

Experiences of accessing justice amongst women who have experienced sexual exploitation

A briefing from the STAGE Project
February 2023



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Executive Summary

This briefing is based on learning from STAGE, supported by the National Lottery Community Fund, to explore and highlight the nature and extent of sexual exploitation of adult women across our communities. STAGE brings together charities Changing Lives, The Angelou Centre, Ashiana, GROW, A Way Out, Together Women, Basis Yorkshire and WomenCentre to provide trauma-informed support for women who have been groomed for sexual exploitation across the North East and Yorkshire.

STAGE has supported over 500 women and aims to share the learning we have gained from a series of workshops with project staff and leadership to create systemic change.

Key Issues Identified and Recommendations

Women who have experienced sexual exploitation can face barriers to accessing justice at all points in the criminal justice system.

Recognising the Signs of Adult Sexual Exploitation

Many women supported by STAGE do not initially recognise that they have experienced sexual exploitation, in part due to the fact there is no statutory definition of adult sexual exploitation (ASE). Sexual exploitation is not widely understood by professionals. Manipulation by perpetrators, cultural expectations and family and community dynamics also make it difficult for women to identify that they have experienced abuse.

Recommendation 1: Ministry of Justice to support a commitment in the Victims Bill or appropriate legislation to create a statutory definition of adult sexual exploitation to ensure a consistent understanding and recognition of the ways that sexual exploitation continues and presents itself in adulthood.

Recommendation 2: Ministry of Justice to provide support and funding for training to be given to police staff to identify the signs of sexual exploitation.

Barriers to Reporting to the Police

Past negative experiences with the criminal justice system, the fear of reporting crimes due to familial and community pressures, threats of further harm from perpetrators, fear of children being removed from their care, and the fear of losing a connection with a perpetrator if a co-dependency has been created: substances, income, shelter or protection, all present significant barriers to reporting sexual exploitation to the police.

Recommendation 3: Police and Crime Commissioners to liaise with specialist services to proactively offer informal meetings with victims who feel they were historically treated poorly by the police to provide reassurance around future reporting and learning for police forces to improve their practices.

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Recommendation 4: Ministry of Justice to work with the Home Office to raise awareness of the importance of a firewall to ensure that immigration information is not shared with the Home Office when people insecure immigration status report their experiences of crime including sexual exploitation.

Recommendation 5: Crown Prosecution Service to support the implementation of multi-agency exploitation hubs to increase intelligence sharing around exploitation and to ensure appropriate holistic support is put in place for individuals identified as experiencing, or at risk of experiencing, exploitation.

Recommendation 6: Ministry of Justice, through the Victims Bill or appropriate legislation, to dedicate additional funding to hire more ISVAs and strengthen the communication between ISVAs, police and CPS.

Recommendation 7: Ministry of Justice to support a national rollout of dedicated police liaison officers whose sole job is based on outreach, community engagement ensuring holistic support for victims, supporting the phasing in, and phasing out of the criminal justice process, and working to better any previous negative experiences with the police.

Police Investigations

During police investigations, the women supported by STAGE sometimes exhibit behaviours as a direct response to trauma. These behaviours can then be detrimental to their case as the women may blame themselves or downplay the extent of the exploitation due to feelings of shame. Equally, many women supported by STAGE have found police investigations retraumatising, particularly due to the use of victim-blaming language, stigma, and discrimination. Many cases ultimately end following police investigations in a no further action result.

Recommendation 8: Ministry of Justice to provide support and funding for specialist by-and-for organisations to provide specific guidance around sexual exploitation for police and CPS, to ensure that there is improved understanding of how the nature of sexual exploitation can impact victims' ability to consent to sexual activity and to share their experiences coherently and accurately.

Recommendation 9: Ministry of Justice to support the provision of specialist trauma-informed care, reflective practice and training delivered by psychologists for police officers.

Recommendation 10: Ministry of Justice to commission a review into the experiences of black and minoritised victims and witnesses within the criminal justice system.

Court Processes

Women supported by STAGE whose cases make it to court experience significant challenges throughout the court processes. Many women are not offered the opportunity to make a Victim Personal Statement, women who do not speak English as their primary language have not had their access needs met through the provision of an interpreter, and there have been cases of racism, sexism and victim-blaming language from the judge, jury, and legal representation.

Recommendation 11: Crown Prosecution Service to support the provision of standardised pre-trial therapy and trauma stabilisation work to be offered to all victims of crime giving evidence in court.

Protection from Further Harm

There is a lack of understanding of women's trauma within the criminal justice system. This can lead to a lack of trauma-informed practise when supporting victims, including introducing multiple new workers to cases which puts an onus on victims to explain their situation to multiple people, and a lack of information given to the victim. Many women supported by STAGE have told us that they don't feel safe when perpetrators are given bail conditions. Some women who are supported by STAGE have received contact from the National Crime Agency after withdrawing from the reporting process and have found this re-traumatising.

Recommendation 12: Further research to be conducted by the Crown Prosecution on the effect of imposing bail conditions on the actual and perceived status of victims, including exploring the consequences of breaching pre-charge bail conditions

Rights Under the Victim's Code

Women accessing STAGE often do not receive the treatment to which they are entitled to under the Victims' Code; particularly, no access to interpretation and translation, not being informed in a timely manner, or given reasons for why their case is not being taken forward, and not being offered the opportunity to write a Victim Personal Statement.

