



**SEEKING
JUSTICE**

For adult survivors of child sexual abuse

Seeking justice

The journey to justice may at times seem long. Understanding the process can be extremely empowering and gives you an understanding of how decisions are made. Having an independent sexual violence advisor (ISVA) involved while you are navigating the criminal justice system (CJS) means you will receive specialist support and knowledge from the moment you report a crime or at the point you want to discuss your reporting options.

It's important to remember that not all cases go to court, but this does not mean you are not believed. It is important that your journey to justice is about your right to 'tell' and be 'heard', regardless of the outcome from the CJS. You should feel you have had the opportunity to make informed choices, have felt empowered and have been supported by everyone involved.

This workbook contains lots of information, so please take it at your own pace. If you would prefer to view this information online, or view interactive information, visit My Support Space (mysupportspace.org.uk). If you need to speak to someone for support, you can call our free confidential service, Supportline, any time on **08 08 16 89 111**.

Only you can decide whether to report your experience of abuse to the police. It is a very big decision to make. Accessing an ISVA can give you the time you need to make that decision and talk through some of your options and concerns. An ISVA will explain the full process and what is likely to happen at each stage.

What to expect

Deciding to come forward and report your experience of CSA is an incredibly courageous and difficult decision to make. You may or may not be ready to do this now but having all the information about the process is key to enabling you to make the right decision for you. When you are ready, you can make a report any of the following ways:

- Going to a police station
- Dialling 101
- Submitting a report online via a police website.



Whichever way you decide to make the report, you will be listened to and you will be believed. There is then a sequence of actions that will be taken, which will take place over several weeks, as the collection of information and evidence gathering is not a rushed procedure. You can expect the following to happen:

First account – once you have contacted the police, you will be required to make an initial report. This is a first account, which can take place over the phone or in person at your home. In the following weeks, you will be required to make a more detailed report, which can again be conducted in different ways: via a written statement or a video recorded interview (VRI). More than one VRI may be taken. You do not have to attend a police station to provide this information. You can provide it wherever you feel comfortable. The VRI is used to give the police the maximum amount of information to help with their investigations. If the case does proceed to trial, the VRI is usually played out in court at the beginning of the trial session. You will have a chance to view this beforehand.

Opening the investigation – once you have provided the police with your more detailed account of what happened, the police will begin their investigation to determine any evidence to support the allegations you have made. At some point, the person or persons who you have identified in your report will be approached by the police. This person will then be known as 'the suspect'. Depending on factors such as length of time since the abuse, your level of safety, and the status of the suspect, they may either be arrested or 'invited' to attend a police station for questioning. Either way, it does not mean that the police are not taking your report seriously. Your views will be taken into consideration, but so too will the safety of others.

Support – your case will be assigned to a police officer and they will be known as the officer in the case or officer in charge (OIC). Their role is to support you by addressing any needs or concerns you may have. They can also refer you to external organisations, outside of the police, such as Victim Support, which can provide you with a high level of support through an assigned ISVA. Your OIC will keep you informed of your case's progress, including whether the suspect has been released on bail. It is essential that you notify the OIC and/or your ISVA if you are afraid of intimidation or harassment from the suspect.



Completing the investigation – once everyone has been spoken to and all the evidence has been collated, the police will have completed their investigations. For the case to be charged, a ‘two code test’ needs to be satisfied:

- **Sufficient evidence to provide a realistic prospect of conviction**
- **In the public interest to proceed.**

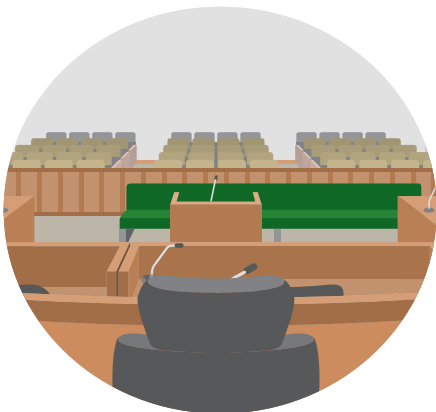


If the police decide to ‘no further action’ (NFA) your case, you have the right to ask for a ‘victim’s right to review’ (VRR). This should be submitted within three months from receipt of the NFA letter. You can request to be informed of the reasons why this decision has been made and arrange a meeting with the officer in charge of your case. If you have an ISVA, they can support you with this.



