiety and distress for all individuals involved. These feelings are exacerbated for individuals with trials which have been put off as there is no clear end point. A number of people being supported had already reached their second or third set of dates and these have now been adjourned again. An individual from one organisation also highlighted that delays to trials will also have a negative impact on accused individuals held in remand with no access to family visits due to the pandemic.

Another example of the impact of trial delay was given surrounding a case of death by careless driving that would normally have taken around six months to come to court which has now taken more than a year, and with there still being no date pending.

**Delays in bringing trials to court were described as having left bereaved families in continued ‘limbo’ on top of the grief they were experiencing.**

One organisation reported that some victims of domestic abuse that they support have been grateful for the court delay as it has given them protection for longer. However, for many others the delays are causing distress, which could also be due to related factors such as the accused is asking for a bail review or is being released from remand. For child witnesses, there is also a concern that delays will impact on the child remembering the details and them being able to give quality evidence. This in turn, some organisations suggest, could have an impact on the court outcome which in turn impacts on safety and the belief that victims have in the system. It was highlighted that the mounting delays between police report and trial in domestic abuse cases have meant that financial and other pressures are mounting on domestic abuse survivors that, evidence has shown, will disincentivise reporting and increase witness attrition as well as damage faith in the criminal and civil justice systems.

**Changes in court delays have also meant changes in dates, which victims have found unsettling and impacts on the ability for the child or adult who is a victim to start their recovery.**

It is also been highlighted that changes to court dates in situations such as domestic abuse mean that a review of safety plans is necessary. As there is not consistent court advocacy across Scotland there will be many victims who are not receiving specialist support. Court delays also mean that specialist court advocacy services do not have the end of the court case to prompt closure and signposting to longer term services, meaning that individuals are remaining with their existing services for a longer duration.

Support organisations are also in touch with many individuals with trial dates scheduled for the coming months who do not know if their trials will be affected or not. Survivors of sexual violence, for example, have also highlighted the impact that delays have had on their wider family and support networks and the other witnesses involved in the case. Local court-based



support services have reported the difficulty in not being able to provide any certainty for individuals around arrangements such as special measures or family members attending trials, when both the timescale and the formats of trials remained unknown.

**Survivors have told their supporters they cannot cope with the ongoing uncertainty around adjournments and who have talked about withdrawing from the process altogether rather than endure this uncertainty.**

Pandemic-related court adjournments have also had an impact for some individuals to do with remand decisions, as discussed again later in this paper. An example was given by an organisation about a survivor of sexual violence who had a trial date set but then the accused individual was released from remand when the decision was made to adjourn the trial. The survivor found this deeply distressing and was fearful for their safety. Other examples highlight that similar situations to do with remand while awaiting trial have occurred across many crime types. This has caused high levels of distress and apprehension for some individuals, lead to noted deterioration in their mental health.

**Some individuals have described that decisions to release accused individuals on remand have sent their anxiety levels ‘through the roof’.**

There have also been reports from organisations of the various knock-on-effects of trial delays for victims, witnesses and family members. For example, there are circumstances in which criminal injury compensation cannot be claimed, or trauma counselling cannot be accessed, until the court trial has taken place.

### **Communication about justice system changes**

Some individuals have reported issues around communication to do with court case progress or delays. In one example given, a bereaved family member had been informed they would receive an update every eight weeks from COPFS since the charging of an accused person.

During the current period, communication has been well in excess of eight weeks, with the bereaved family unaware of the progress of their case in the current situation.

One organisation highlighted that although advocacy workers have spoken about their ongoing positive relationships with local VIA teams there has been some difficulty, with some survivors being told quite far in advance their cases were to be adjourned and some only being told a week before trial. While this was reported as due to a very understandable desire not to countermand witnesses unnecessarily, it was also described as stressful for survivors who are left unsure if their trials will go ahead or not.

### **Adequate time needs to be given for effective safety planning.**

Other support organisations have highlighted examples of changes taking place that individuals did not anticipate or understand. For example, one victim agreed to an adjournment of the case without realising this would result in their accused ex-partner's release from remand. In another situation, an accused person was released from remand due to the case changing from solemn to summary, and due to a victim finding out the same day they were not given time to do proactive safety planning. For some organisations, it is also the case that victims are finding out about changes to court dates or other developments such as accelerated pleas from VIA directly rather than their normal advocacy services, which means that individuals are updating advocacy services rather than the other way around. In the busier courts there can be a delay in updating the system so in turn there is a delay in VIA notifying the victim.

### **Undertakings, bail changes and release from custody**

With changed use of undertakings during lockdown, one organisation has highlighted that undertakings do not give the same window of opportunity for specialist services to contact the victim while the accused is still in custody. Furthermore, longer periods for undertakings have been experienced as difficult by some individuals. These individuals may be making quite different decisions than before about their safety, because of the many practical and emotional issues that they are managing in relation to COVID-19.

**Clients have expressed fear about reporting breaches or feeling that it would not be likely that individuals would be remanded because of the pressure put on the prisons by COVID-19.**

Organisations supporting people affected by domestic abuse have also highlighted incidences where bail conditions have been set but that the perpetrator has breached police bail conditions and not been remanded. In one example, a vulnerable client was assaulted by a partner who was on bail, who was then not remanded following this assault. Another individual felt incredibly anxious after learning their ex-partner was going to be released from remand early, and this also meant they were not given time to safety plan.

**An individual was highly distressed to find out about a convicted person's imminent release from prison after receiving a letter out of the blue from the Victim Notification Scheme.**

There have also been examples raised during the pandemic period of worries from people affected by crime to do with the parole process or early release of convicted individuals from prison. One organisation also highlighted that, in general, there are also many other victims who do not sign up to the scheme, especially if they are not engaged with support services who are encouraging it. If they are signed up to the scheme, however, it is also often a purely administrative process often delivering difficult news with no support. If the victim is signed up to the Victim Notification Scheme and somebody is given home detention curfew, for example, this will often come as a shock.

**Individuals have talked about the accused being released from remand making them feel like they are 'back to the start' of the process again.**

## Discussion points

This paper has explored some of the issues encountered by people affected by crime during the COVID-19 pandemic as put forward by several organisations supporting victims, witnesses and survivors across Scotland. It has looked at the impact of the pandemic and lockdown under five broad themes: 1) referral patterns and support needs, 2) the mental health of victims, witnesses and survivors, 3) court delays, 4) communication about justice system changes and 5) undertakings, bail changes and release from custody.

Drawing upon the themes presented in this paper, the following discussion points are suggested:

- 1) How do we as a justice sector ensure clarity and cohesiveness in our approach going forward in order to best support victims, witnesses and survivors during the pandemic and after the pandemic, and how do we communicate our intended approach with the public?
- 2) What measures do justice agencies have in place at this time to communicate and inform individuals affected by crime of the impact the current situation is having on the progress of their criminal or civil case?
- 3) How can justice agencies ensure that onward referral of people affected by crime happens to the specialist services required, in both the short term and the long term?
- 4) How do we as a justice sector ensure that the needs of children and young people affected by crime at this time are identified, and that these young individuals are getting the support that they require?