



A Companion Guide to the Domestic Abuse Court Advocacy Standards

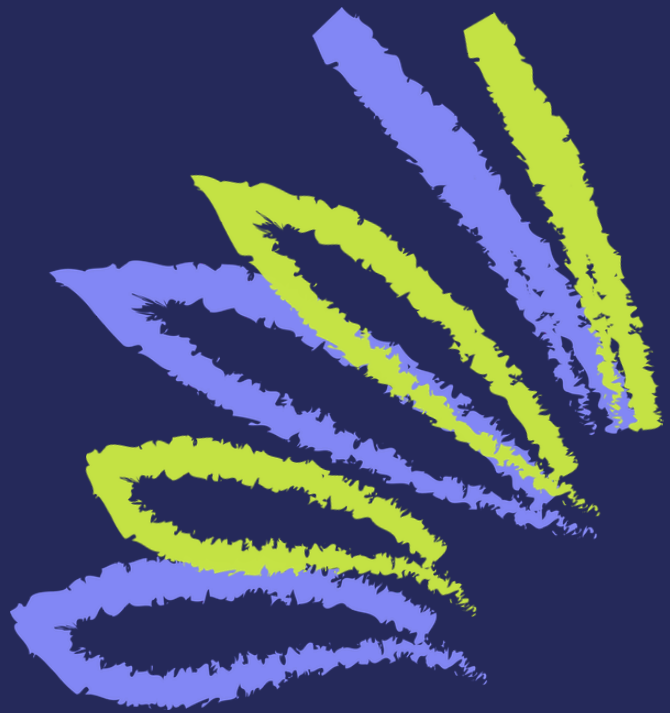


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SafeLives

SafeLives is the **UK-wide charity dedicated to ending domestic abuse, for everyone, for good. SafeLives works with** organisations across the UK to transform the response to domestic abuse. SafeLives adopts an approach that listens to survivors, putting their perspective at the centre of all work; uses robust evidence to make decisions; and learns from the expertise of people working frontline.

ASSIST: Advocacy Support Safety Information Services Together

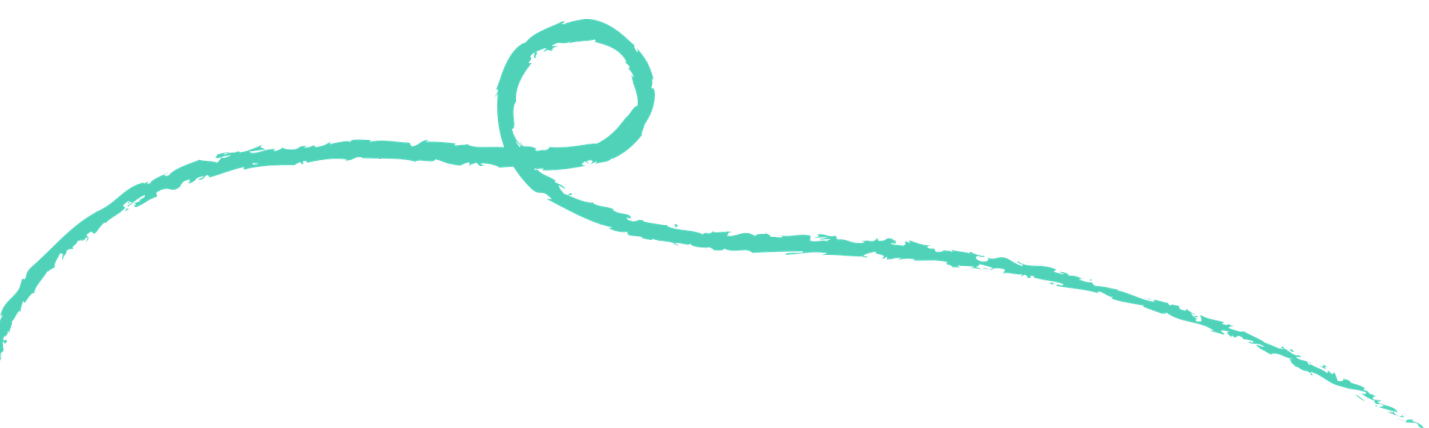
ASSIST is a **specialist independent domestic abuse court advocacy and support service**, focussed on **reducing risk and improving safety for those who experience domestic abuse**. With services for adults, children and young people, ASSIST was set up as part of Glasgow's Domestic Abuse Court in 2004. Since then, ASSIST has continued to expand and now provides a service in 13 local authorities across the west of Scotland. ASSIST support people of all genders whose partner, or ex-partner, has a domestic abuse case going through the criminal court. It is a free, telephone based, independent service.

Domestic Abuse Court Advocacy Accreditation Project

At the time of creating the Standards, the team comprised of:

- Kirsty Campbell, Project Lead (SafeLives)
- Louise Docherty, Subject Matter Expert (ASSIST)
- Lan Pham, Research Analyst (SafeLives)
- Stephanie Lammers-Rice, Project Support Officer (SafeLives)

We would like to thank the survivors who have shared with us their expertise and experiences, the practitioners, professionals and academics who have participated in the research. Without your insight, this report would not be possible.



1. Summary

The aim of the following report is to create a shared understanding of the **Domestic Abuse Court Advocacy Standards**. The report outlines the rationale behind the Standards, the evidence that informed their development, and the role they are intended to play. By clearly communicating their purpose, intent and evidence base, we aim to support a consistent and unified use of the Standards.

Between October 2022 and February 2024, an extensive programme of research and engagement was completed by the DACA Accreditation Project to understand the purpose of the Domestic Abuse Court Advocacy Standards. It involved a review of academic literature, engagement with people with lived expertise and professionals across criminal justice and domestic abuse services.

We learnt that domestic abuse court advocacy is a targeted form of support, available only when an incident of domestic abuse is proceeding through the criminal justice system – where the client is the complainer and their partner or ex-partner is the accused.

We found that the role and remit of a Domestic Abuse Court Advocacy (DACA) service was not widely understood. To address this, we determined that support could only be defined as domestic abuse court advocacy if it was available throughout the duration of the court process, to offer each client:

- Specialist domestic abuse support;
- Information about the criminal justice process;
- A means for client voice to be heard in the criminal justice process.

We learnt of the significant positive impact domestic abuse court advocacy can have on an individual's criminal justice journey. Yet we found that DACA services were not available throughout Scotland. We repeatedly heard interviewees with lived expertise describe the challenges of navigating the criminal justice system alone; a process of "silence and gaps". Professionals working out-with role described, "scrambling around", attempting to support an individual's criminal justice journey.

The academic literature, the interviewees and professionals all painted a clear picture; domestic abuse court advocacy has a powerful, positive impact; its absence creates significant gaps for individuals navigating the criminal justice system, and its availability remains inconsistent across Scotland. From this, the purpose of the Domestic Abuse Court Advocacy Standards became clear, the Standards had to function as a means to:

- ➔ Communicate what domestic abuse court advocacy is;
- ➔ Foster a shared understanding of the potential for DACA Services to improve criminal justice journeys;
- ➔ Accredite DACA services to ensure consistency and cohesion.

We intended the standards to be meaningful to clients, potential clients, and practitioners. By making the Standards accessible and transparent, we hoped they could empower individuals to choose to engage with DACA services, and support professionals to work collectively toward a consistent, high-quality response.

Once the purpose was set, the Standards were developed through a balanced consideration of evidence from lived expertise, professional practice, and academic research.

The outcome is a framework comprising seven principles, each accompanied by a set of standards. The principles are the priority objectives for DACA services and DACA workers to strive towards. They are all aspirational and directional.

The Standards are lists of minimum practical measures every DACA service must provide. They are the foundations by which a service, and individual workers, can achieve the principles.

The following seven chapters provide an in-depth exploration of the Standards. Each chapter delves into a principle and correlating set of Standards. Each chapter outlines the evidence that shaped their creation, the rationale behind their development, and their intended purpose.

The Standards place the client-worker relationship at the heart of effective domestic abuse court advocacy. However, all the principles and sets of standards are interlinked and cannot be achieved in isolation.

The main takeaways from each chapter are:



Interviewees, workshop attendees and academic literature all state that, **for any support to be effective**, it is based upon the **client and worker** building a **trusting relationship** together.



Client safety must be prioritised before change work can begin. Many interviewees experienced **continued coercive control and/or harassment while the criminal court case was ongoing**. Both interviewees and workshop attendees repeatedly raised that **clients must feel safe when they attend Court**.