Recommendation 13: Ministry of Justice, CPS and PCCs to monitor compliance with the Victims' Code to include proactively reaching out to support services for feedback to ensure that a full picture of victims' experiences can be considered.

Recommendation 14: Ministry of Justice, CPS and PCCs to ensure that scrutiny of compliance with the Victims' Code includes deep dives into the experiences of groups where concerns have been raised about stigma and discrimination resulting in a sub-standard service.

Criminalisation of Women

It is common for women who are being sexually exploited to engage in criminal activity. This can either be directly related to their exploitation (for example, being forced to orchestrate exploitation

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of other women, commit drug-related crimes on behalf of perpetrators) or indirectly because of the trauma they have experienced.

Recommendation 15: Ministry of Justice to ensure that the new out of court disposal framework introduced in the Police, Crime, Sentencing and Courts Act 2022 is delivered alongside consistent provision of trauma-informed support to encourage compliance and long-lasting behavioural change.

Introduction

The STAGE project, supported by the National Lottery Community Fund, brings together charities Changing Lives, The Angelou Centre, Ashiana, GROW, A Way Out, Together Women, Basis Yorkshire and WomenCentre to provide trauma-informed support for women who have been groomed for sexual exploitation across the North-East and Yorkshire.

Since STAGE began in 2019, we have supported over 500 women affected by sexual exploitation, many of whom have existing vulnerabilities, including experiences of stigma, discrimination, and disadvantage. From January 2022, we have supported 225 women aged 16+, with nearly half aged between 26-39. STAGE supports diverse groups of women across the North-East and Yorkshire, with two thirds of those supported being from Black, Asian, and ethnic minority communities. We aim to share the learning we have gained from a series of workshops with project staff and leadership to create systemic change.

What is Adult Sexual Exploitation?

Sexual exploitation of adults is a form of sexual abuse that is poorly understood and rarely recognised across many sectors, including criminal justice. Whereas understanding and responses to child sexual exploitation (CSE) have improved, particularly since the statutory definition of CSE was published in 2017, women whose vulnerabilities have been exploited for the advantage of others are still often described as ‘prostitutes’ or ‘making poor choices’, rather than people who have been subject to horrific forms of sexual abuse and do not receive the support that they deserve.

Sexual exploitation occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a person into sexual activity. This is often done in exchange for something the victim needs or wants (e.g., money, food, shelter, drugs) and disproportionately advantages the perpetrator (e.g., financial advantage, increased status). In some cases, the perpetrator will be instrumental in creating the need, thus making the victim dependent on them (e.g., encouraging drug use to create addiction). It can result from grooming over a period of time, where the perpetrator makes the victim dependent on them emotionally, physically and/or financially.

Although they are often conflated, sex work is not necessarily the same as sexual exploitation. While sex work may be consensual, this is not the case for sexual exploitation. A person cannot consent to a sexual activity if they see no reasonable alternative to engaging in the activity or have a reasonable belief that not engaging in the activity would result in negative consequences for themselves or others. This does not, however, deny that exploitation occurs within sex work, or that people who engage in any form of sex work are at risk of exploitation.

This briefing is based on learning from the women supported through STAGE and aims to share experiences and solutions so that women experiencing sexual exploitation can have improved access to justice. Our findings indicate that systemic issues within the criminal justice system create barriers to accessing justice for women who have experienced sexual exploitation.

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Recognising the Signs of Adult Sexual Exploitation

Often, women who access STAGE do not initially recognise that they have experienced sexual exploitation or that a crime has been perpetrated against them. This is in part because sexual exploitation is not widely understood or recognised by professionals or members of the public. This is further complicated by the fact that there is no specific offence of sexual exploitation of adults. Instead, there are several offences that can be used to prosecute in sexual exploitation cases, including offences found in the Modern Slavery Act 2015 and the Sexual Offences Act 2003. For example, sections 53 and 54 of the Sexual Offences Act 2003 make it an offence to cause, incite or control prostitution for gain.

One woman who accesses STAGE was only 13 when she met the man who exploited her. They married and had children, and she was not aware she was experiencing sexual exploitation until much later through work with a trusted support worker. This experience is not isolated, many black and minoritised women we support express that they had not been aware that they had experienced abuse or a crime because of family and community dynamics, cultural expectations, and manipulation by perpetrators. Often, it is only once women have sought support for other reasons and have built trusting relationships with a support worker that they are able to identify their own experiences as exploitation. This presents significant barriers to accessing justice through the criminal justice system (CJS), as the identification of exploitation is a vital first step in this process.

We welcome a recent focus on education, so that people can identify signs of sexual exploitation as early as possible. Statutory guidelines on Relationship and Sexual Health Education (RSHE) for England and Wales¹ already call for content on healthy relationships to be delivered throughout primary and secondary school, however, as identified in the recently published Women's Health Strategy², teachers are not always equipped to teach topics outlined in these statutory guidelines. We are therefore pleased to see the work being done by the Department for Education and key stakeholders to produce training and webinars on the statutory curriculum.