If the police think they have enough evidence, they will submit your case to the Crown Prosecution Service (CPS) for a charging decision. If the CPS decide that there is not enough evidence to charge, they will send you a letter outlining the reasons why. You again have the right to appeal this decision and must do so within three months from receipt of letter. Again, an ISVA can support you with this. You have the right to request a meeting with the CPS to discuss the reasons they are not pursuing the case. This may give you the opportunity to ask questions and highlight anything you feel they did not pursue, or things you may not understand.

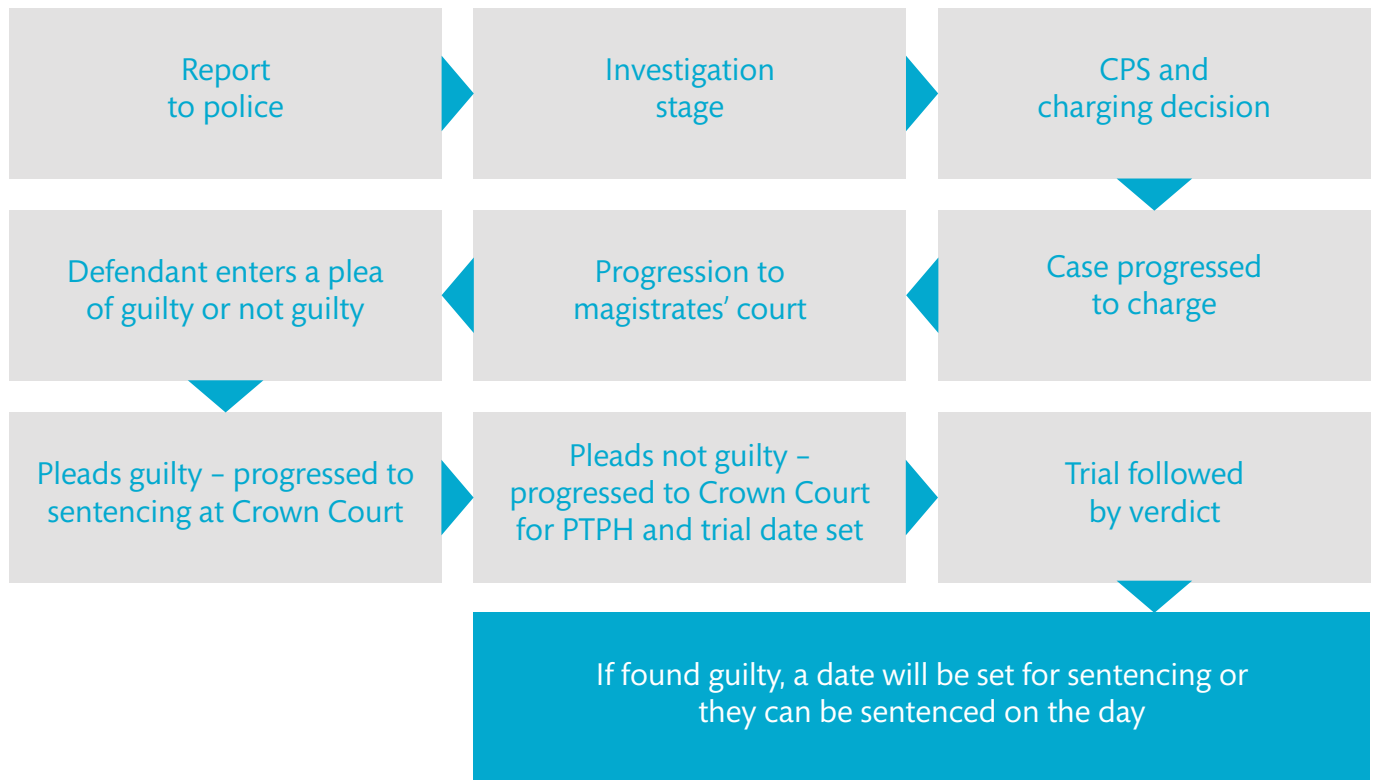
Case progression to court – if the CPS approves the decision to charge, the police will then charge the subject and preparations will be made for your case to progress to court. The first step will be a hearing at a magistrates’ court where the defendant will have the opportunity to give a ‘plea’. They will also have the opportunity to apply for bail if they are in custody. It’s important that you tell the police officer dealing with your case and your ISVA if you have any worries around your safety and bail conditions. The ISVA can advocate for you if they are aware of any risk to your safety. This will mean the prosecutor in court can ask for an application for bail conditions to be made.



