

Pilot of Legal Support for Sexual Offence Complainants

Initial Report

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Purpose of this report

This initial report outlines the London pilot and its evaluation. It describes the background, set-up, and current structure of the legal support scheme. In doing so, it provides context for future reports that will reflect on the first six months (January 2025) and full pilot (August 2025). The report also identifies learning for a national roll-out, based on initial reflections of the set-up process.

Executive Summary

- The pilot provides legal support for female¹ sexual offence complainants aged 16+ on issues connected with their rights and interests in the case.
- The pilot evaluation will consider:
 - a) if there is demand for legal support,
 - b) the impact of legal support,
 - c) implications of the findings for any national roll-out.
- The initial set-up of the scheme faced difficulties with recruitment and referral pathways.
- An updated pilot scheme is now taking referrals and runs until June 2025

¹ This is a requirement of the WGN Board of Trustees, because WGN is a women-only service. It includes self-identifying women.

About the pilot scheme

Why pilot legal support for adult sexual offence complainants?

The UK's model of 'policing by consent' is built on public confidence ([Hanway & Hambly, 2023](#)); but the Crime Survey for England and Wales suggests trust has been declining ([Office for National Statistics, 2023](#)). Critical reviews of the Metropolitan Police make this especially pertinent in London.

Meanwhile, a [Victims Commissioner \(2020\)](#) survey found only 14% of rape victim-survivors believe the police offer a sense of justice, and [Home Office \(2024\)](#) case file reviews suggested some third-party material is accessed disproportionately.

Operation Soteria ([Stanko, 2022](#)) suggested forces are not always consistently following rules around sensitive evidence relating to the complainant. Case file analysis also suggested some decision-making is influenced by rape myths or a misled belief in the need for independent corroboration ([Stanko, 2022](#)).

An 'Accountability and Ongoing Learning Framework', developed for Operation Soteria but not publicly available, highlights the importance of independent advocacy and partnership working in addressing these issues. Elsewhere, research indicates that free and independent legal support for rape complainants can improve their experience, increase trust in the CJS, secure better health outcomes, and save time in police investigations ([Illiadis, 2019](#)).

[Smith & Daly \(2020\)](#) found that a Northumbria legal support pilot promoted more relevant and proportionate lines of enquiry, but also suggested several improvements to the structure of legal support. The London pilot scheme has been developed with these recommendations in mind and the evaluation will test their usefulness.

Predicted benefits of legal support

- Improved understanding of complainants' rights and options.
- Better access to justice mechanisms for complainants.
- More relevant and proportionate sexual offence investigations.
- Embedding procedural justice in sexual offence investigations and prosecution.

The London pilot of legal support

The pilot is funded by MOPAC and run by the Women & Girls Network [WGN] London. It began in early 2023 with the recruitment and training of one 0.6 FTE lawyer, who sat alongside the West London Rape Crisis ISVA team to provide comprehensive support on a range of legal issues, and two 0.3 FTE lawyers who worked with the London Survivors Gateway to offer more specific advice on privacy rights. Development of the pilot, recruitment, training and legal supervision were provided on a consultancy basis by Centre for Women's Justice.

Two weeks after opening for referrals, the 0.6 FTE lawyer had to leave, and the Gateway team found referrals difficult because they spoke to complainants too early in the police process and advice on privacy rights was too limited for complainants' needs. Due to a lack of relevant expertise, the Gateway lawyers were unable to provide wider support and so the pilot was paused in August 2023.

Findings from the initial set-up is discussed later, but two main changes were made for a revised model of the pilot:

- Referral pathways changed to better reflect when demand for arises:
 - Police referrals will now be included via one team from the Metropolitan Police to ensure feasibility with a small pilot.
 - ISVA services from across London can refer eligible clients, rather than relying on the Survivors Gateway to be the primary source of pan-London referrals. All WGN services can also make referrals.
- The pilot structure was consolidated to increase workforce resilience:
 - Two lawyers (1.4 FTE) will work as a team, rather than being embedded in separate services so there is cover when one person is unavailable.
 - A paralegal will help manage caseload and provide administrative support to free up the lawyers' time for substantive issues.

The current project team therefore comprises two lawyers, a paralegal, a service manager, and a legal supervisor (from Centre for Women's Justice). Referrals are taken via email through London-based ISVAs and one unit of the Metropolitan Police who agreed to participate in the pilot.