However, we believe that in order for this curriculum to be effective in supporting people to identify signs of sexual exploitation, there **must be a statutory definition of adult sexual exploitation (ASE)**, as exists for child sexual exploitation (CSE). Where understanding and responses to CSE have improved since the statutory definition was published in 2017, we believe the same would be the case with ASE.

Recommendation 1: Ministry of Justice to support a commitment in the Victims Bill or appropriate legislation to create a statutory definition of adult sexual exploitation to ensure a consistent understanding and recognition of the ways that sexual exploitation continues and presents itself in adulthood.

Furthermore, while RSHE in primary and secondary settings will help young people to identify signs of sexual exploitation, alongside other forms of abuse and unhealthy relationships both in childhood

¹ Great Britain. Department of Education (2019) Statutory guidance on relationships education, relationships and sex education (RSE) and health education (*England*). Available at: Relationships Education, Relationships and Sex Education and Health Education guidance (publishing.service.gov.uk) (Accessed: 30th August 2022.)

² Great Britain. Department for Health and Social Care (2022). *Women's Health Strategy for England*. P. 21 Available at: [Department of Health & Social Care – Women's Health Strategy for England](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/104444/Women's_Health_Strategy_for_England.pdf) (publishing.service.gov.uk) (Accessed: 30th August 2022.)

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and once they reach adulthood, education must also be provided for those who are no longer in full-time education. Therefore, we recommend that alongside a statutory definition of ASE, training is given to police staff to help adults to identify the signs of sexual exploitation.

Recommendation 2: Ministry of Justice to provide support and funding for training to be given to police staff to identify the signs of sexual exploitation.

Barriers to Reporting to the Police

39% of women accessing STAGE have disclosed experiences of sexual exploitation to their support workers but not reported it to the police within the last year.

50% of women accessing STAGE who reported crimes against them to the police did not feel they were believed.

60% of women accessing STAGE who have experienced trafficking from overseas said they were uncomfortable talking to statutory agencies because they have feared that they will be criminalised due to their immigration status.

In many cases, women accessing STAGE face barriers to reporting their experiences to the police, meaning that from the very earliest stages they are prevented from accessing justice. These barriers include negative past experiences of reporting crimes to the police, fears that they will not be believed or will be placed at risk by making a disclosure, or pressure not to report from families or their wider community.

The impact of past experiences

There are examples of good practice (see end of section) and some recent instances of reporting to the police within STAGE have been positive for the women involved. However, our learning shows that women who have been dismissed in the past are often reluctant to report any future crimes, or to try to report the original incident again because of these negative experiences.

This is supported by wider research. For example, an investigation into police handling of female victims of crime conducted in April 2021 highlights that victims who don't feel well supported by the police experience significant and lasting consequences; in several cases, women who were dissatisfied with the police's response felt they would be less likely to report a crime in the future³.

The women who access STAGE have said that these past negative experiences include:

- Long investigation processes, taking on average two years from start to finish with COVID backlogged cases,
- Lack of communication from the police, particularly at key points in the investigation including arrests and interviews with perpetrators,
- Experiences of victim-blaming language from criminal justice agencies, which can be intrusive and re-traumatising,
- Previous no further action (NFA) decisions which, as outlined in Changing Lives' report 'Nowhere to Turn', exacerbates and diminishes women's faith in services that are supposed to protect them,
- Women perceiving that they are treated as an 'unreliable witness',

³ GOV, 2022. *A duty to protect: Police use of protective measures in cases involving violence against women and girls*. [online] Available at: <<https://www.gov.uk/government/publications/police-use-of-protective-measures-in-cases-of-violence-against-women-and-girls/a-duty-to-protect-police-use-of-protective-measures-in-cases-involving-violence-against-women-and-girls#summary>> [Accessed 2 August 2022].

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- Having their mobile phone removed during the investigation (sometimes for 10 months or more)⁴.

Having their mobile phone removed during the investigation has a huge impact on women supported by STAGE where their mobiles are a key protective factor. Without mobile phones, women are frequently reported missing, especially if they reside in supported accommodation and cannot be contacted; they cannot contact police, support workers, friends, family etc. and cannot organise appointments. For women subject to bail conditions or on license, if they cannot be contacted by probation this can ultimately lead to them being recalled to custody. Many women fear that refusal to hand over devices may look like they have something to hide, and police have said their case will not go forward, leaving women without option.⁵

"I felt told off by the police for reporting."

In order to rebuild trust in the criminal justice system for women who have had past negative experiences with police reporting, the women who access STAGE have identified a **need for police to acknowledge the harm that has taken place** and take accountability for this. For example, one woman who is supported by STAGE told us that a police officer, who wasn't involved in her original reporting process, apologised for the faults of the police officers that had mistreated her and acknowledged that she had been let down by the system. Acknowledgement and accountability are vital for the restoration of relationships between women and statutory agencies, as opposed to voluntary sector organisations 'picking up the pieces.'

Victims of crime have a right under the Victim's Code to complain to the police if they feel they have been treated poorly or denied their rights, but the formal complaints process is not always the right route for women to share previous negative experiences. In some cases, their negative experience may have been out of the control of an individual officer or police force (e.g., delays caused by Covid-19) and for others the case may be so long ago that it feels pointless to make a formal complaint now. Instead, women may benefit from a more informal conversation with someone from

⁴ Centre for Women's Justice, 2022. *Centre for Women's Justice's submission to the Home Office's Consultation on Police Requests for Third Party Material*. [online] Available at: <<https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/62fe1d9b362f370c5fe14776/1660820892152/Home+Office+TPM+consultation.pdf>> [Accessed 30 August 2022].