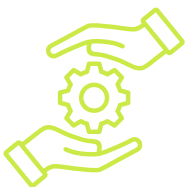
DACA services can greatly improve their client's justice journey by **providing timely, accurate and explanatory information**. Providing the right information at the right time increases client **understanding, engagement and agency** within the process.



DACA services rely on **strong, effective partnerships with criminal justice agencies** to keep clients informed and to advocate successfully for their safety.



Responsive and effective DACA services can be created through **meaningful client engagement**. Listening to and incorporating client expertise ensures services remain relevant and supportive.



DACA services must be, at their core, vehicles for change.

This requires a culture in which agencies and individual practitioners can pro-socially challenge one another and pro-socially look for solutions.



Parents need information, understanding and choices to be able to protect their children. When DACA services understand the impact on parenting caused by domestic abuse and criminal justice processes, they can offer parents meaningful support and guidance.

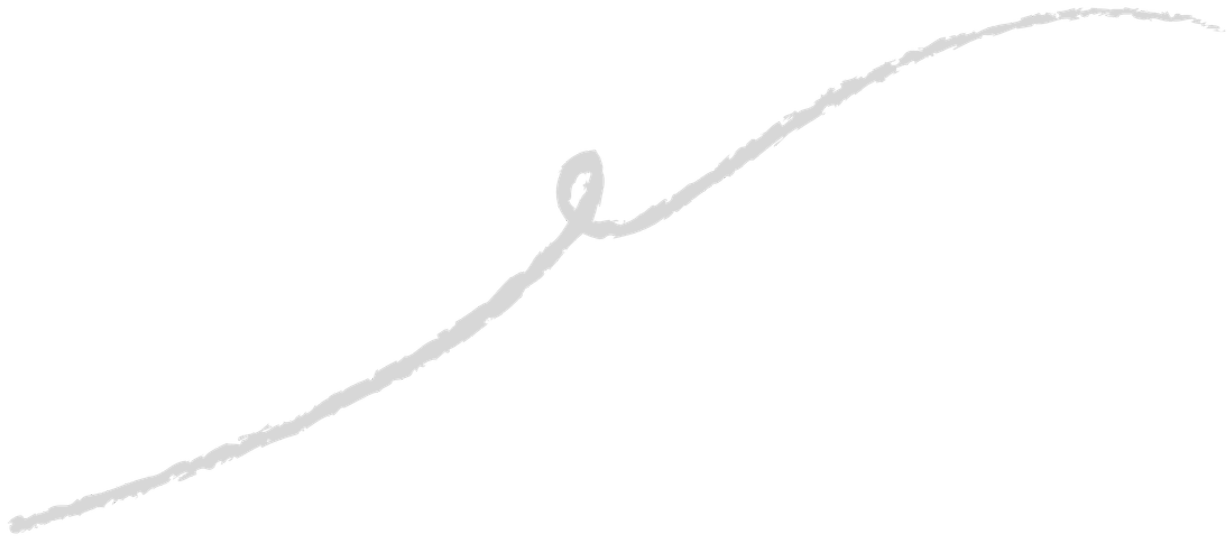
We believe that DACA services have the potential to greatly improve their client's experiences of the criminal justice process;

"From day one...so you know you've not been forgotten and they are remembering you"

Lived expertise interview

The Standards are a collaborative response to the negative criminal justice experiences shared with us. They are grounded in lived expertise and professional practice and can only be achieved through effective partnership working between DACA services, criminal justice professionals and clients.

We hope the following report supports the ambition demonstrated by everyone who contributed to this project – an ambition to improve the criminal justice journey for victims and survivors of domestic abuse.



2. Introduction

The Domestic Abuse Court Advocacy Accreditation Project

Since 2022, **SafeLives** and **ASSIST** have been funded by the **Scottish Government's Victim-Centred Approach Fund** ⁽¹⁾ to undertake the DACA Accreditation Project.

The strategic aims of the DACA Accreditation Project are that:

- All individuals throughout Scotland have the opportunity to access accredited domestic abuse criminal court advocacy services when required;
- Clients feel safer, heard and more empowered in the criminal court process in Scotland;
- Professionals feel more confident in how to best support victims of domestic abuse to navigate a complex justice system;
- There is an increase in effectiveness, validity, visibility and consistency of the domestic abuse court advocacy role across Scotland.



⁽¹⁾ More information on the Scottish Government's Victim Centred Approach fund is available at: www.gov.scot/news/victims-will-benefit-from-key-support/

We are achieving these aims by:

- Creating a '**map**'⁽²⁾ of current domestic abuse court advocacy provision in Scotland;
- Creating **national standards for domestic abuse court advocacy in Scotland**;⁽³⁾
- Creating an **accreditation framework** for domestic abuse court advocacy services;
- Creating and delivering an **SQA-accredited training unit on specialist domestic abuse court advocacy**;⁽⁴⁾
- **Supporting new and emerging** domestic abuse court advocacy services.

Developing the Domestic Abuse Court Advocacy Standards for Scotland was a priority over the first two years of the project. This report provides an in-depth exploration of the Standards, focusing on the evidence that shaped their creation, the rationale behind their development, and their intended purpose.

The accreditation framework is currently under development. The specific evidence requirements that services must demonstrate in order to achieve accreditation will be set out in a separate document to this report.

(2) The DACA Accreditation Project's Report 'Mapping and Scoping Domestic Abuse Court Advocacy in Scotland – Definitions and Evidence', defines domestic abuse court advocacy, maps domestic abuse court advocacy provision in Scotland and highlights current issues with the provision of court advocacy. It is available at: www.dacascotland.org.uk/resources

(3) A copy of The DACA Standards can be downloaded from www.dacascotland.org.uk/standards

(4) More information on the specialist domestic abuse court advocacy training is available from: www.dacascotland.org.uk

Domestic Abuse Court Advocacy Services

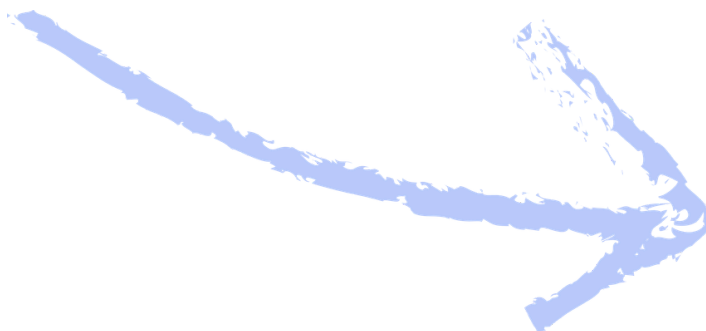
Domestic abuse court advocacy services will, throughout the duration of the court process:

- ➔ Provide specialist domestic abuse support;
- ➔ Offer information about the criminal justice process;
- ➔ Act as a conduit for victims' voices to be heard in the criminal justice process.

The support is only available to individuals when it is likely that they will be a complainer in a criminal court case, involving domestic abuse, perpetrated by their partner or ex-partner. The individual does not need to have separated from their partner to access the support.

Domestic Abuse Court Advocacy (DACA) Workers

The main purpose of a DACA worker is to be available to offer support and information throughout the criminal court process. The following description of the role has been created in consultation with individuals with lived expertise of domestic abuse, and in consultation with a wider participatory group facilitated by Dundee Amina.⁽⁵⁾ It is designed to facilitate understanding for everyone, including professionals. As well as supporting engagement for anyone that may need the service, by referring to what 'you' can expect.



(5) Amina – the Muslim Women's Resource Centre is an intersectional organisation based in Scotland, which empowers and supports Muslim and Minority Ethnic women. More information is available from: www.mwrc.org.uk

A Domestic Abuse Court Advocacy Worker:

- ➔ If an incident is reported to the police, and it is categorised as domestic abuse, the worker can be available to you throughout the court process to give you information about court, offer safety and risk advice and support, and to be your voice in the criminal justice process.
- ➔ The worker is trained in domestic abuse and responding to trauma.
- ➔ The worker can explain the criminal court process to you and keep you informed about the court case.
- ➔ They can pass information to and from criminal court agencies. The information is always about feelings of risk and safety and court measures like special conditions of bail.
- ➔ They can help you feel emotionally prepared for court and help voice your practical needs if you are going to court. They are not able to appear in court on your behalf.
- ➔ The worker can offer space and time to talk about more than the reported incident.

