



Paper 2 - 25 APRIL 2017 ECG MEETING

PLEASE NOTE ALL ACTIONS FOR THIS MEETING ARE INCLUDED IN THE ACTION TABLE AT THE BOTTOM OF THE DOCUMENT.

Attendees	
Name	Organisation
Jenny Hopkins	CCP East of England and VAWG Champion (Chair)
Baljit Ubhey	Director of Policy and Inclusion
Diane Hurtley	HMCPSI
Sarah Green	EVAW
Heather Harvey	NIA
Julie King	Refuge
Lee Eggleston	Rape Crisis
Tanya Allen	Standing Together
Estelle	ROW
Fay Maxted	Survivor's Trust
Lucy Hadley	Women's AID
Jude Watson	VAWG Strategy Manager
Karen Morgan – Read	VAWG Strategy Manager
Vic Mall	VAWG Strategy Manager
Secretariat	
Angela Richards	VAWG
Apologies	
Sara Carnegie	CPS Director's Strategic Policy and Accountability Advisor
Gwendolyn Sterk	Welsh Women's AID
Jackie Russell	Women's Breakout
Victoria Charleston	Suzy Lamplugh Trust
Parveen Hassan	CPS Equality, Diversity and Community Engagement Manager
Kim Doyle	Lime Culture
Elaine Meller	NPIA Police
Pam Miller	NSPCC



Agenda Item 1: Introductions

JH welcomed the group to the April ECG meeting and asked individuals to introduce themselves.

Agenda Item 2: Director of Prosecution Policy and Inclusion

BU introduced herself explaining that she had joined the Operational Policy Support Unit in January of this year as the new Director of Prosecution Policy and Inclusion. She explained that this new role brings together the VAWG, Hate Crime and Victim and Witness portfolios as well as the work that used to be undertaken by the Public Confidence Team: Inclusion. The Inclusion agenda involves all external facing inclusion, work however BU assured individuals she intended to link in with internal inclusion work including HR.

BU explained one of the first tasks she is keen to take forward is to assess the current governance frameworks for these agendas and to undertake a stocktake on CPS community engagement.

BU explained that she is aware of the differences in the portfolios and that there are distinct issues within them, but would like to create a more cohesive structure which could be used in all areas.

BU will be presenting a paper to the CPS Community Accountability Forum looking at governance arrangements and also exploring with HR whether their work should also sit within the consultation

The VAWG ECG members will therefore be approached via a survey or consultation to provide their views on the effectiveness of:

- National VAWG Governance, including the ECG;
- Local community engagement.

ECG members were invited to share any immediate observations.

Members of the ECG commented that the CPS VAWG ECG provided very effective dialogue between the CPS and the third sector enabling; them to add value and shape to the CPS VAWG work.

Another organisation echoed these comments and explained they sit on a number of government departmental groups; but that the CPS ECG was one of the most effective ones and there seemed to be an equal partnership with ECG acting as critical friends.



There was consensus that the delegates attend many departmental groups but the ECG is up there with the most effective. One attendee also praised the CPS for building in enough time for organisations to effectively respond to consultations and making positive use of their expertise.

Finally the attendees explained that the ECG was a helpful way to feed in learning's from LSIPs and the front line. It was acknowledged that departmental VAWG groups were diminishing so this was one of the few spaces organisations could be heard and help to influence.

JH asked if there was anything the CPS could do differently.

One suggestion was that it would be helpful to understand how the CPS can influence others in and across government.

BU thanked members for the helpful, effective and insightful feedback.

Agenda Item 3: Actions and Minutes from the previous meeting

Action: Members of the ECG to feedback in writing what they would like to see the Common Platform capture in terms of data.

Update: JH confirmed the VAWG Strategy Team have not received any further responses to the meeting where this was discussed last year. The Common IT Platform was going to be a standard agenda item on the ECG; however the Common IT Platform Team have confirmed there are no further updates to provide at this time and therefore it is not on this meeting's agenda. An attendee reminded the VAWG SM that they were supposed to have seen the Common IT Platform presentations but that the IT hadn't worked.

Update: KMR has received two comments from ECG members on the wording of the guidance which she has incorporated into the revised version. KMR will recirculate this to ensure everything is correctly captured.