⁵ Centre for Women's Justice, 2022. *Centre for Women's Justice's submission to the Home Office's Consultation on Police Requests for Third Party Material*. [online] Available at: <<https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/62fe1d9b362f370c5fe14776/1660820892152/Home+Office+TPM+consultation.pdf>> [Accessed 30 August 2022].

the police and/or the office of their Police and Crime Commissioner to share their experience. This would provide both an opportunity for women to hear how things have moved on since their experience or, if this is not the case, to discuss how improvements could be made.

Recommendation 3: Police and Crime Commissioners to liaise with specialist services to proactively offer informal meetings with victims who feel they were historically treated poorly by the police to provide reassurance around future reporting and learning for police forces to improve their practices.

Cultural barriers

Many women from black and minoritised communities explained that they have grown up being told that involving the police in anything that happens within the family is wrong, and that it should instead be resolved within the family. For example, one woman who accesses STAGE services who is Pakistani has been told by family members that it will bring shame on her family to report the sexual exploitation she has experienced to the police. Despite this, she chose to report her experiences to the police, with consequences including verbal abuse and negative perceptions among family members. This situation was then worsened for the woman involved when a police officer asked to speak with her mother about the disclosures, which indicates a lack of cultural awareness within the police.

Alongside pressure from within families to not report experiences to the police, black and minoritised women have faced community exclusion as a result of making reports. One woman supported by STAGE whose mother is white and father is Pakistani told her mother about the exploitation she was experiencing. Her mother told her to get out while she still can, which she did. However, because of this, everyone in their cultural community turned against her, leading her to fear them all. Black and minoritised women supported by STAGE have also faced a loss of rights to participate in community religion, isolation, and loss of community placement as a result of reporting their experiences to the police.

Additionally, women who do not use English as their primary language are often unable to explain the harm they have experienced, as there may be no direct translation for terms such as sex and rape. Women find this can be an extra barrier when reporting crimes against them to the police.

Threat of harm

Sexual exploitation is characterised by an imbalance of power between perpetrator(s) and women who experience it. Many women who access STAGE have told us that they have faced threats of harm to themselves and/or their family when they have told their perpetrator(s) that they will report the abuse to the police. It is crucial that women in these situations are supported to physically escape from their perpetrator(s), but many also face barriers to accessing refuge support or social housing that offers this protection. We would like to see women fleeing sexual exploitation offered similar protections to those fleeing domestic abuse, including an exemption from the local connection requirement when applying for social housing and the provision of trauma-informed refuge accommodation, again with the option to access support out of area.

Women with insecure immigration status have explained that they have been deterred from reporting their experiences by their perpetrators who have threatened that they will be deported

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following their report. This is particularly prevalent for, but not isolated to, women who have experienced sexual exploitation alongside being trafficked into the UK, who have expressed fear that they will be criminalised and deported if they report the exploitation they have experienced.

Recommendation 4: Ministry of Justice to work with the Home Office to raise awareness of the importance of a firewall to ensure that immigration information is not shared with the Home Office when people insecure immigration status report their experiences of crime including sexual exploitation.

Many women supported by STAGE have also expressed a fear of losing their children due to being seen as unfit mothers if they make a report to the police. STAGE is currently supporting one woman fighting to keep her children, but this involves being in the same place as her ex-husband who sexually exploited her, yet criminal justice agencies and social services are not providing any other methods of support or protection. Therefore, the fear of situations like these often presents barriers to women reporting their experiences to the police in the first place.

Co-dependency

The nature of sexual exploitation means that women we support are often dependent upon their perpetrators for things like money, accommodation, food, or drugs. The impact of grooming means that many women are also emotionally dependent on the perpetrator. Simply prosecuting and convicting the perpetrator leaves women just as vulnerable to future exploitation, and many feel they cannot report their experiences of exploitation to the police because they fear losing the ability to meet their physical and emotional needs.

In order to protect women from current and future exploitation, and to increase their confidence in reporting to the police, it is crucial that women are able to meet these needs without being reliant on their abuser and are aware of the options available to them. This should include, but not be limited to, ensuring that the welfare system is easy to access and provides enough to live on, particularly given the rising cost of living and as recommended above, ensuring that women have access to safe refuge support.

Recommendation 5: Crown Prosecution Service to support the implementation of multi-agency exploitation hubs to increase intelligence sharing around exploitation and to ensure appropriate holistic support is put in place for individuals identified as experiencing, or at risk of experiencing, exploitation.

Examples of good practice

We have found examples of good practice that have helped women to feel confident reporting to the police. In more recent cases, disclosures have been made a lot sooner because the women involved have had a better experience overall. This has typically been dependent upon a holistic approach between police, support workers and any other workers involved with the case. This has helped women to feel they are being heard and believed throughout the process.