The pilot covers five areas of legal support:

1. Police / CPS requests for complainants' sensitive personal data

- Advice on whether requests appear to be reasonable.
- Seeking explanations from police / CPS on reasons for requests.
- Making representations to police / CPS on why any inappropriate requests do not appear to be a reasonable line of enquiry.
- Liaising with police / CPS to seek agreement on appropriate parameters to limit data requests, such as date parameters.
- Representing a survivor if an application is made to disclose personal data.

Why include this area?

Although good practice is increasing, some police and CPS do still make excessive requests, and the Crown's duties are to act in the public interest, rather than to protect privacy rights. The interests of complainants may therefore diverge from those of the Crown.

2. Victims' Right to Review (VRR)

- Advice on potential validity of reasons for a No Further Action (NFA) decision, or advice / representation to obtain an explanation of the reasons.
- Advice on time limits and extensions of time for VRR requests.
- Drafting representations in support of VRR request where appropriate.
- Advice on whether a negative VRR outcome can be challenged by judicial review (but not conducting a judicial review).

Why include this area?

In the VRR scheme, a complainant's interests are at odds with the police or CPS.

3. Complaints to the police and/or CPS

- Advice on procedural aspects of complaints processes, including the specific process for complainants who are police employees.
 - Advising the survivor when there is a case to answer for police misconduct, including procedures at a disciplinary tribunal.
 - Assisting with written complaints – considering draft complaints prepared by support workers or complainants, or directly drafting complaints in particularly complex cases.
 - Drafting requests for reviews to the [IOPC](#) where there are legal grounds.
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Why include this area?

More focused and procedurally correct complaints result in better use of complaints processes, improve the accountability of organisations and enable complainants to feel heard. The [Soteria National Operating Model \[NOM\] for Investigating Rape & Serious Sexual Offences](#) emphasizes the importance of an accessible complaints process.

4. Advice on other legal issues relating to complainants' rights & interests through the criminal justice system

- Advice and explanations about legal processes or rules.
 - Depending on the issue, assistance with written communication to police / prosecutors.
 - Signposting to other support services or legal provision.
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Why include this area?

Queries do not come neatly packaged under headings, but instead involve a mixture of issues. If complainants are told that they can only receive an answer

to one question but not another, they may lose trust in the service and lawyers' roles will not be tenable.

Some queries may require simply explaining the legal context to the survivor, or providing reassurance that the procedures are correct, while others result in more detailed advice or assisting with representations.

5. Signposting on other legal remedies

- Preliminary advice or explanations about legal processes / rules other remedies relating to criminal justice (e.g., the Criminal Injuries Compensation Scheme [CICS]).
- Signposting to other support services or legal provision on issues beyond the scope of this pilot.

Why include this area?

Issues may be raised in areas of law beyond criminal justice, e.g., family law disputes over children and non-molestation orders. A lawyer would signpost the complainant to other sources of advice from specialists in the relevant area of law. They will not be able to provide initial advice or explanations as it is beyond their specialism.

There are also some remedies related to criminal justice, e.g., the CICS, judicial reviews, and civil claims about the criminal justice process.

Complainants can greatly benefit from initial advice on these remedies, but will then be signposted to specialist lawyers. The lawyers in the pilot will not engage in litigation.

About the evaluation

Aims of the evaluation

The pilot evaluation aims to understand whether legal support is beneficial for adult complainants of sexual offences and if so, how it can be effectively structured. It asks the following research questions:

1. Is there demand for legal support amongst adult sexual offence complainants?
 - a. If so, in what types of criminal justice-related issues and what form of support?
2. Does having legal support impact on a complainant's experience of the criminal justice process?
3. What makes an effective model of legal support?

Findings will be reported in an interim 6-month report (January 2025) and a final report after the end of the pilot (August 2025).

Evaluation structure

To determine demand for legal support, the pilot team will use a case management system to record the number of complainants supported, nature of the legal issue, form of support (e.g. advice or representation), and time taken from referral to case closure. Additionally, a Metropolitan Police team will record the number of referrals they would have made if the scheme is closed for new clients.

To explore the impact of legal support, the case management system will also be used to record case outcomes (e.g., changes to the scope of data requests).

