

Solace submission to Home Affairs Select Committee Inquiry: Investigations and prosecutions of rape.

About Solace

1. Solace Women's Aid (Solace) is the leading provider of violence against women and girls (VAWG) services in London and one of the largest single providers in the UK. In 2020, our services touched the lives of over 27,000 women and children. We supported 14,601 women, 94 male survivors and 1,392 children in our frontline services and worked with 11,327 people through our prevention services. 23% of the survivors we support across our services have experienced a form of sexual abuse¹.
2. Our services include refuge and move on accommodation; community-based services; therapeutic services; specialist provision for children and young people who have experienced domestic abuse or sexual violence; accommodation and support for survivors who have experienced multiple forms of disadvantage; advice lines; and bespoke training for statutory agencies, third sector organisations and corporations.
3. We also run North London Rape Crisis (NLRC), one of the four rape crisis centres in London. NLRC encompasses:
 - a. A helpline
A free, anonymous service available to women and girls aged 13+ who have experienced any form of sexual violence at any time: recent or non-recent. Through the helpline we provide specialist emotional support and confidential information about options and services available. We also provide support and advice for the friends and family of survivors, as well as professionals working alongside them.
 - b. Counselling
One to one counselling with specialist, trauma-informed counsellors usually between six and ten sessions. We also provide pre-trial counseling for survivors pursuing a criminal justice outcome, and specialist friends and family counselling.
 - c. Group work and body therapies
We run various groups and body therapies throughout the year though most have been paused since the first lockdown. We usually run therapeutic group sessions, creative therapy groups, LGB women specialist group, a quarterly drop-in group and yoga and trauma release exercise groups.
 - d. Advocacy
Our Independent Sexual Violence Advisers (ISVAs) are specialist advocates with specific knowledge around the Criminal Justice system (CJS) as it relates to rape and other sexual offences. ISVAs provide initial advice and information to women who have experienced sexual violence at any point in their lives who are considering reporting the experience to police and going through the CJS. This support is non-directive and ISVAs do not encourage a survivor to report but rather provide the relevant information to enable them to make a fully informed

¹ https://www.solacewomensaid.org/sites/default/files/annual_report_2020_v5-compressed_1.pdf

choice. They provide practical and emotional support for as long as the case continues through the CJS.

Access to justice and support for witnesses

4. The criminal justice system is not working for crimes of rape or serious sexual violence, with fewer than 1.6% of reported rapes resulting in a charge or summons², and that is of the number actually reported to the police. Most victims of rape and sexual violence never report it. The low rates of charging and prosecution and the experiences of survivors through the process along with the extraordinary length of time it takes for cases to be investigated, charged and tried act as barriers. It is vital that the Government takes visible, decisive action to improve the process for victims in response to its rape review to have any hope of restoring women's faith in the system.
5. The initial point of reporting a crime of rape or sexual violence is crucial, regardless of whether it is a recent or historical crime being reported. Between 2018 and 2021, only around one quarter of referrals to our ISVAs came from the police. While we would not expect all referrals to come from the police, given the role of ISVAs to support survivors through the process from end to end it should be higher, but we find that too many women access our services after they have already reported to the police and already had a negative experience without knowing ahead of time what will be asked of them and what their rights are.
6. ISVAs provide completely impartial but expert support, talking women through the process of reporting and what is likely to happen at each stage thereafter; informing them of their rights and – because of their independence – providing much-needed belief in them and believing what happened to them. The earlier victims are able to access support from ISVAs, the better the outcomes for victims and for justice. Of the number of incidences reported to the police by women being supported by ISVAs over the last three years, 36% resulted in a charge and 93% who went through any part of the CJS said that having an ISVA alongside them improved their experience of the process. Victims should be offered independent specialist support from the moment they encounter or consider reporting to the police and every victim who reports a rape or serious sexual violence crime should be offered support from an ISVA.
7. Too often, ISVAs are forced to spend time challenging decisions made by the police or Crown Prosecution Service (CPS) not to pursue a case and seeking more information on behalf of women who are left in the dark about the progress of their cases. When we spoke to our ISVAs they told us that the police do not routinely follow their own procedures and will drop a case – known as 'No Further Action' or NFA – without following up on potential lines of enquiry or because they deem a victim an incredible witness.

Digital disclosure and victims' records

8. Despite CPS guidance that victims' records should be requested only to follow up a reasonable line of enquiry, we are still finding that the police routinely request victims' mobile phones and digital data, and often all of their notes and records. Women are told that if they do not agree to hand over their phone their rape will not be investigated. One

² <https://www.theguardian.com/society/2021/may/23/fewer-than-one-in-60-cases-lead-to-charge-in-england-and-wales>

ISVA told us she was working with a woman who had been stalked and had therefore changed her phone numerous times and now had a business phone. Despite explaining to the police that there was no relevant evidence on her current phone she eventually agreed to hand it over to them. The CPS decided not to press charges and she was told she would get her phone back, but she is still waiting some seven months later.