One attendee raised concerns around CJ agencies requesting risk assessments from IDVAs, and the breaches of confidentiality and risk to IDVA independence that this could have. KMR will discuss the raised concerns discuss outside of the ECG.



Action: VAWG SM to provide update on V&W survey re DA victims for the next VAWG ECG.

Update: KMR explained that DA victims would be surveyed via bespoke focus groups outside of the usual surveying process to ensure their feedback is collated and considered. This is hugely important in DA cases as performance data shows victim attrition is the biggest reason for failed prosecutions.

KMR explained the victim focus groups are likely to be conducted in October and that MoJ are interested in understanding the approach the CPS is taking. The VAWG SM is feeding into the MoJ VWBB to ensure both departments' satisfaction surveys are linked up.

It had been discussed at a previous ECG that members would be willing to help assist with the focus groups and KMR requested volunteers. Several attendees agreed in principle. A query was raised as to whether this work would be looking at the use of Restorative Justice but KMR explained there was no indication of this.

A question was also asked as to whether feedback from LSIPs was also being used to monitor satisfaction. KMR said she would take this away.

Action: 5.

Update: JH informed members Rob Allen had now joined the VAWG Strategy Team as the new Rape policy lead and that he would be updating against this action in agenda item 6.

There was a query raised as to the progress on the CPS Prostitution Legal Guidance. JH explained the CPS has done a lot of work on this document. The guidance is currently in the internal clearance process; as soon as the document is finalised the CPS will provide ECG members with a written update and request any final comments.

Concerns were raised that the current CPS Prostitution Legal Guidance on the CPS website does not reflect ECG member's comments. JW explained that the guidance on the CPS website is the outdated guidance which is currently being updated. As soon as the revised guidance is cleared the website will be updated.



Agenda Item 4: CPS Domestic Abuse Update



JH referred members to the VAWG Overview Paper circulated to ECG members updating them on CPS work across the VAWG Strands and explained KMR would give some further detail around Domestic Abuse.

KMR explained that the Prime Minister's Domestic Abuse plans for a Domestic Violence and Abuse Act were currently on hold due to the election; if the Conservatives are re-elected then it was likely that work would continue and take priority even in light of Brexit.

VM explained the Domestic Abuse Deep Dive project was still underway and that the three test sites were fully embedding the best practice components. VM also explained she had recirculated the emerging best practice documentation to those members of the ECG that sit on the Expert Panel to the Deep Dive and would welcome their further comments.

KMR also explained that the Deep Dive was also monitoring various models of TSJ and DA to understand the impact on timeliness on successful prosecutions. This is to hopefully obtain some national recommendations about what works best for Domestic Abuse cases.

In light of the fall nationally in Domestic Abuse referrals from the police through to the CPS the VAWG team are working closely with Louisa Rolfe's (National DA Policing Lead) office to support the police in addressing the identified issues. This will include sharing information from the CPS Evidence-Led Prosecutions training, with the police by creating an Aide-Memoire which will include information on Res Gestae and Hearsay Evidence.

The three Domestic Abuse eLearning modules are now available to prosecutors and the information from these courses will be shared on the CPS knowledge hub. Prosecutors must have completed the training by the end of June.

A query was raised as to whether Respect's toolkit was included on any of the CPS online sites.

Questions were also asked as to what the sanction was for not completing the training.

CPS Learning and Development are able to assess how many individuals have completed the training in Areas and follow this up with them.

It was queried whether the evaluation analysis of the training could be brought to the ECG for discussion.



KMR requested the group's views on the use of Criminal Behaviour Orders (CBO) in Domestic Abuse cases. KMR informed the group the Met Police recently had a case in which a CBO was issued, is this directed the perpetrator to inform the police whether they intended to enter into a permanent relationship in order to help protect future victims.

KMR requested ECG members views on whether they thought the CBO should only be used against prolific offenders or for any Domestic Abuse offender alongside a Restraining Order (RO).

It was explained that any order can be applied for – a RO and a CBO can be enforced – it's not one or the other. The use of the CBO could be a gateway for future victims who would then be entitled to the information sharing through Clare's Law; if the CBO is breached a criminal prosecution can be taken against the perpetrator. It enables the police to go back to the courts to amend a RO or apply for other orders.

