



Making Justice Work

Experiences of criminal justice for children and young people affected by sexual exploitation as victims and witnesses

Executive Summary

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About the research

1. *Making Justice Work* is a one year participatory pilot research project, carried out by The International Centre: Researching Child Sexual Exploitation, Violence and Trafficking at The University of Bedfordshire. The research explored young people's experiences of the criminal justice system in child sexual exploitation (CSE) cases, and the ways in which these could be improved.

2. The work consisted of: a policy and literature review; in-depth participatory research with nine young 'experts by experience';¹ interviews with two peer supporters;² and interviews and focus groups with 38 professionals.

3. The primary emphasis was on the in-depth participatory research with the young experts by experience, given the limited nature of young people's perspectives within the existing body of evidence. The other three strands of work served to contextualise and triangulate this learning. A high degree of convergence emerged across all elements of the primary research. The findings also strongly resonate with themes identified in other research, inquiries and reviews.

4. Although often critical in their commentary, participants recognised the existence of pockets of good practice and were keen to see these implemented on a wider scale. The findings of the research are presented in a similar spirit; in the hope that they will provide helpful insights for the wide range of current initiatives for change within this field.

Young people's journeys through the criminal justice system

5. Data was gathered around the framework of 'a young person's journey through the criminal justice process'. The key messages emerging from this are presented below.

The investigative process

"My experience made me feel so bad ...I feel like I can't go to the police no more because I'll just get laughed at; I'll get judged and get hurt really deep down"
(young person C).

6. The majority of the young experts by experience described their initial encounters with the police as lacking in sensitivity and respect, with many being made to feel in some way culpable for their abuse. The research suggests this relates to insufficient understanding of the complexities of CSE and the impacts of trauma and abuse.

7. Professional accountability where practice does not meet acceptable standards was a critical issue of concern for the experts by experience and the professionals working with them.

8. The research observed inconsistent implementation of recognised good practice around Achieving Best Evidence interviews, specifically in relation to rapport building, reducing anxiety, questioning styles and willingness to let young people have a supporter present. Similar inconsistencies in practice were observed in relation to other provisions designed to support vulnerable witnesses, despite young people's entitlement to these.

9. There is presently insufficient recognition and accommodation of the distinct needs and capacities of adolescents and their right to be informed about, and involved in, decision-making wherever appropriate.

10. Participants identified clear and regular communication as critical to young people's understanding of, and preparedness for, engagement in the criminal justice system, and their overall sense of control. This was noted to be lacking in many cases.

11. The research found insufficient recognition of, and response to, the ways in which involvement in CSE related investigative processes can negatively impact on a young person's wellbeing, including their: relationships with family and friends; education; physical safety and emotional wellbeing. There was also insufficient provision to address these needs.

¹ Young people, aged 14-19 years, with direct experience of CSE related criminal justice processes, accessed through and supported by specialist CSE services. The term 'experts by experience' was chosen by the young people in a self-representation exercise undertaken towards the end of the work.

² Young people trained and supported to advise other young people through criminal justice processes in CSE cases.

Decision-making and preparation for court

“Half way through it you need a lot of support. This is the point where you don’t really have much to do with it. You just have to sit there. You don’t know what’s going on or what’s going to happen” (young person A).

12. The research found limited access to pre-trial therapy due to misinformation about young people’s entitlements to this and difficulties accessing services for this purpose. This had significant impacts on young people’s wellbeing.

13. Lack of communication was a critical concern for both the experts by experience and professional participants, in relation to informing young people about the progress and outcomes of cases. This was particularly significant for cases concluding with a ‘no further action’ decision or a non-court disposal.

14. There was considerable variation in young people’s experiences of court preparation including limited evidence of memory refreshing and variable quality of pre-trial court visits. Participants highlighted a need for pre-trial visits to be undertaken by trained personnel who can support young people to have realistic expectations without unduly raising anxiety.

The court process and beyond

“One thing that comes to mind for me is a young person saying that the court process was worse than the exploitation itself. That was in relation to the aggressive cross-examination of the defence barristers around her character and her behaviour” (professional focus group 2).

15. *Making Justice Work* found considerable variation in standards of practice around the judicial management of trials, including use and management of ground rules for cross-examination and use of powers to restrict access to the courts. These variations had significant consequences on young people’s experiences of a characteristically traumatic process.

16. The research found considerable variation in safety planning around court spaces, the degree to which the recognised role for witness supporters was being enabled and the extent to which legal advocates were delivering on the Prosecutors’ Pledge to facilitate meaningful two-way communication with a victim.