9. Similarly, the police should only request third party material including school records, medical records and counselling notes if they are following a reasonable line of enquiry. Our ISVAs reported however that again, the police routinely request third party material assuming that the CPS will require them to press charges, and if victims/survivors refuse it can delay cases further.
10. We offer pre-trial and full counselling and therapeutic sessions to victims/survivors, which are all gender- and trauma-informed. Pre-trial counselling provides support for victims/survivors without addressing the incident/s of rape or sexual violence directly because the notes can be requested and there is a risk they could be used to undermine victims/survivors' credibility as witnesses. There is also a perceived risk that counsellors and therapist could influence or coach victims/survivors for the trial.
11. It is always the choice of victims/survivors as to what kind of counselling, if any, they want to access – as long as it is available - and our ISVAs talk them through the options and the risks. The fact that their notes could be requested limits the safety and confidentiality of the counselling and leaves victims/survivors unable to fully face and process their experiences until after the trial. We support the recommendation made by the Centre for Women's Justice, EVAW, Imkaan and Rape Crisis England and Wales in their November 2020 report on the decriminalisation of rape, calling for counselling and therapy notes to be non-disclosable giving them the same status as professional legal advice. Any risks around coaching can be mitigated by the accreditation and regulation of counsellors providing this support to victims/survivors.
12. For women on low or no incomes surrendering their phones for an unknown length of time can leave them without a phone, which is a basic necessity including to access victim's support networks. Victims can be given the impression that it is in their own interests to hand over data and medical records, that their digital evidence and health notes will be used by the police to build the case against their alleged perpetrator. But instead, their data is used to look for evidence to undermine their credibility as a witness and to drop their case.
13. The Metropolitan Police Service, with whom we work in London, have said they will follow new guidance from the CPS making it clear they should only request digital data and third party material where there is a reasonable line of enquiry. Police and Crime Commissioners, the National Police Chiefs Council and the Home Office should monitor the extent to which police forces follow the new guidance.
14. During our meeting with them, ISVAs referred to the fact that even where a woman was a '*perfect victim*', there were issues with the way the police and/ or CPS handled the case. The perfect victim being a well-educated well-spoken white non-disabled woman raped by a stranger. Most rape victims and survivors are assaulted by someone they know, and perpetrators of domestic abuse often rape and sexually assault women as part of their abuse. According to Crime Survey of England and Wales data published by

the ONS, 85% of women who have been raped know the perpetrator³. ONS data also shows that Black, Black British and Mixed ethnicity adults are significantly more likely to experience sexual assault than White, Asian or other ethnicities⁴.

15. The ONS also reports that disabled women are almost twice as likely to be sexually assaulted than non-disabled women and people with a social or behavioural impairment (such as those associated with autism, attention deficit disorder or Asperger's syndrome) are nearly five times as likely to experience sexual assault as non-disabled adults⁵. People target disabled people knowing and exploiting their vulnerabilities and credibility as witnesses yet this is still not well understood by the CJS.

Long-term recovery and counselling

16. Our Rape Crisis Helpline has seen an increase in the complexity of survivors' needs, with the average length of call increasing by 30% between 2019-20 and 2020-21. The helpline can be used by women who need emotional as well as practical support with the impact of sexual violence whether recent or historical. We rely on trained volunteers as well as paid staff to answer calls, who would normally work from our head office with support on site. The restrictions needed to control the spread of Covid-19 have significantly impacted the helpline capacity, as volunteers are unable to take calls from their personal residence. As a result, the number of calls we were able to take fell by 40% from 2019-20 to 2020-21. This had impacted on the emotional needs of victims/survivors being supported by ISVAs, who report needing to provide much more emotional support since the pandemic.
17. It has also been compounded by the closures of our waiting list for counselling through the Rape Crisis Centre. We offer six weeks of one-to-one counselling as standard, with an extension available where needed. Women can be waiting up to a year for the counselling though we keep in touch with them and update them on progress. Despite increasing the waiting list to 18 months during the pandemic, we had to close the waiting list from March 2020 until September 2020 and have fluctuated opening and closing the list ever since, taking referrals for between a month and six weeks before closing them again for four weeks or a month.
18. Through the pan-London Ascent Advice and Counselling and Ascent Advice Plus partnership, we provide counselling services in 12 London boroughs, offering up to 15 one to one counselling sessions or six pre-trial sessions for women experience any form of VAWG including sexual violence. Women can be on a waiting list for up to four months. The waiting lists had to be closed for all services between March and September 2020 and we estimate all boroughs were closed for at least one third of the year.
19. Through its forthcoming cross-Government VAWG strategy, the Government must provide sustainable long-term funding for rape crisis helplines, counselling, ISVAs and

³<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/natureofsexualassaultbyrapeorpenetrationenglandandwales/yearendingmarch2020#perpetrator-characteristics>

⁴<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/sexualoffencesvictimcharacteristicsenglandandwales/march2020#ethnicity>

⁵<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/datasets/disabilityandcrime>

therapeutic services to support survivors not only through the criminal justice system but to recovery.

Backlog in cases

20. The average length between the offence and a charge was three years in 2018-19, with up to another year for the case to go to trial. There is now reported to be a backlog of 58,000 Crown Court cases, having a huge impact on survivors' mental health. The Government must urgently invest in increasing court capacity, more staff and adequate sitting days, as recommended by the Bar Council and Law Society.