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Ana Speed

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# Domestic abuse and the provision of advocacy services: mapping support for victims in family proceedings in England and Wales

Ana Speed

Faculty of Business and Law, Northumbria Law School, UK

## ABSTRACT

The role that domestic abuse services play in supporting victims through the family courts is under documented in domestic abuse literature, save for a recent enquiry conducted by SafeLives which was published in June 2021. The key contribution of that report was in providing quantitative insights into the extent of support available for victims in family court proceedings. This article seeks to build on the work of SafeLives by presenting empirical insights from a separate study in which 29 domestic abuse specialists and legal professionals either completed an online questionnaire, participated in a semi-structured interview, or engaged in both forms of participation. Whilst there is some overlap in the remit of this study and the SafeLives' study, there are also important methodological differences which impact upon the respective findings, not least that this study has a greater qualitative focus and therefore provides richer insights. The conclusions are timely in light of the Home Office announcement that £81 million is being made available to recruit 700 Independent Domestic and/or Sexual Violence Advisers, and the introduction of Domestic Abuse Protection Orders under the Domestic Abuse Act 2021, which may see non-legally qualified specialists take a greater role in securing family court protection.

## KEYWORDS

Domestic abuse support services; advocacy; family courts

## Introduction

Alongside traditional routes to advice and assistance which are available to all litigants pursuing a case through the family courts, victims of domestic abuse may also engage with advocacy support delivered by domestic abuse organisations/victim services. The term victim services 'encompasses organisations providing a range of options that enable women [and sometimes men] to create safety, seek justice and undo the harms of violence' (Kelly 2008, p. 10). Operating since the 1970s, support is typically provided by non-government organisations, although some services may be 'commissioned' and funded at least in part, by the State or local authority (Kelly 2008). Founded on the principle of empowerment (aligning many services with a feminist agenda), support services are recognised for developing essential responses to help

**CONTACT** Ana Speed  [ana.speed@northumbria.ac.uk](mailto:ana.speed@northumbria.ac.uk)

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women leave abusive relationships (Kelly 2008). Victims may require multiple forms of support including refuge accommodation, resettlement services and therapeutic interventions, however support for victims in family law disputes falls within 'advocacy services' which comprise 'early intervention, *support through legal cases*, practical support, and ensuring that rights and entitlements are forthcoming' (Kelly 2008, p. 13). Costello and Durfee (2020) note that advocacy support aims to 'improve the safety of petitioners and their families, hold perpetrators accountable, and advocate on behalf of a petitioner for a constructive experience in the justice system' (p.303). In turn, advocates have been described as 'the stewards of the infrastructure [of community services] as they direct, guide and support battered women while confronting and challenging obstacles to their safety' (Shepard 1999, p. 115). Despite there being widespread support for advocacy services, they are underfunded compared to other types of domestic abuse interventions (Kelly 2008; Women's Aid 2021). Further, whilst some formal initiatives exist to ensure dedicated advocates can work with victims in court proceedings, funding for these services is disproportionately directed at supporting victims to navigate the criminal justice process, with SafeLives. (2021) identifying that 'the proportion of victims receiving either only informal or no support is largest when looking at those survivors who had been through the family court' (p.19).

The focus on advocacy services in criminal proceedings is also reflected in domestic abuse scholarship (Campbell 2006, Coy and Kelly 2011). In contrast, the role that domestic abuse services play in supporting victims through the family court process is under documented in literature, despite research estimating that at least one in ten victims engaged in family court proceedings receive such support (SafeLives. 2021). Understanding the role that domestic abuse services play in navigating victims through family court processes, however, is more important following the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) as research shows that a significant number of victims are now financially ineligible for legal aid (Hirsch 2018, Home Office 2022) but that instructing a legal representative on a privately paid basis is beyond the financial means of most litigants (Mant 2020). In turn, this has led to an increase in both the number of victims acting as litigants in person since LASPO was introduced in April 2013 and the number of victims seeking practical and emotional assistance from third sector organisations (Speed 2021, Organ and Sigafos 2018, Richardson and Speed 2019).