They can talk with you about:

- ➔ Current risk of domestic abuse that you may be fearful of;
- ➔ Safety planning options like home security options or emotional support options;
- ➔ Your feelings and how the court case is impacting on you;
- ➔ They can talk to you about the safety needs of your child/children;
- ➔ Other local projects and supports that might be useful to you and your children. They will know how to connect you to other projects and supports;
- ➔ At times, if you need them to, they will be able to speak to other agencies, to help the other agency understand the situation you are experiencing.

The Domestic Abuse Court Advocacy Standards

The Domestic Abuse Court Advocacy Standards are available on [our website](#). The Standards are written in clear, plain English, free from jargon. This ensures that anyone can read and understand them and know exactly what to expect from a DACA service.

They are minimum standards to allow each DACA service to retain agency to problem solve, to be creative and to remain responsive to local needs.

The purpose of the Standards

We all have varying perceptions of what standards are, and how they should be used. Before writing the standards, we agreed the purpose for the Domestic Abuse Court Advocacy Standards as:

- ➔ A way to introduce a domestic abuse court advocacy to the general public, including victims and survivors and professionals;
- ➔ A way for people to know what to expect, at a minimum, from domestic abuse court advocacy services;
- ➔ The basis for accrediting services.

The structure of the Standards

The Standards document begins by setting out the overarching values that underpin the entire framework. To ensure clarity in the approach expected by DACA services:

- ➔ Everyone has a right to live their life free from abuse;
- ➔ Everyone should have access to free, independent, and accredited domestic abuse court advocacy;
- ➔ Domestic abuse is an intersectional gendered issue. Society is not equal, and power and privilege co-exist both between genders, and within genders.

Principles

Each set of standards begins with a guiding principle. The principles are the priority objectives for DACA services and workers to strive towards. They are all aspirational and directional. They were identified as priorities by lived expertise, professional input and academic literature.

Standards

The Standards are lists of minimum practical measures every DACA service must achieve. They are the foundations by which a service, and individual workers, can meet the guiding principles.

3. Creating the Standards

The Standards were created by triangulating three key evidence sources:

Academic Literature

(October 2022 – February 2024)

At the beginning of the project, we commissioned a literature review by Dr Clare McKeown to examine if there were comparable domestic abuse court advocacy standards anywhere else. Within the limitations of the search, the literature review did not find any comparable standards. Instead, the literature review focussed on the identification of interdependent principles, challenges, and tensions that could inform best practices and the development of standards focused on the experience of adult victims / survivors in the Scottish criminal courts. The literature review is pending publication and will be shared in due course.

Academic research regarding the criminal justice experience for victims of gender-based abuse in the UK, and literature into effective models of intervention in gender-based abuse, has been read, discussed and referred to extensively throughout the project by the DACA Accreditation Team. The literature referred to throughout the Standards is listed in Reference List (page 17).

Lived Expertise

(October 2022 – February 2024)

Throughout the project, the team has been guided and informed by engagement with people with lived expertise of domestic abuse.

Between October 2022 and July 2023, we conducted 12 individual interviews with people from across Scotland; some living in rural areas, some in cities. All 12 interviewees had previously been involved in a criminal court case as the complainer in a domestic abuse case perpetrated by their partner or ex-partner. Only 3 interviewees received domestic abuse court advocacy support at the time of the court case. 2 out of the 12 interviewees were male.

Prior to conducting the interviews, members of SafeLives Authentic Voice Panel ⁽⁶⁾ sense checked the proposed questions for the interviews. During the semi-structured interview, we asked about individual experiences;

- ➔ what was supportive and what was difficult about the criminal justice system;
- ➔ what would have helped their journey through the process;
- ➔ what values or principles should guide the criminal justice process for complainers in domestic abuse cases.

In June 2023, the first focus group was held with 16 women from Muslim, Black, Asian and Minority Ethnic Communities. Co-facilitated with Amina Muslim Women's Resource Centre, the workshop focussed on finding out what women from minority communities in Dundee felt:

- ➔ helped women to access support;
- ➔ what was unhelpful.

Three months later, in October 2023, workshops were held with SafeLives' Authentic Voice Panel and Scottish Women's Aid's Survivor Reference Group.⁽⁷⁾ The sessions tested how accessible the principles and sets of standards were by asking the participatory groups to analyse how easily the principles and standards could be used to explain what a DACA service was. Both participatory groups were then asked to determine the minimum level of input from lived expertise required into service delivery. They were asked to rewrite the standard regarding incorporating lived expertise into DACA services.




In October 2023, we held a workshop with Women Unite⁽⁸⁾ a participatory group in central Scotland. All the women were parents. Some of the parents had been complainers in criminal court cases. Some of their children had been cited as witnesses. None of the parents or children had received domestic abuse court advocacy support at the time of the criminal court process.

(6) The SafeLives Authentic Voice Panel, is a group of women with lived expertise of domestic abuse, dedicated to ensuring that survivor voice is at the heart and start of services, policy, and strategy. More information is available from: www.authenticvoice.scot

(7) The Scottish Women's Aid's Survivor Reference Group works to create a vital space for those with experience of domestic abuse to encourage policy and wider societal changes. More information available from: www.womensaid.scot/turning_pain_into_power

(8) Women Unite are a group of women from Falkirk with lived expertise, striving to create change.

The workshop explored the priority considerations to support parents when there was an ongoing criminal court case in which the children may or may not be cited as a witness. The workshop concentrated on:




-  the information parents required regarding their child's situation;
-  the emotional support parents required;
-  the parenting practicalities that should be considered.

In January 2024, a further workshop was held with Women Unite, so that they could review the standard we had created based on their initial input.

Professional Expertise

(October 2022 – February 2024)

Between October 2022 and January 2023, interviews were held with members of the DACA Accreditation Project Steering Group. The steering group included representatives from criminal justice agencies, specialist domestic abuse agencies, and academia. During the semi-structured interviews, interviewees were asked about:

-  their experience and knowledge of domestic abuse court advocacy;
-  what principles they thought were important;
-  how best to provide the most effective service to the widest range of clients.

From January 2023 to June 2023, professional workshops were held across Scotland. Professionals working within the criminal justice process or domestic abuse sector across were invited.

The workshops focused on three main questions:

1. What does the court advocacy journey look like in this area?
(Consider formal and informal advocacy provision)
2. What would the 'perfect' court advocacy journey look and feel like for a victim and their children?
3. What is preventing this area from achieving this 'perfect model'?

The sessions were concluded by asking participants to discuss examples of good practice in the local area.

In total 245 professionals attended 20 workshops. Members of the SafeLives Authentic Voice Panel ⁽⁹⁾ participated in 2 of the workshops. At the end of each workshop, participants were asked to fill in a survey. The survey asked respondents to self-identify if they were providing court advocacy to victims and survivors in terms of role, location and agency, and the court advocacy tasks undertaken. The survey was completed by 242 participants.

Towards the end of June 2023, the first draft of the Standards was shared with senior managers from the five existing DACA services.⁽¹⁰⁾ The existing services were asked to explore:

- ➔ their experience and knowledge of domestic abuse court advocacy; what principles they thought were important;
- ➔ how best to provide the most effective service to the widest range of clients.

In August 2023, interviews with the senior managers explored the role of DACA services in supporting parents. Each service was asked:

- ➔ at a minimum, how does your service explore the impact on children and support parents;
- ➔ the knowledge and understanding DACA workers require regarding the process for child witnesses.

Following the work of the participatory group Women Unite, the DACA service managers were asked to review the first draft of the parenting standard.

In February 2024, prior to the launch of the Standards, the Standards and a feedback survey were sent out to all interviewees, focus group attendees and workshop attendees. In total, the Standards and survey were sent to 360 individuals. Everyone was invited to give feedback on:

- ➔ how well the Standards functioned as a means for people to know
- ➔ what to expect, at a minimum, from DACA services;
- ➔ any perceived challenges in implementing the Standards.

(9) The SafeLives Authentic Voice Panel, is a group of women with lived expertise of domestic abuse, dedicated to ensuring that survivor voice is at the heart and start of services, policy, and strategy. More information is available from: www.authenticvoice.scot

(10) At the time of creating the Standards, there were 5 established domestic abuse court advocacy services: ASSIST, ASSIST Dundee, DAAS, DASAT and EDDACS. Further information on domestic abuse court advocacy services, their role, and where they operate, can be accessed from www.dacascotland.org.uk

Triangulating the evidence

For each of the 30 standards and 7 principles, consideration was given to all information sources. Where there was a tension between different evidence sources, the DACA team worked more intensively on the Standard to find a suitable balance in content and language. At times, this involved external discussions with professionals and people with lived expertise. Advice was often sought from the existing DACA services managers.