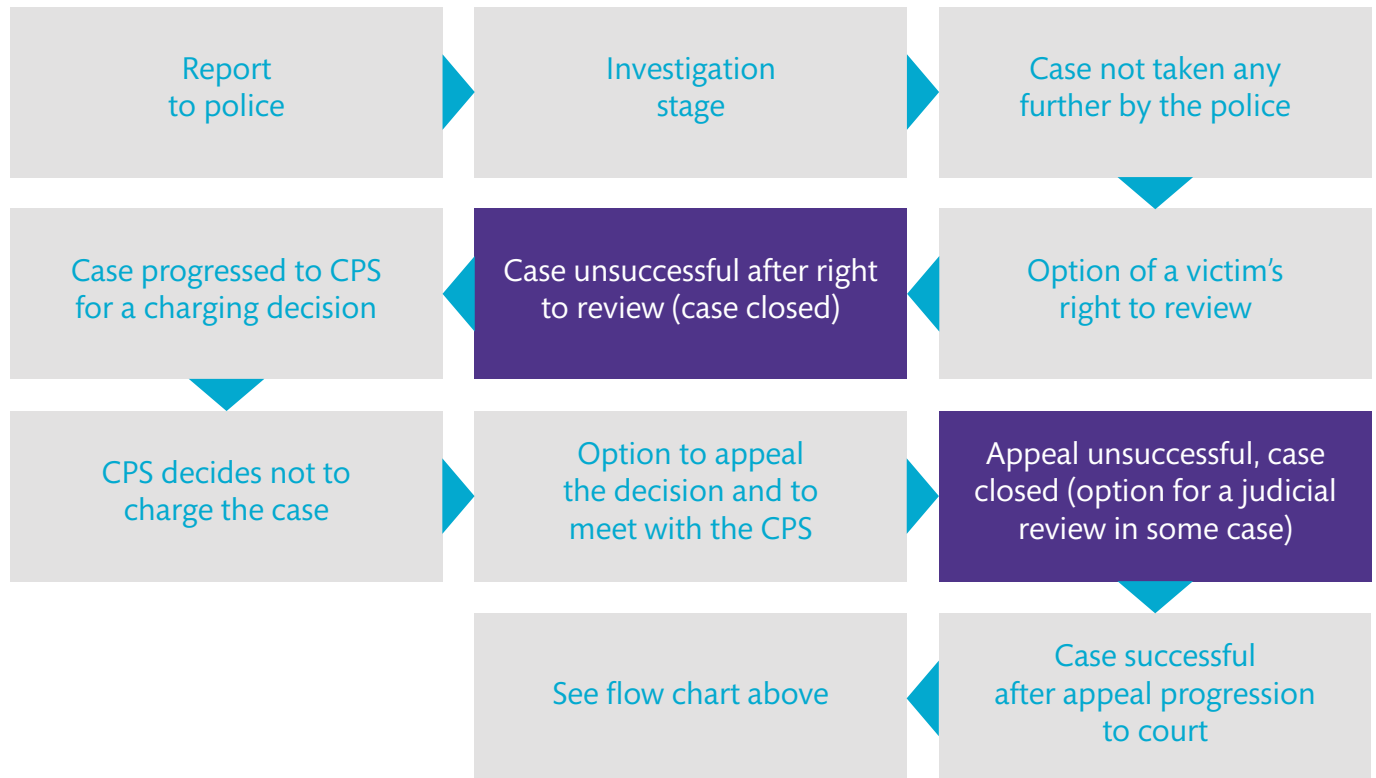
If the defendant pleads guilty on the first hearing at the magistrates’ court, it is likely that the case will be sent to Crown Court for sentencing, unless the magistrates’ court decides it has the sentencing power.