By presenting empirical insights from 25 domestic abuse specialists and four legal professionals who represent victims of domestic abuse, this article makes timely findings which contribute to addressing the gap in what is known about the support provided by domestic abuse services to victims in family court proceedings. Around a similar time as this study was carried out, the Domestic Abuse Commissioner Nicole Jacobs asked SafeLives to map the provision of (criminal and family) court-related domestic abuse support across England and Wales. The remit of the SafeLives. (2021) study, which was published in June 2021, bears some parallels with the study discussed in this article, in that it considers 'the proportion of family courts where domestic abuse support/advocacy services are able to support victims', 'the availability of "ad hoc" support for these client groups amongst services not specifically commissioned to do so' and 'the current capacity of these services and their capacity to manage any future surge in demand' (p.9). Further,

as both studies recruited professionals working at domestic abuse services, it is possible that both sets of data comprise some of the same respondents. Nonetheless, there are also important differences in the methodological approaches of the two studies, which impact upon their respective findings, not least that this study has a greater qualitative focus and therefore provides rich insights into some of the SafeLives' quantitative survey data. Further, this study engages different professional perspectives which allows for a valuable critique of victim services to be made. It is therefore suggested that the two studies complement rather than duplicate one another. Whilst the key contribution of the SafeLives report is in highlighting the extent (or lack thereof) of support available for victims in family court proceedings, the contributions of this article are in providing an insight into the nature and scope of advocacy assistance for victims of domestic abuse in family court proceedings, clarifying whether such services are utilised as a replacement to, or alongside, traditional legal services, and evaluating the capacity of such services to support victims through the family court process more safely and competently than if such support were not available. Whilst the findings are cautiously optimistic that domestic abuse services can support victims to make more informed and empowered choices about navigating the family court process, it concludes that there is a need for greater investment in advocacy support to facilitate improvements in the quality of support provided and to safeguard the longer term future of advocacy interventions. The conclusions are particularly timely in light of the announcement in the Tackling Domestic Abuse Plan (Home Office 2022) that £81 million is being made available to recruit 700 more Independent Sexual Violence Advisers (ISVAs) and Independent Domestic Violence Advisers (IDVAs), and the introduction of Domestic Abuse Protection Orders under the Domestic Abuse Act 2021, which may see non-legally qualified domestic abuse specialists take a greater role in securing family court protection for their service users following their introduction in Spring 2023.

The first part of the article sets out the methodology adopted in this study. The second section considers the availability and accessibility of the various forms of support, advice and representation for victims of domestic abuse in family court proceedings. By drawing on policy changes which have taken place over the last decade, it is argued that traditional legal services have become more inaccessible and non-legally qualified domestic abuse specialists have assumed a role – either formally or informally – in supporting victims in family court disputes. The final section presents the findings of the study, exploring key themes to emerge from the data, including the nature and extent of support provided by advocacy services, the use of domestic abuse support as a replacement for legal advice, and the quality of advocacy support. Throughout the paper, recommendations for improving support for victims in family court proceedings are proposed.

## Methodology

The paper draws on data obtained from a mixed methods research project undertaken between March and September 2020. The study received ethical approval from Northumbria University. An online questionnaire was designed to obtain a comprehensive picture of the scope of assistance provided by domestic abuse support services to victims in family court proceedings. Questionnaires were selected for their capacity to allow a large research population to be assessed with relative ease. Questions

were divided into three main themes; the ability of service users to access legal services, barriers experienced by victims to accessing legal services and the nature and extent of support offered by the responding domestic abuse service to clients in family court proceedings. Predominantly closed questions were used to identify patterns in the data however at frequent intervals open questions were included to provide respondents an opportunity to expand upon their responses. All of the questionnaire respondents were asked the same questions. A request to participate was sent to all 331 support services listed in the Women's Aid and Mankind directories that had an email address recorded. Automated responses were received by 31 organisations, indicating that the request could not be delivered or the email address was otherwise not in operation. In total, 27 completed questionnaire responses were received, meaning the questionnaire had a response rate of 9%. The low response rate is likely to be attributable to the timing of the study. Significant time and resource pressures have been placed on support services since the outbreak of Covid-19 (Speed *et al.* 2020). Similar issues were also reported by SafeLives. (2021) who noted that many of the services they reached out to were 'very apologetic they hadn't had time to complete the survey ... all described a criminal and family justice system in chaos' (p.27). Although the response rate is not representative of the sample, the data nonetheless provide meaningful insights into the area of study as responses were received from all regions of England (and Wales) and from diverse organisations including national commissioned services, small rural services, refuges, specialised LGBT services and services supporting migrant and black and minority ethnic (BAME) victims. Supporting SafeLives. (2021) finding that dedicated family court support is scarce, only one of the responding organisations acknowledged having a family court IDVA within their service, with advocacy support being provided in the remaining cases by general IDVAs and non-IDVA qualified support workers/advocates. As domestic abuse legislation and policy is not consistent across the UK, during the process of cleaning the data, five responses from organisations located outside England and Wales were removed, meaning the findings presented in this article concern the position of the 22 responding organisations in England and Wales only. A descriptive statistical analysis was used to examine the prevalence of different types of services available to victims.