Anonymity

Interviewees, focus group attendees, and workshop attendees were all guaranteed anonymity in this research. No direct quotes or details have been used that may inadvertently identify the individual.

Terminology

People with lived expertise of domestic abuse and the criminal justice process identify legal terminology and acronyms as a barrier to engagement. We have therefore attempted to avoid jargon and acronyms wherever possible. Within the report, we use the term client but we acknowledge that individuals who have been involved as the complainer in a domestic abuse case progressing through criminal court may not use this term to refer to themselves.

We use “interviewee” or “participation group attendee” to refer to the individuals with lived expertise who were consulted on the project. The term “workshop attendee” is used to describe the professionals in attendance at the workshops.

Chapter Structure

Each chapter introduces a principle and set of Standards. The origin, context, and triangulation of each principle and set of standards is detailed.

Where possible we’ve used verbatim quotes from interviewees, participatory group attendees and workshop attendees. We feel this keeps contributors at the centre and maintains authenticity.

The verbatim quotes from our consultative work are highlighted in *purple text*. Quotes highlighted in *green text* are from academic research. It is hoped that the purple and green visually and conceptually emphasise the triangulation of evidence.

The following chapters can be read all at once, or they may be used as a reference document, with specific chapters referred to as and when required.

Standard One: Client-worker relationship is a partnership and central to this service

Clients always know who their worker in this service is throughout the court process.

Contact is safe, tailored and regular, as agreed with each client.

This service can communicate with clients in safe and accessible ways.

Workers are trained professionals who are:

- domestic abuse competent;
- knowledgeable about the criminal justice process;
- trauma responsive;
- empathetic, non-judgemental, and realistic.

"For me it's about building trust with the person, building a relationship, so you feel someone is in your corner, it's not you against the world"

Lived expertise interview

Interviewees, workshop attendees and academic literature all state that for any support to be effective, it is based upon the client and worker building a trusting relationship together. The principle outlines the centrality of the client to the service to be clear that each individual client will be respected and valued. This is in keeping with Article 7 of the Istanbul Convention which states the rights of the victim should be *"at the centre of all measures"*, (Chapter II, Article 7.2).

Participation group attendees told us to reinforce to DACA services that services should approach interactions with each client as a partnership.

"Partnering and collaborating as a means of enhancing empowerment"
Pemberton & Loeb, 2020, pg.9

Attendees told us partnering is a vital means to try and re-address the power imbalance that can exist between a service and a client.

The following minimum standards are the foundations by which we believe DACA services, and DACA workers can build a trusting relationship with each client.

Clients always know who their worker in this service is throughout the court process

Most of our interviewees described navigating the criminal justice process on their own. Research highlights that the criminal justice process can be a disempowering experience that can hinder recovery from domestic abuse (Forbes, 2022; Haughton et al., 2022; Lombard & Proctor, 2023). Individuals may feel isolated, frightened, or re-traumatised (Lombard & Proctor, 2023). They may feel left, without support or information (Haughton et al., 2022).

“Consistency is key. Providing a key worker to support an individual through what can be a lengthy and isolating process”
Professional workshop

Interviewees told us they required one worker to be in regular contact with them throughout the criminal justice process. They told us a direct contact would bring reassurance. The need for a single point of contact within a DACA service was identified as a priority action in all 20 professional workshops. Workshop attendees frequently told us that one single point of contact within a service offers consistency, timely sharing of information, and fosters the development of trusting relationships.

Contact is safe, tailored and regular, as agreed with each client

“Regular contact as opposed to contact at pre-defined stages (suspect charged, court dates identified etc) would avoid ‘peaks & troughs’ in engagement – (which are) flashpoints for disengaging”
Professional workshop

Trusted relationships are built upon safe and regular contact. A relationship based on regular contact over and above the pre-defined court stages, will be more meaningful and support continued engagement.

“Build trust through clear and explicit expectations and policies, thereby effectively being transparent”
Pemberton & Loeb, 2020, pg 8

Transparency involves both worker and client understanding and agreeing; when, how and for what reason they will be in contact with one another. Both focus group and participatory group attendees wanted DACA services to check with each client how they prefer to be contacted, including best times to call. The DACA worker must therefore discuss with the client, and agree, in partnership with the client, the purpose and boundaries of the contact, to ensure safe and transparent engagement throughout.

This service can communicate with clients in safe and accessible ways

“Recognise the barriers to those accessing support and work to provide solutions”

Professional workshop

For many, particularly for individuals from marginalised groups, multifaceted barriers can prevent successful engagement with mainstream domestic abuse services (Scottish Government, 2023). For example, LGBTQ + young people often decide against reporting the criminally abusive behaviour they have endured, often due to concerns that their experiences are not bad enough (Stevenson, 2023). Women with learning disabilities can feel invisible to services (SCLD, 2023). Women of faith can feel that they can't safely share their experiences with mainstream domestic abuse services without being encouraged to leave their faith or community (Amina, 2022).

“It is essential that every woman, child and young person should be able to access appropriate VAWG services no matter who they are and where they live, which is not the case at present”

Scottish Government, 2023, pg 16

Safe and responsive methods of communication can increase clients from marginalised group's confidence in a DACA service. Safe and responsive methods of communication can increase a DACA service's understanding of the barriers to safe and confident engagement. Several of the participation groups and the focus group raised that if there is a wait for the service, this is not in itself the issue, but the service must communicate how long the wait will be.

Workers are domestic abuse competent

"When you've been in an abusive relationship – and he was the love of my life – once you've stepped out your own boundaries, and realised it was abuse: you're fighting against your own mind. So when someone else believes you, it makes you believe yourself"

Lived expertise interview

Many interviewees identified the value of having a worker who fully understands or "gets" domestic abuse. Many stated their local women's aid worker was the only professional they had worked with this level of understanding.

A domestic abuse competent worker understands the nuances of domestic abuse, and the impact that actions, that may seem insignificant to some, can have on a client. Domestic abuse competency requires the skills and ability to have open and honest conversations about domestic abuse; conversations to facilitate understanding; conversations to identify and name abusive behaviour as abusive behaviour, and conversations to allow space for the impact of abuse to be explored.

Workers are knowledgeable about the criminal justice process

"I had no idea about the criminal process, that it went from the police to the court to the prison. I thought it was just the police"

Lived expertise interview

Interviewees expressed high levels of confusion regarding the criminal court process. They felt ill-informed; unsure of what would happen when, or the length of time proceedings would take.

"Nobody told me in year one it was going to take four years, and the one thing I would have appreciated was a bit of honesty...I wish someone had just been honest with me, because had I known how long it would take, I wouldn't have put my life on hold so long"

Lived expertise interview

Some interviewees thought it was their responsibility to find the evidence, and several interviewees thought that only the Sheriff was able to see them when they gave evidence. Similarly, Dr Forbes (2022) observed that victims and survivors of domestic abuse had experienced a *"a lack of understanding of what's happening"* (pg 91) as during interviews, interviewees remained unable to chronologically recount the criminal justice process.

"If you can't understand the process that you're in, how can you be the best that you can be?"

Lived expertise interview

Feeling ill-informed impacted on our interviewee's ability to vocalise how they were feeling during the process. They lacked confidence and felt unable to ask questions.

"Their experience and knowledge of the justice system was invaluable to individuals navigating these processes for the first time"
Houghton et al, 2023, pg.48

Domestic abuse court advocacy has been found to have a positive impact on an individual's experiences of criminal justice processes.

"The lady who was dealing with me, she had a lot of connections, she had a lot of knowledge of the police, the process, the law, a whole stack of things"

Lived expertise interview

The provision of clear information increases an individual's feelings of agency within the criminal justice process (Forbes, 2022). DACA workers equipped with a professional understanding of police and prosecution processes are able to inform, empower and support their clients through the processes.

Workers are trauma responsive

“Victims/survivors highlight that a lack of consistent practitioners, being forced to continually re-tell their story, not being believed, long waiting lists or complex processes to access support, and physical service environments that feel unsafe and unwelcoming can be re-traumatising.”

Improvement Service et al, 2023, pg 22

Domestic abuse is recognised as a form of complex trauma. Individuals will respond differently to the complex trauma they experience (Improvement Service et al, 2023. NES, n.d). Both research and our interviews highlight that the criminal justice system can be experienced as a re-traumatising process (Brooks-Hay et al, 2019).

Attendees in every workshop were adamant that trained, trauma informed professionals and trauma informed procedures are required to minimise the potential for re-traumatisation. One workshop attendee conjectured that the perfect criminal justice journey should have a *“minimal negative effect”* on the client.