One woman supported by STAGE had a case that ended in the perpetrator being convicted in June 2022. The support she received was holistic across all workers involved in her case, and she felt believed and listened to by the police because of the support that was quickly put into place for her. This feeling of being heard and believed by a number of professionals is vital for women to have a positive experience of disclosure and police reporting, to make justice accessible to them through this route.

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For example, Northumbria offers a multi-agency exploitation hub which identifies individuals who may be vulnerable to exploitation and brings statutory and voluntary sector organisations together to decide what support and referrals need to be put in place. Once referred to specialist services, they have access to support workers who are able to build long-term, trusted relationships with women and dedicated liaison officers who have a strong understanding of the nature of exploitation. Not only does this ensure that women get the right support, but it also encourages disclosures and reporting to the police.

The provision of both independent support and dedicated liaison officers working in partnership can both increase rates of reporting and improve the experiences of engagement with the police. Versions of these roles operate in some areas where STAGE partners are based. For example, across Changing Lives' services for people experiencing sexual exploitation and/or involved in selling sex, they see the highest conviction rates in Merseyside where specialist ISVAs work alongside a full-time Dedicated Liaison Officer (DLO). In other areas, DLOs are only able to dedicate up to 20% of their time so are not as well integrated into teams.

Recommendation 6: Ministry of Justice, through the Victims Bill or appropriate legislation, to dedicate additional funding to hire more ISVAs and strengthen the communication between ISVAs, police and CPS.

Recommendation 7: Ministry of Justice to support a national rollout of dedicated police liaison officers whose sole job is based on outreach, community engagement ensuring holistic support for victims, supporting the phasing in, and phasing out of the criminal justice process, and working to better any previous negative experiences with the police.

Police Investigations

The impact of trauma

Many of the women supported through STAGE exhibit behaviours as a direct response to trauma, including dissociating during questioning and being unable to accurately recount what happened to them. During police interviews, this can often be detrimental to their case, with many women not being given the time or support to process questions and think through what they want to say. One woman who accesses STAGE described becoming a completely different person due to the trauma of the interviewing process and said things that contradicted her previous statements because of this, generally police officers are required to take contradictions into account when assessing the reliability of a witness but CPS guidance also highlights the psychological and physiological reactions that occur at the time of trauma which can impact a person's ability to provide a consistent and coherent account of what happened to them⁶.

The impact of trauma and the coercive nature of sexual exploitation can also create issues in cases where the woman's consent is a fundamental factor in whether a crime took place. Due to feelings of shame and guilt, many women will downplay their experience – 'it wasn't that bad' – or share how they went back to their perpetrator. Understanding of why people do not leave relationships involving domestic abuse is improving, but more work is needed to extend this understanding to exploitative relationships which would not fall under the definition of domestic abuse (e.g., where the victim is not in an intimate relationship with the perpetrator and/or not co-habiting).

Recommendation 8: Ministry of Justice to provide support and funding for specialist by-and-for organisations to provide specific guidance around sexual exploitation for police and CPS, to ensure that there is improved understanding of how the nature of sexual exploitation can impact victims' ability to consent to sexual activity and to share their experiences coherently and accurately.

Women who access STAGE have also told us how the process of telling their story to the police and engaging in the subsequent investigation have been retraumatising and has undone a lot of the work they have done to heal from their traumatic experiences. One STAGE caseworker told us about a woman who was very well known to the police due to experiences of trauma, being a care leaver and having a long history of reporting things to the police. Her support worker told us:

"I felt really uncomfortable being in the room and with the way that they spoke to her, they were belittling and demeaning and victim-blaming in the comments they would make. Both she and I felt like she wasn't believed or treated respectfully. We spoke to another officer from a different team which she did have a positive experience in the end but the thought 'they don't believe me anyway, so what's the point' can stick in their minds. We tried

⁶ [Rape and Sexual Offences - Chapter 5: Issues relevant to particular groups of people | The Crown Prosecution Service \(cps.gov.uk\)](#)

to pick up the pieces, but this needed to be done by the police to restore her faith in them.” (STAGE Partner)

Another woman engaged in creative writing and poetry to explore her personal reflections on the exploitation she had experienced. She showed this to the police in confidence and they used this in the investigation, despite her being reluctant to consent, which was invasive and upsetting.

Lack of trauma-informed practice

STAGE support workers have recalled victim-blaming language being particularly re-traumatising for the women involved in the police investigations and that victim-blaming attitudes can mean that reports do not lead to the police investigating the crime further. They have told us that there have been times that the women making reports have felt like they are on trial themselves due to questions like “Why did you get back into the car?” and “Why did you stay with them?” One woman supported by STAGE, who was known to police as being involved in sex work, was raped by a lorry driver but was told by police that she was putting herself at risk due to her work.

We still see a persistent misunderstanding of the nature of consent when it comes to adult women. There is often an assumption made by police that, because a woman is over 18, that she is therefore making a choice to engage in harmful behaviour, despite the fact that capacity to consent may fluctuate or be absent entirely. Police officers often do not acknowledge or are unaware of the fact that capacity to consent may be impaired by factors such as grooming, being under the influence of substances, and being subject to threats to oneself or one’s family and friends.

As above, we believe that a statutory definition of ASE and accompany guidance would go a long way towards ensuring that police and other services do not dismiss women’s experiences due to a lack of knowledge and understanding.