If the defendant pleads not guilty, the case will likely be allocated to the Crown Court for a ‘plea and trial preparation hearing’ (PTPH), and a trial date will be set at this hearing if the defendant again pleads ‘not guilty’.

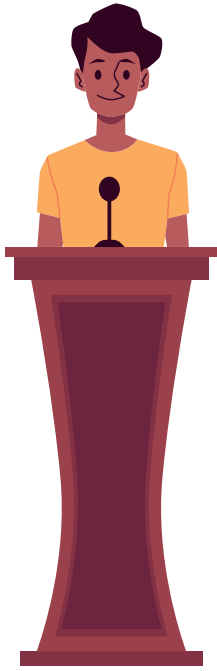
Successful case investigation timeline



Unsuccessful case investigation timeline



It would be useful to go through this section with your ISVA.



Special measures and your right to decide

A special measure is put in place to support you with giving evidence in court. The CPS has to make sure all witnesses are able to give the best evidence in court. This is known as your ABE or 'Achieving Best Evidence'. The CPS will do all it can to make sure you feel as comfortable as possible when you're in court. The police officer in charge of your case (OIC) will submit an application for special measures as soon as possible, and you will have the opportunity to discuss these with your ISVA. All victims of sexual offences are eligible for special measures.

What are the special measures available?

- **Screens** – screens are usually placed around the witness box to prevent you from having to see the defendant. You will still be seen by the judge, jury, lawyers, and barristers and, in some courts, the public gallery. In very exceptional circumstances, an application can be submitted to clear the public gallery, but this will be at the discretion of the judge.
- **Live link** – if you have decided to give evidence via a live video link, this will be done on the day of the trial outside the main courtroom, from either within the court building or from a remote location. You will be able to see the person asking questions from the courtroom. Everyone in the courtroom will be able to see the screen unless the court has allowed for the defendant to be screened off. If other witnesses in your case also qualify as vulnerable or intimidated, they too may be able to give evidence via live link. You will be seated in front of what looks like a TV screen with a microphone in front of you. You will see a video recording device on top of the screen, so you can be seen live in the courtroom. If you have an ISVA, they can apply to sit in the link room with you alongside an usher. When you have finished giving evidence, you will sit in the waiting area or be told you can go home.
- **Intermediaries** – in cases where an adult witness has been identified as vulnerable and may have difficulty understanding questions, an intermediary can be requested via special measures and a conversation with the CPS will take place. If an intermediary is required, this will be requested as early as possible and is likely to be requested by the police at the interview stage. Child victims are all eligible for an intermediary, but again this will depend on understanding and if another appropriate adult is sufficient.



- **Section 28 (S28): pre-trial recorded evidence** – S28 allows for the provision of video recorded cross-examination and re-examination. A ground rules hearing will take place first, which will mean that the judge and all the court advocates discuss the nature and extent of any limitations, followed by a hearing, at which the cross-examination and re-examination will be recorded. Before the witness is cross-examined, the judge will inform the jury that limitations have been placed on the defence advocate. If any specific issues relating to the content of the recording have been identified by the cross-examiner as an obstacle to their inquiries, the judge can inform the jury after the cross-examination is completed. The defendant will be in the courtroom to instruct their lawyer, but you will not see them on camera.