DACA services are unable to change criminal justice processes. However, the DACA worker can be alert to signs of trauma and have the skills to respond appropriately. DACA services and workers can increase a client’s sense of safety by advocating for the client with criminal justice partners.

Workers are empathic, non-judgemental, and realistic

The criminal justice process and questioning of complainers can be experienced in ways reflective of perpetrator tactics, in which the client is left feeling disbelieved, or that the perpetrator’s account has more weighting than theirs (Lombard & Proctor, 2023). At some point during their criminal justice journey, all 12 interviewees felt as if they were the accused person on trial. Many interviewees felt they had been treated like a piece of evidence. One interviewee spoke of the silence and gaps only being filled with procedural letters that left them feeling as if they had done wrong.

"They are trauma informed, they are sensitive to what you're saying, they are kind, they are encouraging, they say the right things at the right points, they listen, they observe, they signpost, they offer advice, they just make you feel listened to and heard"
Lived expertise interview

"Having people who supported them and believed in them was the critical factor in moving forward in their lives following abuse"
SCLD, 2023, pg. 57

Interviewees, workshop attendees and research all highlight the positive emotional support workers can provide. Interviewees repeatedly used the same words to describe the key qualities of a DACA worker;

comfort, reassurance, belief, listening ear, build trust, non-judgemental, compassionate, realistic, and understanding.

One interviewee concluded that the DACA worker role is required to fill the emotional gap in the criminal justice process.

An empathic and non-judgemental approach supports clients to feel believed. Interviewees were clear that they also required a realistic approach. Several interviewees and participation group attendees stressed the need for DACA workers to prepare them for the – potentially harsh – reality of the criminal justice process. This echoes Dr Forbes' (2022) recommendation that workers provide clients with honest information regarding the length of cases, their potential involvement, and the possible outcomes.

Standard Two: Client safety is the priority

This service understands the client is the expert of their own situation and partners with them.

This service works with clients at all levels of risk from a partner or ex-partner.

Workers regularly offer the client:

- domestic abuse risk assessment;
- tailored safety planning.

Risk is managed and reviewed appropriately by this service.

This service tries to reduce unnecessary risk for clients who engage with the service.

This service ensures workers are safe and supported.

The Istanbul Convention ⁽¹¹⁾ and Equally Safe Strategy ⁽¹²⁾ specify that services must focus on victim safety. Safety is the first key principle of trauma informed practice and Dr Forbes (2022) specifies that for a client to gain a sense of agency during the court process they require *“freedom from further abuse”* (pg.8).

“He uses his sheer presence as an opportunity to intimidate me”
Lived expertise interview

Many interviewees experienced continued coercive control and/or harassment while the criminal court case was ongoing.

“For many participants, the period of preparing for court was reported as a time where risk, threats and abuse continued”
Houghton et al, pg 7

(11) *The Istanbul Convention or The Council of Europe Convention on preventing and combating violence against women and domestic violence, is a European human rights treaty that obliges European states to implement specific measures to prevent violence against women.*

(12) *The Equally Safe strategy sets out the Scottish Government’s strategy to address violence against women and girls: www.gov.scot/policies/violence-against-women-and-girls/equally-safe-strategy/*

Some interviewees described a period of heightened risk after reporting abuse, some at points when their partner or ex-partner breached special bail conditions, and others at the end of the criminal court proceedings. Many interviewees experienced intimidation and harassment from their partner or ex-partner's family or friends. Many interviewees spoke of a criminal justice process that in itself *"is not particularly safe"*. Repeatedly, this seemed to be linked to re-traumatising experiences and feelings of being ill-informed and ill-prepared for attending at court.

"Forewarned is forearmed"

Professional workshop

Several interviewees reflected that if they had been provided with information before attending court, for example if they had known they would come face to face with their ex-partner, then they could have prepared for it. At a minimum, DACA services are expected to respond to ongoing risks and increase safety in the following ways.

This service understands the client is the expert of their own situation and partners with them

"Every person is different: what I might need somebody else might no need"

Participatory group workshop

Interviewees spoke of the value of workers recognising them as an individual and responding in an appropriate and respectful manner.

"I am recognised as an expert in my own experiences, needs and wishes."

Health And Social Care Standards, 1.9

Person centred practice is based on respecting the individual and taking the time to understand their situation as fully as possible (Thomson, 2006. National Voices, 2017). Wherever possible, DACA workers must create safe and supportive environments in which the worker can learn about the individual client, their situation, and their feelings on the criminal court process. The Standard encourages recognition that specific features of a person's identity are not mutually exclusive. It expects DACA services, as far as is practicable, to provide a bespoke service, based on that person's identities and needs, as defined by the individual client.

Workers regularly offer the client domestic abuse risk assessment

DACA services work with clients at any level of risk of domestic abuse, and with clients who do not always regard their relationship as abusive. One workshop attendee termed this as being *"risk focused, but not only for high risk"*.

The SafeLives risk-led approach stipulates that every person at risk of abuse requires an effective, empathetic response that is tailored to their needs and in line with the risk they experience. To be risk focused, DACA workers and services must, wherever possible, understand the level and nature of risk of domestic abuse faced by each client, at that given point in time.

When appropriate and safe to do so, DACA workers offer formal domestic abuse risk assessments. We use the word offer as it is always the client's choice to share information with the service. Consent and choice are important means to re-establishing autonomy in client's lives.

Workers regularly offer the client tailored safety planning

"I think one of the issues that's often overlooked is safety and risk, and there's been a number of occasions where I've had to appear at court and I've not only been worried about being in court, I've been worried about travelling, getting to the court, waiting outside the court...the person themselves is a big risk and a risk that is not properly managed"

Lived expertise interview

Both interviewees and workshop attendees repeatedly raised that clients must feel safe when they attend court:

"some sort of system to be put in place for entering the court and leaving the court"

Lived expertise interview

Safety plans are only effective in mitigating risks when the client is fully involved in the process.

"Explore options with the client, to help them name the reality of the abuse in their life, and to identify how to achieve safety"

ASSIST et al, 2019, pg7

Partnering with each client to create a safety plan supports the client to re-establish control and choice in their lives. DACA workers can offer each client space and time to explore risks and to tailor realistic and effective support options. This response helps clients to feel safer and to maintain engagement in the criminal justice process.

Risk is managed and reviewed by this service

There are many different risks that a DACA service must navigate to ensure continued safety for clients, potential clients, and staff.

"It is important to remember that risk can be fluid and circumstance can change suddenly"

LGA, 2015, pg 40

DACA services and workers must work with the understanding that abusive individuals and the risk they present never remain static. A risk focused service will offer each client regular and continued opportunities to explore changes in presenting risk. This can be through both the use of risk assessment tools and routine discussion.

Safe services are accountable services (Duluth, 2017). No matter the nature of the risk, DACA services must have clear policies and procedures for risk identification, risk mitigation and risk review. When immediate or high risk is identified, safeguarding procedures must include clear pathways for a multi-agency response. A DACA service is responsible for guiding and supporting staff throughout. The onus for risk identification and risk management is never the sole responsibility of one worker.

At times, a decision taken by a DACA service to decline an individual support, or to end the support offered, may be the safest option.

This service tries to reduce unnecessary risk for clients who engage with the service

Services can unintentionally heighten the level of risk an abusive partner or ex-partner presents to the victim/survivor (Duluth, 2017). The Authentic Voice Principle ⁽¹³⁾, “Do no harm”, recognises that harm can occur both because of an action that a service does or does not take.

“It is our responsibility to make sure we have considered the wide range of factors that could cause harm and put in place the right conditions for survivors to be able to use their voice safely”

Authentic Voice, n.d, pg1

Reducing unintended risk, or doing ‘no harm’, requires DACA workers and DACA services providing each client with repeated opportunities to determine what is and isn’t safe for them, at that time.

This service ensures workers are safe and supported

“Working in and around the criminal legal system in general — and responding to domestic violence in particular — is stressful, demanding work”

Duluth, 2017, pg. 11

In several workshops, attendees spoke to burnout, low levels of staff retainment, and intimated that the criminal justice sector is overwhelmed. DACA workers have a responsibility to create safe and supportive relationships with their clients. It is equally as important for DACA services to create safe and supportive workplaces for their DACA workers. This can be achieved by ensuring workers have sufficient space and time for each client, for reflection and learning on their cases, and for their own well being and development (McCulloch, 2021).