Semi-structured interviews were also carried out to gain an understanding of the lived experience of professionals supporting victims in family court proceedings. It is recognised that 'in gender-based violence research, qualitative methods can expose nuances in knowledge, attitudes and practice, as well as help develop an understanding of the effectiveness and challenges faced by support services' (Cancoro de Matos and McFeely 2019, p. 341). Follow up interviews were conducted with three respondents who indicated in the questionnaire that they would be willing to discuss their experiences further. This allowed the author to dig deeper into the rationale behind responses provided. An additional three interviews were conducted with employees at domestic abuse services who had not completed the questionnaire but who were known to the author in a professional capacity through her position as a family law solicitor, and four legal professionals who were recruited through a general email invitation sent to legal practitioners identified through a web-based search of terms including 'domestic violence/abuse solicitor' and 'domestic violence/abuse barrister'. Approximately 50 results were populated of practitioners for whom domestic abuse work was recorded as comprising a significant part of their practice. All of these practitioners were

contacted by email and interviews were conducted with the four practitioners who were willing to participate. A number of emails were received from practitioners explaining that high workloads prevented them from participating in research projects, something which is unsurprising given the rise in applications for protective injunctions in the first year of the pandemic (Speed et al 2021). Interviews were therefore conducted with three solicitors; one barrister; two court based IDVAs/ISVAs (attached to national support services, operating in both the criminal and family courts); one Violence against Women and Girls advocacy manager; two children and young person's workers and one support worker. The data presented in this article therefore reflects the views of 29 professionals. All of the interviewees were asked a basic framework of questions, however this varied according to the profession of the respondent and whether they had had any prior engagement in the study. Interviewees who had participated in the questionnaire, for example, were asked questions to generate a greater insight into the rationale for their questionnaire responses or to examine any responses which were particularly interesting. The domestic abuse specialists who had not participated in the questionnaire were asked questions similar to those within the questionnaire, with a greater emphasis on open ended questions. The legal professionals were primarily asked about their experience of working with (or against) domestic abuse services in legal disputes. The interview data was coded using the software package NVivo. An 'in vivo' approach to coding was adopted as opposed to using preconceived codes. In vivo coding is also referred to as 'verbatim coding' where the initial codes refer to 'a word or short phrase from the actual language found in the qualitative data record, the terms used by participants themselves' (Strauss 2016, p.102). Benefits of such an approach are that it reduces the risk of researcher bias and that it prioritises the participants' voices (Saldana 2016).

The methodological approach differed from SafeLives. (2021) study in a number of ways. Firstly, SafeLives' sample was much larger (approximately 308 survivors and over 230 professionals from support services). Accordingly, whilst the quantitative data from this study is comprehensive, SafeLives' report is more likely to offer a representative insight into the national picture (although they note low response rates from male and BAME victims and sexual violence support services). Secondly, all of SafeLives' data was collected through multiple online surveys. SafeLives did carry out 40 telephone conversations with support services, however they do not describe these as 'interviews' but recognise they were carried out because of low response rates and in order to 'complete the survey on behalf of services' or to 'collect any key points verbally to make it easier for them to take part' (p.16). As such, their purpose was to gather the same information as through participation in a survey, rather than to gain a deeper insight. This is reflected in the report which presents most of the data as quantitative statistical findings. The interview data from this study therefore builds on SafeLives' findings by providing rich qualitative understandings to some of the issues raised. Finally, SafeLives collected data from survivors and support services. In contrast, in this study, interviews were also conducted with legal practitioners. Drawing on the work of Costello and Durfee (2020, p.300) who argue that 'to improve the practice of advocacy services, it must be challenged, critiqued and pushed forward', the inclusion of different perspectives means that the two reports do not simply accept the views of the support services at face value and provide insights into where there is scope for improvement.



## Mapping advice and support for victims of domestic abuse in family court proceedings – what is already known

This section examines the options for support that may be available to victims of domestic abuse in family court proceedings. The analysis indicates that economic and policy changes have reduced the accessibility of traditional legal services for victims over the last decade. The literature also charts a rise in the availability of support from non-legally qualified domestic abuse specialists, both through the creation of the IDVA role and from community based services.