Support services play a key role in ensuring that the investigation process is conducted in a way that works best for both women and the police, but their input is often not valued. Another STAGE support worker told us that they talked to the police about the circumstances of a woman who had reported a crime and explained how she would like to approach the investigation process. However, the police did exactly the opposite of what the support worker had described as the safest way to support the woman concerned. This included going to the property where she was being exploited and speaking to her in front of some of the people who may have been exploiting her. Following this the woman completely disengaged from both the police and the support she was receiving from STAGE. Again, this demonstrates a lack of understanding of trauma responses in adults which both presents a significant barrier to accessing justice and risks undoing a lot of work women have done to recover from their experiences.

We recognise that due to the complex nature of police work, many officers are exposed to high levels of trauma which can inadvertently impact their practice. Emotional desensitisation and dissociation can occur to protect professionals from the traumatic nature of their work; however, this can also cause indirect harm to the victims they are supporting. To effectively support people who have experienced trauma, police officers need to be supported themselves.

Recommendation 9: Ministry of Justice to support the provision of specialist trauma-informed care, reflective practice and training delivered by psychologists for police officers.

Stigma and discrimination

Within the process of police investigations, there have been instances of stigma surrounding mental illness and personality disorders. One STAGE support worker told us that a woman she was supporting to make a police report “was diagnosed with borderline personality disorder (BPD) and the police did not have a very nice view of her. I supported her to disclose to the police and the experience was terrible.” Not only does this example highlight the traumatising nature of police investigations, but also the way in which mental illnesses and personality disorders (which for the women we support, is now recognised to be more commonly complex post-traumatic stress disorder) are stigmatised within the criminal justice system.

Black and minoritised women are also more likely to experience stigmatisation within the process of police investigations, which has led to disparities in conviction results. External research shows that if a perpetrator of sexual violence is white and the victim is black or from a minority ethnic group, the offence is eleven times more likely to be given a ‘no crime’ label and is less likely to be prosecuted in comparison to cases where the victim is white.⁷ Just as the Lammy review identified various ways in which the criminal justice system discriminates against black and minoritised people involved in the criminal justice system as a perpetrator, we recommend a similar review focused on the experiences of black and minoritised victims and witnesses.

Recommendation 10: Ministry of Justice to commission a review into the experiences of black and minoritised victims and witnesses within the criminal justice system.

No further action

Many women who have accessed support through STAGE and whose experiences have been investigated by the police ultimately found that no further action (NFA) was taken. In some cases, this could be because police declined to investigate a report further, because they were unable to find sufficient evidence to prosecute, or because a suspect could not be identified. This can be incredibly difficult for women who have overcome multiple barriers to reach this point in the process of accessing justice.

While it will often not be possible for the police or the CPS to take the case forward, the way that this is communicated to women is crucial. Women supported by STAGE have explained that they feel that the criminal justice system is no different to their perpetrators. Following an NFA decision they feel used by the process and then abruptly dropped, often with no further contact. This abrupt ending has a negative impact on future engagement with the criminal justice system. Moreover, many women who are supported by STAGE do not receive their rights under the Victims Code, including being informed in a timely manner that the case is being dropped and being given the reasons for this.

Despite the difficulties inherently attached to receiving an NFA decision, there are examples of good practice to navigate this situation. For example, the National Crime Agency arranged an appointment with one woman to inform her that they would not be taking her case forward. Although this was a disappointment for the woman involved, the appointment allowed her to ask

⁷ The Guardian. 2022. *The government’s rape review has ignored the experiences of Black survivors* | Sumanta Roy. [online] Available at: <<https://www.theguardian.com/commentisfree/2021/jun/22/rape-review-experiences-black-minority-ethnic-survivors-uk-justice>> [Accessed 27 July 2022].

any questions and fully understand the reasons behind the decision, helping to reduce the feeling that she had not been believed. The woman involved said she felt very supported throughout and felt that her case was well managed despite the NFA decision.

As highlighted above, we would like to see the creation of independent specialist support and dedicated police liaison roles across England, to support women through the difficult experience of no further action being taken, with an emphasis on open communication and transparency.

Court Processes

In instances where cases have made it to court, the women supported through STAGE have faced significant challenges during the court process. The experience of giving evidence in court and facing long delays to justice can be extremely re-traumatising and, while some of the traumatic nature of the court process may be unavoidable, more could be done to mitigate the impact on victims and witnesses.

Women explained that they have experienced victim-blaming language throughout cross-examination. As highlighted above, this can be highly re-traumatising and serves to undermine the work women have already done to recover from their experiences of trauma. This has led to multiple instances of women self-harming while giving evidence because of the traumatic nature of reliving their experiences of sexual exploitation, being blamed for it having occurred, and not being believed. The women we support through STAGE have told us that court proceedings can feel like a continuation of their abuse and manipulation, particularly during cross-examination when defence barristers are allowed to ask questions in a way that further exacerbates trauma and distress for victims.

Women also face barriers to having their voice heard during sentencing in court. Under the Code of Practice for Victims of Crime, or the Victims Code, all victims of crime have the right to make a Victim Personal Statement, which is an opportunity for an individual to explain in their own words how they have been affected by a crime. The Statement is then considered by the judge or magistrate when determining the sentence given to the defendant and can be used by service providers to help determine what additional support may be required by the victim and or their family⁸. However, we have found that in STAGE, of the 10 women who have reported their experiences to the police, only 4 were offered the opportunity to make a Victim Personal Statement.