(13) The Authentic Voice Principles have been written by survivors of domestic abuse. The Principles [here](#) offer a means to identify common issues that lead to survivors feeling unsafe and undervalued.

Standard Three: The right information is provided at the right time

Information is available about this service and what support it can provide.

This service contacts the client before and on the day of every court hearing.

The worker can:

- Explain court processes;
- Communicate the client's view to criminal justice partners on points relevant to the court case;
- Identify practical and emotional support for attending court.

In partnership, workers and clients identify and refer to services that can help with clients' wider needs including at the end of support.

"If you expect a call, and it doesn't come, you can be awake all night thinking about it"
Lived expertise interview

Several interviewees emphasised that it was just as important to know that there is no update, as to receive an update on the criminal court proceedings. One interviewee outlined that clients must understand the process in order to

"be the best that you can be and come out the other end thinking I did my best".

A number of workshop attendees, participation group attendees and interviewees discussed the idea of *"information is power"*.

One interviewee underlined the need for communication to be free of *"legalese"* and focus group participants agreed that information should be provided *"in layman's terms"*.

We believe that DACA services can greatly improve their client's experiences of the criminal justice process by providing timely, accurate and explanatory information:

"From day one...so you know you've not been forgotten and they are remembering you"
Lived expertise interview

Information is available about this service and what support it can provide

“The women said it was important to have accessible information available to women with learning disabilities”




SCLD, 2023, pg. 56

The key message from our focus group with Muslim, Black, Asian and Racially Minoritised women was that each individual woman must be able to assess for themselves, prior to engaging with a service, if the service is safe for them. Feeling safe is an individual concept. To enable a potential client to make their own assessment on safe engagement, DACA services must provide publicly available, easily accessible information. The information must include what support is available, how it is provided, and to whom. Explicitly stating that the service is inclusive of marginalised groups, for example of LGBTQ+ people, has been found to increase the likelihood of engagement (Slater, n.d). The DACA service must clearly state who can and cannot access the service.

A number of interviewees felt their partner or ex-partner had ample representation in the criminal court process via their solicitor, but they did not have the equivalent. Some interviewees wished they had had someone who was *“their person”*, *“on their side”*, to address this power imbalance. Engagement with COPFS highlighted that some prosecutors had concerns that ill-defined boundaries can have an unintended impact on the quality of evidence and the subsequent outcome at court. The DACA worker is not a court official and does not act as legal representation for the client. At a minimum, DACA workers maintain regular contact with clients to explain and repeat information in an accessible manner, to demystify legal language and processes. DACA services must be clear with both clients and professionals about the boundaries and purposes of their role.

The worker can communicate the client's views to criminal justice partners on points relevant to the case

Empowerment can be fostered through choice (Brooks-Hay et al, Lombard and Proctor). Dr Forbes (2022) suggests that there are 3 ways in which a victim/survivor can have agency within the court process:

-  informed choices;
-  safety from further abuse;
-  a means to be heard.

DACA workers aim to support client voice and choice within the criminal justice process wherever possible. This begins by ensuring each client understands the choices that are available to them within the criminal justice process, the limitations of the choices and the possible impact. The DACA worker can be the client's voice in proceedings by providing clients the opportunity to routinely give their view on court implemented measures that can improve their safety.

In partnership, workers and clients identify and refer to services that can help with clients' wider needs including at the end of support

DACA services must ensure clients have appropriate support to meet their wider needs during and after the court case is concluded.

"You're left, they've got what they want and then there's nothing else, there's no duty of care to check on your wellbeing afterwards"
Lived expertise interview

Domestic abuse court advocacy concludes once the court case concludes. Yet one interviewee experienced heightened risk at the end of the court case as *"feelings are high and there's no support afterwards"*. Houghton (2022)'s research also highlighted that clients felt unsupported after the end of the court process. Clear referral pathways into a range of other supports were defined in many workshops as best practice when ending support. DACA workers need to be aware of the range of local support services, and skilled at understanding when to signpost on to the relevant support at the right time for the client.

Standard Four: Domestic abuse can only be addressed in partnership

Case notes and information sharing are respectful, legal and explained to clients.

This service has established ways of working and communicating with criminal justice agencies.

This service has clear remits, roles and responsibilities when working in partnership with other agencies.

This service is actively involved in multi-agency risk management and child/adult protection.

DACA services are reliant on formalised partnerships with criminal justice agencies to create better outcomes for clients; to foster understanding, keep clients informed and advocate to increase client safety.

"An effective response, meaning one that leads to an end to the violence, requires solid coordination across and among the many practitioners involved"

The Duluth, Blueprint for Safety, p.3

Throughout the workshops, attendees detailed pockets of exemplary partnership working. Workshop attendees from statutory services co-located with DACA services repeatedly described multiple benefits to co-location. This included improvements in the quality of working relationships, quick information-sharing and opportunity to co-ordinate immediate crisis responses. Co-location was described as nurturing a shared understanding of each service's remit, providing opportunities for peer support, and consistent messaging in responses to clients.

"It makes (clients) feel visible, heard and you've personalised it a bit"

Professional workshop

The regular multi-agency meetings between Victim Information & Advice (VIA),⁽¹⁴⁾ Victim Support Scotland (VSS)⁽¹⁵⁾ and Children and Young Person's Advocacy Workers (CYPAW)⁽¹⁶⁾ were repeatedly raised as an example of exemplary partnership working.

"(It's) dangerous to work in silos"

Professional workshop

Exemplary practice was found to exist in pockets, between staff, rather than within formalised partnership working agreements. All workshops raised concerns that the current effectiveness of partnership working was inconsistent, based on individual relationships rather than processes or established systems. During the workshops, we identified differences in the ways in which each DACA service worked with each criminal justice agency.

The resulting set of minimum standards aim to embed partnership working in formalised procedures between DACA services and criminal justice agencies.

(14) The VIA service is provided by COPFS in criminal court cases. More information is available from: <https://www.copfs.gov.uk/services/victim-services/victim-information-and-advice-via-service/>

(15) VSS provide support and information to people affected by crime. More information is available from: <https://victimsupport.scot/>

(16) The CYPAW team at ASSIST work with child witnesses and young victims of domestic abuse. More information about the support they provide: <https://www.assistscotland.org.uk/article/6105/An-introduction-to-the-children-and-young-person-s-service-at-ASSIST>

Case notes and information sharing are respectful, legal and explained to clients

"All these bridges that need to be crossed to get information, it shouldn't be like that"

Professional workshop

Every workshop identified the need to improve information sharing practices between agencies. Fear of breaching GDPR was repeatedly raised as a barrier to information flowing effectively between services. One workshop spoke of an information-sharing mandate which allowed agencies to safely share information between one another. It was felt to be particularly effective in allaying concerns regarding potential breaches of GDPR.

Effective information sharing practice begins with clarity, transparency and understanding between the client and the service.

I benefit from different organisations working together and sharing information about me promptly where appropriate, and I understand how my privacy and confidentiality are respected

Health & Social Care Standards, 4.18

DACA services have a responsibility to ensure each client understands who their information is shared with, and for what purpose. This empowers each client to choose how much personal information they share with the service.

Adherence to data protection legislation and internal policies allows workers to make consistent, defensible decisions and keeps the client's rights at the centre of discussions.

This service has established ways of working and communicating with criminal justice agencies

"We're relying on relationships between people for things to run smoothly"

Professional workshop

Our mapping and scoping exercise identified that inconsistencies in domestic abuse court advocacy provision compromise the safety and support needs of victims and survivors (SafeLives & Assist, 2024).

"Co-ordinated and timely information sharing, to provide accurate and timely information across the partnerships"

Professional workshop

To address current inconsistencies, at a minimum, every DACA service must work to nationally agreed procedures. This is to help ensure that every client has the same access to the same level of support across Scotland. The objective is to shift the onus from the individual workers to the DACA services and criminal justice agencies with formalised practices and procedures.

This service has clear remits, roles and responsibilities when working in partnership with other agencies

"There's a lack of awareness of roles and remit"

Professional workshop

Every workshop identified a lack of understanding between agencies, at times leading to duplication in service provision.

"Sometimes we phone them up and they're like "which one are you again?"

Professional workshop

In workshops, we observed that DACA workers had stronger, more clearly defined and better understood relationships with Police Scotland, VIA and COPFS staff, SCTS, and in most cases Justice Social Work departments than other attendees.

Workshop attendees reported more positive outcomes for clients and services when formal remits existed. One workshop detailed exemplary practice whereby the DACA service and Victim Information & Advice (VIA) had developed a shared remit and could offer clients one single point of contact between the two services.