### *Traditional legal services and the availability of legal aid post LASPO*

Whilst there has been some move away from an adversarial approach in private law proceedings, this continues to be the dominant model, with Trinder *et al.* (2014) observing that the family justice system is ‘based on an adversarial, full representation model with two lawyers presenting their client’s case to an impartial arbiter – the judge – who will make a decision’ (p.53). Accordingly, legal services provided by a qualified representative is the most preferable option for those navigating a family case. Nonetheless, there are various reasons why this may not be accessible to victims. Principally, the legal aid cuts imposed by LASPO have reduced the availability of public funding, notwithstanding that cases for injunctive protection (and interrelated proceedings arising from an abusive relationship) remain within the scope of legal aid. Demonstrating the reliance that many victims have on public funding, out of the 30,683 applications for non-molestation orders and occupation orders in 2020, legal aid was applied for by 20,985 applicants (Ministry of Justice 2021). In respect of the means test, LASPO froze the income and capital thresholds which applicants must satisfy, meaning there has been a real terms reduction in the maximum income and capital an applicant may have to qualify for funding since the Act came into force. Further, LASPO removed the provision that applicants in receipt of welfare benefits were automatically eligible for public funding. Whilst in principle, LASPO intended to preserve legal aid for victims of domestic abuse, in practice court statistics demonstrate that LASPO has led to an increase in litigants in person, with the number of unrepresented applicants in injunction proceedings increasing from 19.3% in 2013 when LASPO was introduced to 40.3% in 2019, and in private children proceedings from 38.4% in 2013 to 58.1% in 2019 (Ministry of Justice and National Statistics 2021).

Literature indicates that the other barrier to legal aid created by LASPO has been the requirement to secure gateway evidence, which exists for all family proceedings except where the victim is seeking a protective order (Syposz 2017, Organ and Sigafoos 2018). The initial legal aid regulations (The Civil Legal Aid (Procedure) Regulations 2012) contained restrictive forms of acceptable evidence, much of which needed to relate to incidents that took place within the two years prior to the date of the legal aid application. In addition, the restrictive gateway evidence did not accommodate difficult to evidence forms of domestic abuse such as financial abuse. In February 2016, the Court of Appeal found that the limited evidence requirements prevented victims of abuse from qualifying for legal aid and were therefore unlawful (*Rights of Women v The Lord Chancellor and Secretary of State for Justice* [2016] EWCA Civ 91). The regulations have since been



revised, most recently in January 2018 to remove the time limit on abuse evidence and broaden the scope of gateway evidence to include letters from domestic violence support organisations (para 17, schedule 1 of LASPO) and IDVAs (para 14). The accessibility of gateway evidence has since been improved by section 80 of the Domestic Abuse Act 2021 which prohibits medical professionals from charging for preparing such evidence.

Studies demonstrate that many litigants who do not satisfy the legal aid means test also cannot afford to pay privately for advice and representation (Richardson and Speed 2022, Hirsch 2018, Organ and Sigafoos 2018, Mant 2020), suggesting that the assessment does not accurately reflect the level at which people can afford to pay for legal services and supporting the need for the ongoing Ministry of Justice review into its fitness for purpose. Trinder *et al.* (2014) found that ‘a major reason for self-representation is an inability to afford the cost of legal representation’ (p.13). This is compounded by litigants facing other costs including court fees and disbursements, which are steadily rising. Whilst some victims will utilise an unbundled service to ensure they receive at least some specialised advice, this option will not be available to those who cannot afford to pay *anything* to secure legal services. In any event, scholars have questioned the value of discrete advice as many litigants in person then become ‘unstuck’ when they come to carry out other tasks without legal support (Trinder *et al.* 2014, p. 117), meaning that it may not be an attractive option.