Upon case closure, complainants who receive support will be invited to complete a survey that captures key indicators around procedural justice (e.g., voice, dignity and respect, safety, fairness, and trust).

To examine what makes an effective model of legal support, a survey of police and ISVAs who have made referrals will include measures about what is working well and what could be improved. Monthly reflective diaries from project staff (e.g., lawyers, paralegal, and supervisors) will also capture process-related factors. Additionally, the complainant survey includes questions about what matters to them in terms of a legal support service (e.g., independence, free at the point of use, and so on).

Initial findings

This section outlines the results of nine reflective diaries from six pilot scheme staff involved in the initial pilot, as well as a focus group with three project leads spanning the set-up period.

Preliminary findings highlight optimism about the specialised nature of the pilot, but also some challenges which have implications for any potential national roll-out.

Benefits of embedding the pilot in a specialist service

Several reflective diaries and all three focus group participants identified benefits to the pilot being embedded in a specialist sexual violence service.

For example, the reflective diaries for June and July 2023 welcomed being able to talk informally with ISVAs about available support services and how

best to communicate with complainants. In turn, ISVAs found it helpful to informally check their understanding of legal issues with a lawyer in the office.

The focus group reflected that having the lawyers embedded in a specialist sexual violence service was helpful because it provided trauma-informed training about the complainants' needs. This was considered helpful because legal professionals do not have the same background of caring for individuals as a support service:

"[In prosecutorial roles] you don't have to have a constructive relationship with that individual at all. So it is a different skill set, and even if they've got quite a few years of experience, they haven't grown up around that sense of being there for your client." (Focus Group²)

Being embedded in WGN also offered the benefits of existing infrastructure,

such as clinical supervision for the lawyers. This was noted as a rarity in the legal profession and provided "opportunities for learning and insight, as well as debriefing" (Focus Group). Such reflective practice was viewed as helpful given that the lawyer's role sometimes involves giving bad news, for example having to explain that nothing more can be done. This led to one participant stating:

"I think it's essential that they're embedded in the service because so much happens within a team... You want that familiarity. You want that reassurance. You want that exchange of expertise. You, you want that survivor to feel that that they've got a wraparound provision." (Focus Group)

Another focus group participant supported this, arguing that an integrated model prevents the complainant having to manage multiple different services.

² To preserve confidentiality, quotes will be cited via their data stream but will not be delineated by participant.

Challenges embedding the pilot in a specialist service

Alongside the benefits, all participants noted some challenges with being embedded in a specialist sexual violence service. One reflective diary highlighted that the practicalities of legal support differ from other forms of support, meaning it was the first time the service had to consider issues like legal privilege. For example, Survivors Gateway contacts service users via a general email address, but this is not possible when providing a confidential legal service.

The focus group also noted practical challenges with case management systems, which are set up to provide an integrated log of all activity from different support providers whereas:

“As a lawyer you’ve got email strings where you want to see [just] what you’ve been saying to different people... legal databases are set up as legal databases which are just different to, say in a support service... I do think we’re gonna find it’s incredibly useful being based in a support service, but

it’s just more of a technical sort of thing.” (Focus Group)

Despite these challenges, the focus group reiterated the benefits of working closely with a specialist service provider in terms of knowledge exchange and integrated referrals. Participants noted that Rape Crisis England and Wales do not support having a lawyer embedded in their services, especially if funding for this would compete with resources for other services. However, they argued that close working and a shared ethos remained paramount:

“What is really important is for a legal unit, whatever it is, to have a sort of feminist understanding... coming at it from a sort of independent and willing. Willing to not accept what they State say at face value, where necessary ... I think those values are really important, but I don’t think you necessarily need to be inside an organization to achieve that.” (Focus Group)

This was contrasted with potential alternative models, such as a legal aid funded approach with existing legal firms. Participants strongly felt this would be “*generic and making everything beige*” (Focus Group) and

would not work because legal aid is already available, but many people do not qualify and solicitors are only motivated to accept a case if it might lead to successful litigation.

Difficulty recruiting lawyers with relevant expertise

Both the initial and subsequent rounds of recruitment highlighted challenges in attracting candidates with sufficient experience in criminal law and/or action against police. In the initial pilot, no applicants with relevant experience wanted to work full-time, and one candidate had no experience in criminal law.