To begin to create a co-ordinated response, DACA services can provide a consistent approach across Scotland, to foster national understanding of the remit, roles and responsibilities of DACA services.

This service is actively involved in multi-agency risk management and child/adult protection

The Home Office (2023) review of domestic homicides outlined that safe practice is reliant on consistent communication between agencies. Active involvement in child and adult protection procedures is paramount for all services (Scottish Government, 2023(b)). At a minimum, whenever high risk is identified, a DACA service will refer into the appropriate multi-agency risk management process. DACA services will aim to maintain transparency with clients as to what information may be shared, with or without consent and why.

Active involvement requires more than passing on information. Jane Monckton-Smith's (2022) research into preventing domestic abuse homicides found that workers with specialist knowledge of coercive control, understanding of the processes and procedures, and who could advocate for the individual within the systems, appeared to be a key factor in positive outcomes. DACA workers have specialist knowledge of domestic abuse and criminal justice processes. To be actively involved in MARAC or safeguarding procedures DACA workers must advocate for the client by contextualising the coercive control and risk to the individual client and outlining the required agency response.

Standard Five: Incorporating clients' expertise is essential to this service

Every client is treated as an individual, the context they live in is recognised, and this service understands how this affects clients and their needs.

This service is always learning from people who have used the service by:

- ➔ Consistently gathering information;
- ➔ Responding to and actioning feedback.

This service's strategy, direction and development is continuously informed by lived experience.

This service ensures that learning from clients is safe and authentic.

"Effective domestic abuse advocacy demands victim / survivor participation"

McKeown, 2023, p.28

Services that embed lived expertise participation into service delivery can increase client's sense of empowerment and validation, improve service responses, and upskill staff (SafeLives et al, 2022).

For most Scottish services, embedding lived expertise into service provision and evaluation is in its infancy. This is in part due to resourcing (SafeLives et al, 2022). The following minimum standards are written in recognise of the current participatory landscape; that significant resources are required to make participation safe and authentic, and services are often implementing methods of participation without specific dedicated funding (SafeLives et al, 2022).

The following standards are based on the discussions and recommendations with interviewees and the focus groups with Authentic Voice and the Scottish Women's Aid Participation Group.

Every client is treated as an individual, the context they live in is recognised, and this service understands how this affects clients and their needs

"Anyone can experience domestic abuse, and our experience is affected by our different identities"

Authentic Voice Principles: Equality and Diversity

DACA services can begin to create meaningful systems of participation by recognising each client as the expert of their experience.

"The whole process people are used to women being the victim, I still have a hard time seeing myself as being a victim...Seeing myself in the documents that were sent around as a victim, that was a hard thing for me"

Lived expertise interview

Each client has their own identity, set of needs and circumstances and will experience the DACA service differently. As the interviewee outlined, the interviewee's experience was of support services and a criminal justice process they felt catered for female victims and survivors. Due to the gendered nature of domestic abuse, the majority of victims and survivors will always be female. Inequality, power and privilege exist between genders, and within genders. Wherever possible, DACA services must partner with individual clients to understand their intersecting needs and barriers experienced. For example, what it means to be an older woman of faith and experience domestic abuse, or a young male victim with a learning disability.

"Service provision should be underpinned by a strong evidence base and be open to continuous improvement"

McKewon, 2023, pg 28

To create a strong evidence base, DACA services are required to collect data to better understand who is and isn't accessing the service.

"Collecting equalities information on your service users will help you provide more inclusive services. It will help you understand who is and isn't accessing your service"

Stonewall, n.d, pg 5

The intent is to create more responsive and effective DACA services that cater to a more diverse population (IDAA, 2024. McKewon, 2023).

This service is always learning from people who have used the service by: consistently gathering information, responding to and actioning feedback

"You can't ask whether someone was happy with the outcome, you might have gone through all that process, and you (the service) might have done your best efforts but you might not have got the outcome you wanted. But if you understood the process...."

Lived expertise interview

When providing feedback, one interviewee advised that it can be difficult for clients to focus on the support provided by the DACA service without their feelings on the court outcome influencing the feedback they give. The interviewee recommended that, at a minimum, services must check if the client understood the process they were involved in. They told us that this involves asking:

"Did I feel supported the whole way through?"

"Did I get the right info at the right time when I needed it?"

"Did I understand the process?"

Lived expertise interview

The participatory groups told us the process feels the most powerful when participatory input is responded to and actioned; *"the service demonstrating that they're doing it in a meaningful way"* (Participatory group attendee).

The participatory groups advised that the feedback process should be *"a constant loop"*, from which the DACA services are always learning and evolving.

This service's strategy, direction and development is continuously informed by lived expertise

"But actually nothing really changes, nothing really evolves. For service users it's very frustrating"

Participatory group attendee

Participation is not a one-off activity at the beginning of a project. At a minimum, DACA services will continuously work with their clients to ensure that both the DACA service, and the wider criminal justice system, are constantly shaped by client expertise. Service development that incorporates client input has the potential to support victims and survivors to feel more confident to report and engage with the criminal justice system.

This service ensures that learning from clients is safe and authentic

A 'do no harm' approach can prevent re-traumatisation and increase the positive impact on survivors sharing their experience and expertise (Authentic Voice, n.d). It is the DACA service's responsibility to ensure that clients are able to use their voice safely.

Authentic participation involves choice and a rebalance of power. It involves a cultural shift from regarding professionals as the experts in survivors' lives; to recognise that clients are the experts in their own experiences. Services can't expect clients to represent their views or agenda. Instead, the client must be able to determine when they are ready to participate, what they share and with whom.

Standard Six:
This service strives to improve the systems that affect clients

This service uses client feedback and data collection to promote positive change in the criminal justice system.

Workers challenge other agencies' misconceptions about domestic abuse.

This service encourages change in systems affecting clients through:

- Relationships with other agencies;
- Taking part in wider groups.

"They did not feel their needs, experience, knowledge or views were central"

Houghton et al, 2022, p55

Research and interviewee experiences demonstrate that the client is not central to the criminal justice process. Yet throughout all engagements, we witnessed a drive and motivation from all attendees and interviewees to improve the criminal justice system for all victims and survivors.

"Someone who knows the system and can influence"

Professional workshop

Workshop attendees told us that DACA services need to remain independent of criminal justice agencies to be able to effectively challenge them. Several workshop attendees felt that DACA services have a duty to compel criminal justice agencies to be more trauma-responsive and place the client at the centre of the process. One workshop attendee raised that there was a systemic need for *"(client) expectations to be met"* rather than an emphasis on managing client's expectations.

McKeown (2023) identified a *"stubborn persistence of unhelpful attitudes, practices, narratives, and beliefs within justice system(s)"* (pg 22), and highlighted the role of institutional advocacy in challenging these.

Institutional advocacy has origins in the Duluth model – recognising domestic abuse as a societal rather than individual phenomena – and is explored in depth within the IDAA training. It is defined as:

“advocating for changes in the way institutions respond to specific situations. It is about changing practice, policy, procedure, or protocol in order to benefit victims of abuse as a whole, and links to the wider social context in which domestic abuse is embedded and perpetuated.”

ASSIST et al, 2019, pg 21

An effective multi-agency response to domestic abuse within criminal justice processes requires a culture in which agencies and individual practitioners can pro-socially challenge one another and proactively look for solutions (Duluth, 2017).

“To fulfil their institutional advocacy role, organisations must be free to push for change where they judge change necessary”

McKewon, 2023, pg 24

At their core DACA services must be vehicles for change.

This service uses client feedback and data collection to promote positive change in the criminal justice system

Feedback loops and data collection allow DACA services to identify patterns in client experience. Feedback and data collection can highlight both positive and challenging trends that require a strategic response.

“Closer collaboration of services and shared knowledge between services”

Professional workshop

Identified issues should be approached in a collaborative, pro-social manner with the relevant agency and within existing multiagency frameworks (ASSIST et al, 2019. McKewon, 2023).

Workers challenge other agencies misconceptions about domestic abuse

“Responsive listening/action to make people feel they matter in a system where they feel like they do not”

Professional workshop

An effective multi-agency response requires a culture in which individual practitioners can challenge one another pro-socially and look for proactive solutions (Duluth, 2017). Pro-social challenge is often required due to a lack of understanding of the needs of victims and survivors of domestic abuse (ASSIST et al, 2019). DACA workers bring the understanding of each client’s unique situation to every conversation they have with criminal justice partners.