ECG members raised issues around prolific offenders in contact with new partners and how will these stop potential victims. KMR stated that each order will be amended accordingly to the individual case, and potential victims could be warned through Clare's Law.

Agenda Item 5: Men and Boys

JH drew the group's attention to the *Position Statement on Male Victims for Crimes covered by the CPS VAWG Strategy* and corresponding consultation questions. Members were thanked for their input into the workshop held late last year to inform the statement.

The group were asked for their views on the first draft of the statement.

ECG members expressed concerns that the data used in the statement is limited and that there should be a clear demarcation on why men and boys issues are different from those facing women and girls. In addition to this a paragraph pertaining to the data annex is an ineffective way of displaying the data, as most people will lose interest and not click on the link, therefore data should be pulled up front to ensure the disproportionality of these crimes on women and girls is reflected.

Members were informed that the position statement needed to be kept concise and impactful to ensure it is useful to the reader. Whilst members appreciated this, the document does not make sense without the data and explanations around the disproportionate impact on females of these crimes.

However one attendee suggested that the terms 'disproportionate impact' and 'disproportionate prevalence' were getting confused.



It was agreed that the statement needed to reflect the different *prevalence* of abuse without ignoring the impact these crimes have on male victims, especially victims under 18 years of age. It can be seen from the data that the disclosure of abuse rates for boys ceases at the age of 13/14 and as such the statement needs to speak to them.

ECG members stated that the CPS should consider breaking down data by victim and perpetrator into race, gender, age and relationship to get the full picture on how, by who and to who these crimes are committed. Without all this data, true conclusions around the nature of VAWG abuse cannot be drawn. JW explained this was an on-going frustration however due to the limitations with the IT systems the CPS is restricted on what it can collate.

One attendee felt the paper was disjointed and the data included, only paints half the picture of what is actually going on in this field of abuse. Perpetrator data has to be included within the statement for it to make sense.

The CPS can, however, collate perpetrator data and as such will incorporate this into the document.

Another attendee raised a concern around the issue of males presenting and reporting as victims but in fact being the perpetrators. Evidence from the police and Respect supports this and the statement therefore hides these nuances and patterns.

She stated that domestic Abuse perpetrators in particular are highly skilled and manipulative in using the system against victims. VAWG crimes are already surrounded by so much misunderstanding that this just adds to the problem.

To relay these concerns it was suggested that the nuances around VAWG abuse are included within a CPS VAWG Strategy statement, in under which the Male Victims Position Statement will sit within.

One attendee raised concerns around the public status of the document. Whilst the statement is for male victims there is a huge risk that agencies and bodies such as PCCs could misunderstand the information presented within it; which could have hugely negative impacts on funding streams and the support to female victims. She was concerned that the CPS had not considered the unintended consequences of not explaining the gender issues fully.

She also raised concerns around how the definition of 'gender' is being used throughout the statement. Gender in human rights discourse (which is the one used by the UN) is understood as systemic, a structural oppression in which women are subordinate to men. Women are a class of persons who disproportionately experience violence. The key issue is that the position of the victim is gendered - which creates masculinity challenges for men and boys.



Further to this she explained the 'types and patterns' section did not explain 'types and patterns' of abuse but different *contexts* of abuse. Also the bullet point on male victims of CSA should include reference to boys being abused by *authority* figures, rather than "strangers".

She informed the VAWG Team that the compelling drive for gender neutral approaches was not helpful and again these approaches mask the nuances and mechanics in experiences.

JH and the VAWG SM thanked ECG members for their informative and insightful contributions and asked them to email, their responses to the consultation questions by the deadline, 2 June.

BU agreed that there was a big risk to be carried for assumptions to be made resulting in unintended consequences. The CPS needs to review what else we could do to mitigate this risk.

One attendee suggested producing corresponding, more explanatory guidance to PCCs. The feedback MK received from delivering police training to frontline officers is that officers find it extremely hard to distinguish between the perpetrator and the victim.

BU suggested DA male victim NFA data could also be looked at to learn lessons, it was suggested that a link to the Respect toolkit is included.

Agenda Item 6: Rape Update

RA gave a short update on the current progress of the S.41 work (sexual behaviour of complainant).