This limited the legal support provided in the initial pilot, as one lawyer embedded with the Survivors Gateway had to be specifically trained on privacy rights and police requests for sensitive data. In the second round of

recruitment, there were initially no appointable candidates and the advert was re-opened with a substantially higher salary until relevant experience was found. One post was secured via a part-time secondment from legal charity Centre for Women’s Justice.³

The leadership team reflected that this challenge to recruit legal professionals with sufficient relevant experience related to both the fixed term nature of the post and the salary being offered. For example, one participant noted that “it all went back to salary... [we] had benchmarked against legal

³ Participants were asked about potential secondments from other legal organisations, e.g., the Crown Prosecution Service, as a permanent arrangement in a national scheme. They were sceptical of this approach because

secondments would be too short-term to ensure a shared ethos. However, they felt secondments could be a short-term solution to recruitment challenges where the seconding organisation had similar values to the host.

charities and really that's much lower, it's people who take a pay cut to work for [the third sector]" (Focus Group). Instead, they recommended future benchmarking against salary scales in the Government Legal Department to be more competitive whilst remaining cost effective compared with private firms. This is particularly important in the context of a wider recruitment

crisis in criminal law, with a [Criminal Bar Association \(2024\) survey](#) showing that criminal barristers are moving away from sexual offence cases. Similarly, [Law Society \(2024\)](#) analysis suggests that junior lawyers are not becoming criminal duty solicitors because the legal aid system is in crisis.

The importance of a team model for the future pilot

A final theme was the benefit of a team model, rather than having individual lawyers. In the initial pilot, support practitioners were frustrated by trying to make referrals on days when there was no lawyer on duty:

"A request comes on a non-working day, then it is almost one week until there is a reply so it's very fragmented"
(Reflective Diary).

This led one member of the leadership team to reflect that:

"Lawyers work in teams for a reason, you know? So you need

people to cover for each other. You need people to, you know, if one person leaves, the whole thing doesn't collapse. You need to exchange information and, ideas and so on. So the whole idea that we would just have the one lawyer, it wouldn't have worked even if it got a full-time person. But we also couldn't actually recruit a full-time person." (Focus Group)

The idea of a team approach was favoured not only for building resilience into staff resources, but also because it could allow a combination of specialisms. This legal support role involves awareness of both criminal law and civil legal mechanisms for

challenging police and the CPS, making it a unique cross-section of two different areas. While these specialisms were brought together in the legal training and supervision in this pilot, it was noted that any future roll-out would benefit from having civil and criminal lawyers work together to complement each other's strengths:

"[If individual schemes are developed], they're gonna be reinventing the wheel all over the place, not knowing what they're doing, whilst if you have, like, a bigger centre, you can build up expertise. You can train up new lawyers who haven't got experience in this area before and be easier to recruit younger people because they'll be able

to be supervised. So you can basically build up their expertise in one place." (Focus Group)

This would also enable consolidation of some aspects of setting up a legal support scheme (e.g., developing case management systems and drafting Memorandums of Understanding for use with criminal justice agencies). These factors arose in the reflective diaries as examples of unexpected elements that had to be resourced despite not being part of the initial funding, suggesting that a hub model which consolidates these operational practices could be most cost effective.

Implications for a national model

In light of the preliminary findings, there are some tentative recommendations for a national roll-out (if legal support is found to be beneficial):

- To recruit relevant legal practitioners, salaries should be benchmarked against Government Legal Department paycales.
- Specialist trauma-informed training in sexual violence is highly beneficial, as is ongoing clinical supervision to ensure reflective practice.
- A team (hub) model increases workforce resilience and could enable a mix of different legal expertise to support complainants.
- Embeddedness in support organisations is complex – there are strong benefits to being integrated into independent services, but there are also challenges that mean legal support may be better as a standalone team.
 - What is clear is the importance of close partnership working and a shared ethos between the legal support service and other independent sexual violence support organisations.

Next steps

The pilot will now run until June 2025, taking referrals from London ISVAs and one team within the Metropolitan Police. Data collection for the evaluation will occur alongside, and key findings from the first six months will be reported in January 2025. The final report will be produced in August 2025, once the pilot is completed.