The S28 is completed as soon as possible and tends to be carried out many months prior to the trial taking place, which may alleviate some of the anxiety you feel about giving evidence in court. The S28 is not carried out in the courtroom but in another room like the live link. It will be recorded to be played on the day of the trial. Just like the live link, the ISVA may apply to sit in the room to provide additional support, but they are not allowed to speak.

- **Section 25 (S25): a request to clear the public gallery** – this is requested in instances where the witness is subjected to intimidation. A S25 is not often agreed but can be requested. The media will still be allowed into the courtroom.

What happens on the day of a trial?

First, the prosecuting barrister and caseworker will come to introduce themselves to you. At Crown Court, a jury of 12 people is selected and sworn in. A jury is made up of people from the general public who are registered to vote in England and Wales. The prosecuting barrister and defence barrister will give their opening speeches to the jury, which will tell them what the case is about. Your video recorded interview (VRI) will be played in the courtroom.



You will be called to give evidence. If you are giving evidence via screens, the whole court will be cleared, except for the barristers and the clerk. If you are using a live link, you will be taken into the live link room away from the main courtroom. You will not have to go into detail again about the offence; this is why the video recorded interview is played. You will, however, need to answer any questions you are asked about the assault. You can have a break at any time. The evidence and cross-examination may last for a few hours or a few days, and this may be really difficult. You will have support at the court.

Once all prosecution witnesses have given evidence, the defendant will give evidence followed by any defence witnesses. After all the evidence has been heard, the barristers give their closing speeches to the jury, following which the judge sums up the evidence and tells the jury about the relevant law in relation to the charges. The jury will then retire to consider their verdicts and make a decision as to whether the defendant is guilty or not guilty.

Sentencing

If the suspect is found guilty, there is an opportunity prior to sentencing for a victim personal statement (VPS) to be heard. A VPS gives you the opportunity to describe the wider impact of the crime upon you – physically, emotionally, and psychologically. ISVAs can support you with writing a VPS, but can't write it for you. The victim personal statement can be completed at any time before sentencing.

The statement must be disclosed to the defence. The statement can be read aloud by you or by the prosecutor in court. These statements will help the judge when sentencing.

The sentencing is usually set for a few weeks after the verdict of guilty is issued to give the judge time to look at sentencing guidelines.

Probation may be requested for completion of a pre-sentence report. This assists the court in determining the most suitable method of dealing with an offender. Cases that have been heard at a magistrates' court may be sent to Crown Court for sentencing if the court deems that the matter requires a high sentence.