Women supported by STAGE who do not speak English as their primary language have also explained how this is not being met during court processes, whereby an interpreter is not booked, or in cases where they are booked, they have community links and biases to the detriment of the victim. If this has been reported to the court, no action has been taken to resolve it.

As seen during the police investigation process, many women who access STAGE have disclosed experiencing racism and/or sexism from the judge, jury, and legal representatives. This experience is not isolated to the women who access STAGE. For example, Imkaan, a network that connects organisations led by and for black and minoritised women, has highlighted that this community of women are less likely to be considered victims of sexual violence, and often experience harmful assumptions from professionals who pathologise this violence as part of a 'cultural norm'⁹.

⁸ Great Britain. Ministry of Justice (2021) *Code of Practice for Victims of Crime in England and Wales (Victim's Code)*. Available at: [Code of Practice for Victims of Crime in England and Wales \(Victim's Code\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/94444/code-of-practice-for-victims-of-crime-in-england-and-wales-victim-s-code-2021.pdf) (Accessed 30th August 2022).

⁹ The Guardian. 2022. *The government's rape review has ignored the experiences of Black survivors* | Sumanta Roy. [online] Available at: <https://www.theguardian.com/commentisfree/2021/jun/22/rape-review-experiences-black-minority-ethnic-survivors-uk-justice> [Accessed 27 July 2022].

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Examples of good practice

The UK-wide rollout of Section 28 of the Youth Justice and Criminal Evidence Act is a welcome example of good practise in supporting vulnerable victims of abuse and exploitation by allowing cross-examination to be pre-recorded.

Unfortunately, much of the trauma associated with giving evidence in court is unavoidable given the nature of our adversarial legal system, but measures can be taken to mitigate the impact. Currently everyone giving evidence in court can access support from the Witness Service, but this is largely limited to understanding the court process and does not address the underlying trauma. One STAGE partner offers trauma stabilisation work that has been particularly beneficial to the women going through the criminal justice process. As part of this safe, trauma-informed pre-trial intervention, women are taught to understand feelings of guilt and shame, where they come from and how they manifest into coping mechanisms and fight/flight/freeze responses. Women who have accessed this service have said they feel empowered and learn how to stay within the window of tolerance using grounding, mindfulness, teaching women that they can say 'no' or 'stop' at any time in the process, and to identify their triggers. Not only does this have massive benefits to the wellbeing of the women themselves, but it can also optimise outcomes for criminal justice agencies as women are less likely to withdraw from the criminal justice process.

Recommendation 11: Crown Prosecution Service to support the provision of standardised pre-trial therapy and trauma stabilisation work to be offered to all victims of crime giving evidence in court.

Protection from Further Harm

Women supported by STAGE who report crimes to police often receive inadequate protection from further harm which may be caused by the perpetrator(s) or police and other criminal justice agencies themselves. The criminal justice system is inherently unpredictable; court dates are often changed with little notice; police don't always know when they're going to arrest someone or pick them up for interview. As highlighted below, there is also a lack of consistency within women's experiences of this process.

Understanding of women's trauma

There are often many professionals involved in the criminal justice process, which necessitates women having to explain their situation repeatedly to different professionals involved. The trauma associated with this has led to some women completely withdrawing from the process. Furthermore, delays as a result of COVID-19 have left women feeling 'in limbo', with cases typically taking two years from start to finish. This can be particularly difficult for people who have previously, or are currently, experiencing trauma.

STAGE support workers have highlighted to us the lack of information given to the victim, including what offences the defendant will be tried for, the use of legal jargon, and the lack of explanation that if they are not convicted because of lack of evidence this doesn't mean they weren't believed. Not being told this key information throughout the process compounds the trauma of this experience.

Bail conditions

The use of pre-charge bail to protect victims has reduced in recent years with measures taken in the Police, Crime, Sentencing and Courts Act 2022 to reverse this trend¹⁰. Even when perpetrators are given bail conditions, the women who access our services do not feel protected by these conditions and say, "If they want to do something, they'll do it". A joint report written by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services, College of Policing and Independent Office for Police Conduct in August 2022 stated that police have been serially failing to deploy crucial safeguards, such as bail with conditions and restraining orders, meaning women with existing vulnerabilities have been left to fend for themselves. They also highlight the limited available research on the effect of imposing bail conditions on the actual and perceived status of victims.

Recommendation 12: Further research to be conducted by the Crown Prosecution on the effect of imposing bail conditions on the actual and perceived status of victims, including exploring the consequences of breaching pre-charge bail conditions

Involvement in other cases

When women have chosen to withdraw from the reporting process, there have been instances where they have received a knock on the door from the National Crime Agency about other cases,

¹⁰ GOV, 2022. *A duty to protect: Police use of protective measures in cases involving violence against women and girls*. [online] Available at: <<https://www.gov.uk/government/publications/police-use-of-protective-measures-in-cases-of-violence-against-women-and-girls/a-duty-to-protect-police-use-of-protective-measures-in-cases-involving-violence-against-women-and-girls#summary>> [Accessed 2 August 2022].