17. Use of Special Measures was an issue of particular contention for participants in the research. This specifically related to a failure to explain the pros and cons of different

Special Measures and to elicit young people’s perspectives about which would enable them to give their best evidence. The experts by experience were clear that use of live-link (particularly where not accompanied by use of screening) was not always in the best interests of the child.

18. A lack of timely, clear communication about prosecutorial decisions and outcomes was noted in many cases, as was a need to understand that concepts of ‘success’ and ‘justice’ are differentially understood and experienced by young people.

19. The post-court period was noted to be one of the most difficult for young people; a fact that they felt many professionals failed to recognise as their responsibilities drew to a close. The experts by experience noted the need to provide support around the continued impact of both the abuse and engagement in criminal justice processes, beyond the closure of legal proceedings.

“For me, after the sentencing was the worst time. I don’t know why, but during the investigation you always have something on your mind to distract you... Once it all ends you only have that to think about and it overwhelms you and everyone’s trying to get on with their life and you’re still stuck in that moment” (young person D).

Underpinning themes

20. Six key themes emerged across the different stages of the criminal justice process outlined above.

21. Professional attitudes: Safeguarding young victims and witnesses in CSE cases requires a compassionate and empathetic response from professionals. Evidence from *Making Justice Work* suggests that this has been absent from many young people’s encounters with criminal justice professionals in CSE cases. Despite improved guidance, young people’s presenting behaviours continue to be interpreted as indicative of unreliability and/or culpability, rather than considered as a response to vulnerability, trauma and victimisation.

22. Communication: The presence or absence of effective communication throughout the criminal justice process has a significant impact on young people’s sense of safety and wellbeing and their propensity towards (dis)engagement. Examples where professionals took time to explain the rationale behind processes and decisions were highly valued, but these were observed to be

exceptional practice rather than the norm. Young people's experiences of communication were more typically characterised by: an absence of proactive and timely information; a lack of clarity; failure to explain why decisions were made and changing and inconsistent points of contact.

23. Wellbeing and support needs: There was a clear consensus across participants that the wellbeing and support needs of victims and witnesses are not yet being adequately addressed. The need for progress was identified in relation to ensuring that both victims and witnesses have access to advocacy, long term and coordinated support by a single trusted individual and additional therapeutic support where desired.

24. Power and control for victims and witnesses: Participants repeatedly described the process of engagement with the criminal justice system in CSE cases as disempowering. A number of professionals drew explicit parallels between the dynamics intrinsic to abusive relationships and those characterising young people's engagement in aspects of criminal justice proceedings. Countering the loss of control young people currently experience is a vital aspect of upholding children's rights and safeguarding.

25. A sense of justice: Young people's perceptions and experiences of justice often differ significantly from a systemic definition of justice. The traumatic impact of participation in the court process, combined with disappointment around outcomes, led many experts by experience and professionals to question the benefits of engagement in the process. Is it necessarily the best thing for a child? Does it deliver justice and, if so, whose definition of justice?

26. Policy and practice dissonance: A striking finding of *Making Justice Work* is that the majority of measures identified by participants as likely to improve young people's experiences of criminal justice processes, are already recommended or feasible within the current policy and guidance context. They are not, however, consistently translated into practice; an observation supported by a wide body of research and review literature. There remains a clear need to bridge this gap and to ensure that stated entitlements and recommendations are effectively translated into exemplary practice when supporting all young victims and witnesses, irrespective of where they live or which professionals they engage with.

27. Six priority areas for change have been identified that reflect the priorities of the experts by experience, and are supported by professional contributions to the research:

- All decisions and actions should be underpinned by the principles of safeguarding and promoting the 'best interests' of the child and assessed against these baseline standards.
- All communication with young people should be underpinned by principles of accessibility, participation, transparency and respect. Communication should be proactively initiated in a timely manner and enable opportunities for meaningful dialogue.
- Complaints processes and other forms of redress must be accessible and meaningful for young people. Young people need access to informed independent advocacy to support them to seek redress when standards of engagement fall short of what should be expected.
- Wherever possible, decisions should be made with - rather than for - young people. Professionals should also take account of the evolving capacities of adolescents when considering the ways in which they can involve young people in decision-making processes.
- All relevant staff within the police, Crown Prosecution Service, Court Service, judiciary and relevant voluntary sector services should receive the training, supervision and support required to enable them to understand and respond appropriately to young people affected by CSE.
- Active consideration must be given to understanding the reasons why best practice guidance and policy is inconsistently applied within both investigation and prosecution processes, and too often relies on an individual's knowledge or commitment.

The full *Making Justice Work* report can be downloaded from:

www.beds.ac.uk/ic/publications



Website: www.beds.ac.uk/ic

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