Restorative justice approach

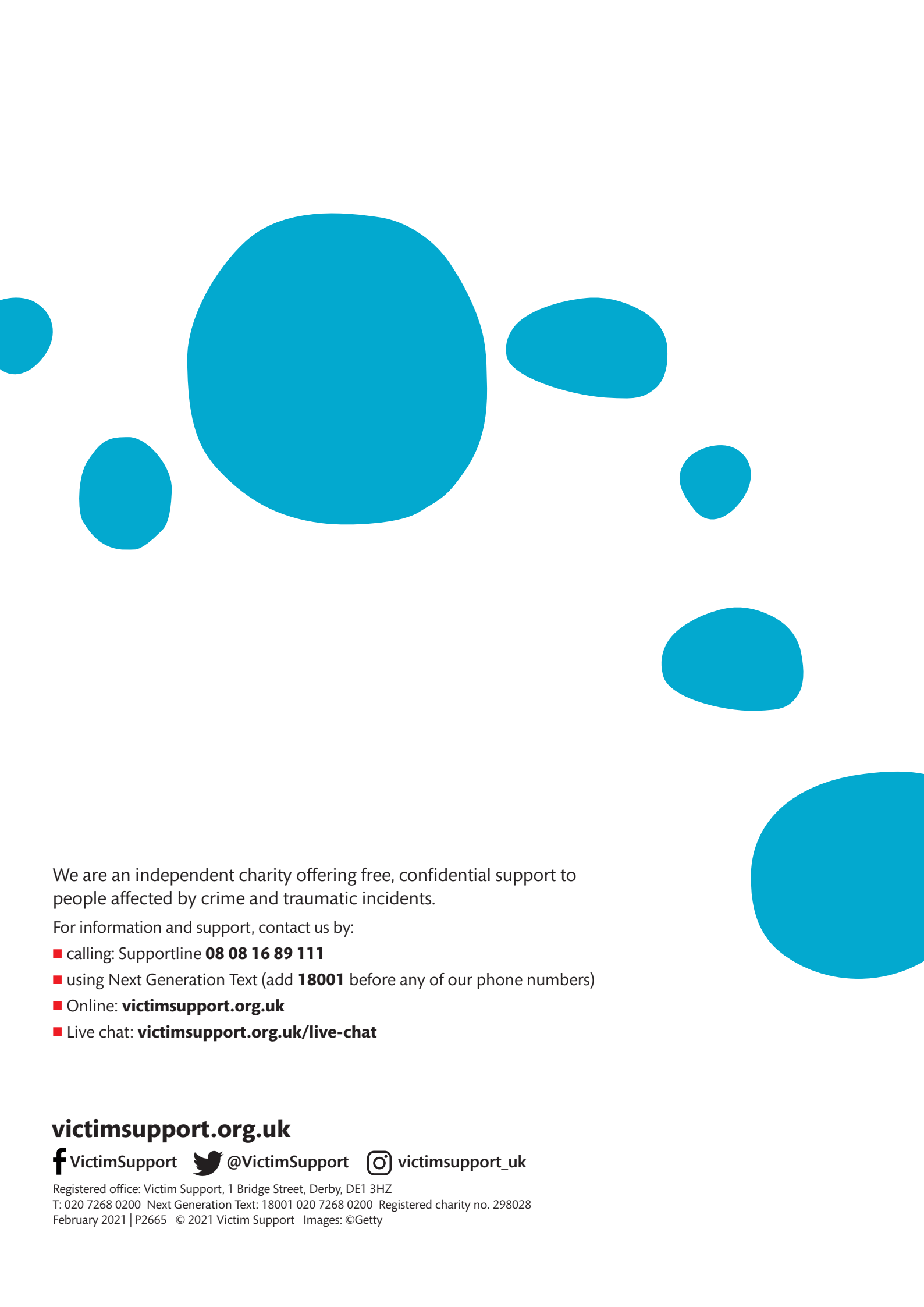
A restorative justice approach can provide survivors of CSA with an opportunity to be heard and have their abuse acknowledged by their abusers, providing the abusers with an opportunity to take responsibility for the harm they have caused. It is a powerful opportunity for survivors to get answers to any questions they may have and convey the impact the offender's abusive actions have caused.

These sessions are run by accredited organisations and are delivered by trained, accredited facilitators. It requires both the survivor and the offender to voluntarily agree to participate.

The restorative justice approach has been popular for cases involving CSA as a less traumatic approach to cross-examination and potential re-traumatisation. While the ideal and most effective approach is a face-to-face engagement, it may instead be an exchange of letters, videos or calls channelled between parties by the facilitator.

For more information, go to My Support Space (mysupportspace.org.uk), to the Restorative Justice Council (restorativejustice.org.uk) or to the national 'Why Me?' charity (why-me.org).





We are an independent charity offering free, confidential support to people affected by crime and traumatic incidents.

For information and support, contact us by:

- calling: Supportline **08 08 16 89 111**
- using Next Generation Text (add **18001** before any of our phone numbers)
- Online: **victimsupport.org.uk**
- Live chat: **victimsupport.org.uk/live-chat**

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