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due to them being in the system and/or connected to the case. This can be re-traumatising, particularly where women have repressed their experiences and takes away control from women who have experienced sexual exploitation.

For example, particular issues have been highlighted with South Yorkshire police in relation to Operation Stovewood in Rotherham. They often have a list of names and contact numerous women who are known to services as a victim, despite them not wanting to continue with the reporting process; police often 'pass by' and ask women to be part of their investigation. One woman's daughter was the result of her exploitation, and the daughter became aware of this due to the unannounced visit from the police. This causes a lot of anxiety and is triggering and retraumatising for women who have been sexually exploited.

Examples of good practice

Consistency and effective communication within the criminal justice process are vital in providing support to women who have experienced sexual exploitation, although this is not the norm for women supported through STAGE. Some good practice identified involved one STAGE partner working consistently with a police liaison officer for two years. This officer works closely with women accessing support, personally handing any disclosures women want to make, providing them with information about their rights and the next steps should they choose to report.

Rights Under the Victims' Code

Just **4 out of the 10** women supported by STAGE who did report their experiences to the police were offered the opportunity to make a Victim Personal Statement

A common theme emerging throughout this briefing is that women accessing STAGE often do not receive the treatment to which they are entitled to under the Victims' Code. We are concerned that stigma and discrimination mean that women receive a sub-standard service because they do not fit the model of a 'worthy victim'. Areas where women accessing STAGE have reported not receiving their rights under the Victims' Code include:

- Not being given access to interpretation and translation services,
- Not being informed in a timely manner that a case is not being taken forward,
- Not being given reasons for a case not being taken forward,
- Not being offered the chance to write a Victim Personal Statement.

The draft Victims' Bill which, at the time of writing, is yet to be put before Parliament is intended to strengthen victims' rights by enshrining the Victims' Code in law and enhancing scrutiny of the service that victims receive.

In order to monitor compliance with the Victims' Code, it is important that the voices of victims themselves are heard. Support services can play a key role in this. As previously highlighted, lack of trust in police often means that women do not feel it is worth complaining directly to the police about mistreatment, but they might disclose to a support service. We would therefore like to see monitoring of compliance with the Code to include proactively reaching out to other services for feedback. We would also recommend that scrutiny includes deep dives into the experiences of groups where concerns have been raised about stigma and discrimination resulting in a sub-standard service.

Recommendation 13: Ministry of Justice, CPS and PCCs to monitor compliance with the Victims' Code to include proactively reaching out to support services for feedback to ensure that a full picture of victims' experiences can be considered.

Recommendation 14: Ministry of Justice, CPS and PCCs to ensure that scrutiny of compliance with the Victims' Code includes deep dives into the experiences of groups where concerns have been raised about stigma and discrimination resulting in a sub-standard service.

Criminalisation of Women

It is common for women who are being sexually exploited to engage in criminal activity. This can either be directly related to their exploitation (for example, being forced to orchestrate exploitation of other women, commit drug-related crimes on behalf of perpetrators) or indirectly as a result of the trauma they have experienced.

Through STAGE, we have found that there is a lack of understanding amongst criminal justice agencies regarding the correlation between trauma and criminal activities. Agenda and Alliance for Youth Justice have previously found that almost all young women (17-25) in the criminal justice system have a history of violence, abuse, or trauma which drives their offending, often coerced by sexual exploitation or using substances to cope with trauma¹¹.

Black and minoritised women are particularly more likely to be criminalised and viewed as complicit in violence perpetrated against them¹². Within STAGE, we find that some black and minoritised women are afraid to get into trouble, some are not aware of the laws in this country and break the law without knowing, and there are fears around not knowing how the system works. These communities of women have explained to support workers that they do not have their language and cultural needs met within the criminal justice system both when involved in crime as a victim and/or perpetrator.

Within STAGE, the relationship between trauma and offending behaviour is apparent. While trauma does not necessarily excuse offending behaviour, it means that a different response is needed from the traditional criminal justice process, which often further compounds trauma and does not address the real reasons why women offend. Instead, diversion schemes can ensure that women receive meaningful interventions that reduce their risk of reoffending alongside offering opportunities for them to escape ongoing exploitation. To be most effective, diversion schemes should include something for women to be 'diverted to', including therapeutic support, however there is currently a postcode lottery regarding both police diversionary practices and the level of support available to women.

Recommendation 15: Ministry of Justice to ensure that the new out of court disposal framework introduced in the Police, Crime, Sentencing and Courts Act 2022 is delivered alongside consistent provision of trauma-informed support to encourage compliance and long-lasting behavioural change.

¹¹ Agenda. 2022. *Young Women's Justice Project Literature Review - Agenda*. [online] Available at: <<https://weareagenda.org/ywjp-literature-review/#:~:text=Agenda%20and%20the%20Alliance%20for,transitioning%20into%20adult%20services%20as>> [Accessed 9 August 2022].

¹² The Guardian. 2022. *The government's rape review has ignored the experiences of Black survivors* | Sumanta Roy. [online] Available at: <<https://www.theguardian.com/commentisfree/2021/jun/22/rape-review-experiences-black-minority-ethnic-survivors-uk-justice>> [Accessed 27 July 2022].



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