The CPS is carrying out a large audit jointly with MoJ of over 300 finalised rape cases; the audit size should ensure an accurate reflection of the use of S.41 at a national level.

The purpose of the survey is to ascertain the prevalence of S.41 applications being made, and the outcome of the applications. The audit will be concluded in mid – May, analysis of the responses will then take place and findings can be shared with the ECG.

The CPS is committed to training prosecutors to use S.41 appropriately in rape cases; a specific training course is being developed by the Senior Legal Advisor to the DPP. To ensure prosecutors and external advocates have a solid understanding in using the S.41 application. RA also informed members the training should also address a number of recommendations drawn from Vera Baird's *Seeing is Believing* report.



Agenda Item 7: Issues from ECG

JH encouraged ECG members to continue sending in suggestions for agenda items.

Members requested the following items were considered for inclusion:

- Misogyny and Hate Crime
- Out of Court Disposals
- Vigilantes

JH informed the group the Femicide Census Team would be coming to give a presentation on their findings recently published within their report *redefining an isolated incident*.

It was also agreed to consult on prostitution guidance out of committee

Agenda Item 8: AOB

KMR requested, in light of the work around men and boys, ECG members to send in their views on extending the ECG membership to a number of male victims groups.

HMCPSSI updated members on the joint HMIC and HMCPSSI inspection into Stalking and Harassment. Six police forces were reviewed, $\frac{3}{4}$ cases were committed in a DA context. The quality of files reviewed were of poor quality however $\frac{2}{3}$ files were successful.

She explained that there were two more joint HMIC and HMCPSSI being scoped, one into Modern Slavery and the other into Hate Crime. She welcomed ECG members' views on what should be included within the scope of the inspections.

Victim Support informed the group they had published their report *Victim of the System*. The report which provides insight into how victims currently experience the criminal justice process from beginning to end: their levels of satisfaction, how they are treated, the challenges they face, and whether their statutory rights are met.

One attendee requested the CPS looks to understand how the police VRR scheme and CPS VRR scheme join up and to ensure CPS guidance is accurate and doesn't over promise to victims.

The next ECG meeting will be on Tuesday 19 September at 10:00 am



Actions from the meeting:

List of Actions	Lead
SM to circulate the CPS Community Engagement Consultation/Feedback Survey to ECG members once BU has finalised.	VAWG
SM to ask Ann Meatyard to share Common IT Platform presentations with the ECG members.	VAWG
KMR to consider the guidance around the issuing of a witness summons, where a victim refuses to attend court, linked to risk assessments and ensure the Domestic Abuse Legal Guidance is amended to correctly inform prosecutors of the CPS position.	Karen Morgan - Read
KMR and Julia Dwyer to discuss how IDVA risk assessments may be requested and the appropriateness of IDVAs sharing these with CJ agencies.	Karen Morgan – Read
VAWG to consider how learning's from CPS Area LSIPs can be fed into the Victim and Witness Work in collaboration with MoJ	VAWG
Updated Prostitution Legal Guidance and responses to ECG comments to be circulated to members for information and final views by mid-May.	VAWG
SM to consider bringing the DA eLearning evaluation analysis to the ECG for discussion.	VAWG
ECG members to send views on the use of Criminal Behaviour Orders in Domestic Abuse cases to VAWG.	ECG Members
SM to incorporate perpetrator data in the position statement and reconsider key data to be included in main body of statement.	VAWG
SM to consider the products within which the issues around male perpetrators presenting as victims can be addressed	VAWG
ECG members to send in responses to the Male Victims Position Statement consultation by COP 2 June	VAWG
Members to send views to VAWG on extending ECG membership to: ManKind, Survivors UK and Survivors Manchester	VAWG
ECG members to provide information for the scoping of the upcoming HMIC and HMCPSI inspections into Modern Slavery and Hate Crime.	ECG Members
DH to provide the timescales for the upcoming joint HMIC and HMCPSI inspections into Hate Crime and Modern Slavery	Diane Hurlley
MK to distribute Victim Support's Victim of the System report	Meena Kumari
SM to liaise with police in relation to their VRR process and to ensure CPS guidance is accurate and doesn't over promise to victims	VAWG