This service encourages change in systems affecting clients through: relationships with other agencies, and taking part in wider groups

Advocating for system change is necessary when the same problem is being experienced by many individuals. Advocacy in this context is one of the essential components for social change (ASSIST et al, 2019).

Effective institutional advocacy is dependent on strong, mutually beneficial inter-agency relationships. These relationships can be bolstered if DACA services are members of established groups and meetings, such as court liaison meetings. DACA services are required to utilise a strong working knowledge of the powers and limitations of all partner agencies within the criminal justice process. This allows the opportunity to highlight both positive and challenging trends.

**Standard Seven:
This service
understands the
impact that
domestic abuse
and the criminal
court can have on
parenting**

This service can make referrals to specialist young person and children's services for support for the client's child(ren).

The worker will ask and support clients about their child(rens) situation including:

- ➔ Impact of domestic abuse;
- ➔ Any risk to children;
- ➔ Current child contact arrangements.

The worker will partner with the client to support safety planning for their child(ren) of all ages.

This service discusses with clients possible criminal court decisions that could affect their children.

This service will inform and support clients with local court processes for child witnesses.

"It's a really lonely space"

Participatory group attendee

Participatory group attendees from Women Unite felt isolated as parents involved in the criminal justice process. A parent's sense of coping and sense of parental agency can be negatively impacted by a loss of choice and control within the criminal justice process as a complainer. A parent can feel under increased scrutiny.

"Children's safety often correlates with the safety of the adult survivor"

Mandel, 2024, pg 293

The risk and safety needs of parents and their children are inextricably linked. If a parent feels safe and supported, there is greater opportunity for the child(ren) to feel safe and supported.

Participatory group attendees told us they need information, understanding and choice to be able to protect their children whilst there are ongoing criminal justice proceedings. This includes:

- ➔ Support to understand any continued risk/impact of domestic abuse on their children.
- ➔ Information on measures they can take to protect their children while there is a criminal court case ongoing. Especially with regards to navigating child contact arrangements and special conditions of bail.
- ➔ Choices for safety planning with their children.

The priorities identified by Women Unite became the basis to the Standard.

This service can make referrals to specialist young person and children’s services for support for the client’s child(ren)

“What I really liked about it was she had someone to talk to other than me. Someone outside, someone who can understand things from her perspective.....My knowledge that she’s dealing with somebody that’s the same type of person that I’m talking to, that was a good feeling as a parent”

Lived expertise interview

Interviewees and participatory group attendees were clear that children should be able to access support, independent of the support their parents can access. This was echoed by staff from existing DACA services who stated that children and young people need their own support options. Like adults, children require access support as a result of:

“anxiety due to uncertainty about the court process and a lack of information or opportunity to ask questions.”

DACE, 2022, pg 45

The provision of direct support to children and young people is out with the scope of the Domestic Abuse Court Advocacy Standards. There is not a specialist children’s advocacy team within every DACA service, nor the funding for this. Therefore, at a minimum, DACA services are required to form partnerships with specialist children and young people supports.

The worker will ask and support clients with their children's situation including; impact of domestic abuse, any risk to children, and current contact arrangements

"Is my child safe with him?"

Participatory group workshop

Participatory group attendees told us parents require a non-judgemental, safe and supportive environment to explore any continued risk that the abusive partner or ex-partner may present to their children.

"That's what women are frightened of: once I start this process... it's about fear of her baby getting taken off her"

Professional workshop

The wording of the standard is intended to be clear, informative and transparent regarding the questions that a DACA worker will ask about a child's situation. To be clear on the scope of the support and boundaries of the advice that can be given. The aim is to alleviate anxiety and fear through clarity and information.

"Can the child decide if they want to see their dad?"

Participatory group workshop

Attendees told us that information and guidance are required for parents to safely navigate child contact arrangements, special conditions of bail and civil court proceedings. Any guidance should include suggestions of how to explain the criminal court process and bail conditions to their children in an age-appropriate way.

The worker will partner with the client to support safety planning for their children of all ages

"Can someone communicate with the school to support my child's well-being during this?"

Participatory group workshop

Attendees wanted to learn the tools to safety plan with their children, so that they could continue to support and protect their children when formal support ended. Attendees told us this involved the DACA worker providing information and choices for parents to safety plan with their children.

"It starts with the assumption that the survivor or victim parent has already been safety planning for themselves and their children prior to outside involvement of the authorities and professionals"

Mandel, 2023

Attendees were clear that safety planning is a 'do with' rather than 'do for' process. This means the DACA worker must enhance what the client is already doing to safeguard the family, without holding the client accountable for the behaviours, actions, and choices of the abusive parent.

This service discusses with clients possible criminal court decisions that could affect their children

"Several adult participants were critical that the NHOs did not extend to their children. In some cases, the court's decision to exclude children from an NHO, was perceived to be because of the accused's current or future child contact arrangements. This limited the protection NHOs offered to adult victims. It also shows how risk may be considered and mitigated differently across adult and child victims."

Houghton, 2022, pg 66

The implementation of special conditions of bail⁽¹⁷⁾, or the consideration of a Non-Harassment Order⁽¹⁸⁾ can raise many questions, uncertainties and fears for a parent. Court mandated measures can determine the level of contact a child and parent has with the abusive parent. This can be experienced as a protective measure, it can be experienced as restrictive, or it can limit the effectiveness of protection offered to child or parent. It is the responsibility of the DACA worker to explain to the parent possible court decisions and allow the parent the space and time to determine ways in which any decision may impact on their child. COPFS assess the best interests of the child in accordance with Article 2 of the UNCRC.⁽¹⁹⁾ At a minimum, DACA workers are expected to link in with COPFS when required.

"How do I as a parent explain this to my child?"

Participatory group workshop

DACA workers bring information and understanding to all their conversations with parents. If the worker can provide the parent with information, the parent can determine the best way to relay the information to their children.

(17) In addition to standard bail conditions the court can impose special conditions of bail. In domestic abuse cases, special conditions of bail, or additional conditions, tend to prohibit the accused from entering their partner or ex-partners home, or approaching them. They are used to ensure that the standard conditions are observed.

(18) On conviction, a Non-Harassment Order may be implemented by the Sheriff or Judge. In domestic abuse cases, the order may prohibit the convicted person from entering their partner or ex-partners home or approaching them.

(19) Article 2 (1) states that the rights of the child set out in the convention will be respected and ensured. Article 2 (2) states that appropriate measures will be taken to ensure that the child is protected against all forms of discrimination.

This service will inform and support clients of local processes for child witnesses

Participatory group attendees didn't believe children should have to go to court to give evidence. They were concerned about the number of different adults asking their children questions about the same incidents. They highlighted that the process was not trauma informed, and that the child was often involved in this repetitive process without any support.

"Will someone be a voice in court for my child?"

Participatory group workshop

If children do have to give evidence, attendees stressed that parents need to understand the support options available to their child. At a minimum, DACA workers can explain the local process for child witnesses and link the parent/child in with VIA to ensure that their child receives the most appropriate support to give evidence.

4. Conclusion

"I am reporting nothing else"

Lived Expertise Interview

Negative criminal justice experiences can leave victims and survivors feeling silenced, dismissed or discouraged from reporting further harm. Yet across our interviews, workshops and focus groups, we witnessed something as equally powerful; a collective determination to improve the criminal justice journey for all those affected by domestic abuse.

The Domestic Abuse Court Advocacy Standards are a collaborative response to negative criminal justice experiences. They were developed by listening to lived expertise, professionals, and academic literature. The Standards are the minimum practical measures by which DACA services and DACA workers can accompany clients on a safer and better informed criminal justice journey. Every victim and survivor deserves to feel believed, supported and safe when navigating the criminal justice system. They deserve access to accredited, consistent advocacy from workers who are confident, knowledgeable and able to offer specialist guidance throughout a complex and often overwhelming process.

The Standards can only create change if they are meaningfully implemented and universally understood. Their adoption has the potential to strengthen both individual client experiences, and the wider criminal justice system. For the Standards to be meaningfully adopted and universally understood, DACA services now require support to implement them. Support from lived expertise, the DACA Accreditation Project and criminal justice partners.

Collaboratively, reporting can lead to protection, support can lead to empowerment, and justice can contribute to lasting change. The Standards are one step towards a future where no survivor ever feels compelled to say, *"I am reporting nothing else"*.

SafeLives and ASSIST are grateful to everyone who contributed to The Domestic Abuse Court Advocacy Standards. If you wish to discuss the Standards or the DACA Accreditation Project please contact scotland@safelives.org.uk.

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