### **Independent domestic violence advisers**

Regardless of whether a victim of domestic abuse is able to secure the services of a legal representative, support for victims during the family court process can be provided by an IDVA who is either located within court buildings (court IDVA) or attached to a community domestic abuse service. The IDVA model of intervention, introduced in 2005, was designed to be delivered from the point of crisis over a relatively short period of time. IDVAs work with statutory agencies to provide wraparound support, ‘addressing immediate risks to safety and barriers to service utilisation’ (Howarth and Robinson 2016, p. 44). IDVAs working within community domestic abuse services will undertake some accredited training to support victims through legal proceedings (usually in applying for a protective injunction) and thereafter will assist victims engaged in legal disputes as and when their contract permits, however they will also provide support in other areas, such as housing and welfare. In contrast, a court IDVA will have an ‘advanced knowledge and experience of the justice process’, dedicating a greater proportion of their time to ensuring victims ‘have the right support needed to proceed through the justice process, advocating on their behalf where possible’ (SafeLives. 2021, p. 5). Court IDVAs were also intended to provide more extensive levels of support throughout legal disputes, including ‘attending solicitor appointments (where applicable), supporting applications for legal aid, signposting and making referrals, feeding into expert assessments, facilitating pre-hearing visits, ensuring special measures are put in place, keeping victims up to date with proceedings and attending hearings’ (SafeLives. 2021, p. 5). IDVAs may work within both criminal and family courts, and in family cases, can support victims across a range of proceedings including applications for injunctive protection and public and private children cases. IDVAs are not available to all victims of domestic abuse and are reserved for those assessed as ‘high risk’, although there are not sufficient IDVAs to support all eligible victims (SafeLives. 2021).

Whilst limited empirical enquiry has been carried out to assess the effectiveness of IDVAs in a family justice context, SafeLives recognise that they provide a 'clear pathway through the system which sits at the heart of what works to achieve better outcomes' (2021, p.6). Over a third (approximately 114) of their victim respondents agreed that their experience was improved by having a court IDVA. In contrast, without an IDVA, victims reported feeling traumatised by the court process, because of 'a lack of understanding from judges and other court officials; fearing for their safety and that of their children; poor interactions with CAFCASS and the courts allowing perpetrators to use the system for coercive control' (p.6). This mirrors assessments of IDVAs in the criminal courts, where studies have found that victims receiving IDVA support are more likely to report abuse to the police, file a statement, have their case investigated, and secure access to risk assessments and protective remedies (Campbell 2006, Coy and Kelly 2011).

### ***Advocacy support by domestic abuse services***

Advocacy support can also be provided by community domestic abuse services, albeit not necessarily by qualified IDVAs. Instead, assistance may be provided by support workers/advocates, who have undergone varying levels of legal training (Kelly 2008). One of SafeLives. (2021) key findings was that in family court proceedings, 72% of the 102 community domestic abuse services in their study reported providing advocacy support compared to only 15% who provided dedicated family court support, indicating that community based support is more widely available than court-based IDVA support. In contrast to court IDVAs, however, who dedicate most of their time to supporting victims through the court process, advocacy support accounts for only a small proportion of community domestic abuse work, with 85% of the professionals in SafeLives. (2021) study spending less than 40% of their time supporting victims engaged in legal disputes. As will be considered in the findings section, training and time-spent on advocacy work are likely to impact the quality of support provided.

### ***Findings and discussion***

All of the 22 questionnaire respondents reported providing some form of family court support to victims. This complements the SafeLives. (2021) study where 89% of respondents reported the same. Both studies therefore clearly establish that the majority of domestic abuse services engage in advocacy support in the family courts, to a greater or lesser extent. Table 1 provides a summary of the services that the respondents in this study offered for victims in family court proceedings. Table 2 highlights that the respondents in both studies offered broadly comparable services, although within this study those services were available at a slightly lower rate. This is likely to be reflective of the higher numbers of court IDVAs represented in the SafeLives' findings who potentially offer more extensive support and dedicate more time to supporting victims in the family court. Additionally, it may reflect a methodological difference between the studies in that whilst SafeLives included questions about the impact of Covid-19 on service provision, this study was designed before the pandemic and therefore did not address this point. Nonetheless, as the questionnaire was available for completion between April 2020

and September 2020, it was not clear whether the respondents completed the questionnaire on the basis of their pre Covid-19 service provision or the provision at the time the survey was completed, which as other studies have highlighted may have been substantially different. Speed *et al.* (2020) found that whilst 40 out of the 51 respondent organisations reported usually providing support to victims of domestic abuse whilst at court, at the outset of the pandemic only 17 were continuing to provide this support – a reduction of 42%. Similarly, 84% of the services surveyed by Women’s Aid (2020) at the start of the pandemic reported having cut at least one service. The findings from this study should therefore be interpreted as the minimum level of support provided, given that those organisations who reduced service provision during Covid-19 are likely to have done so on a temporary basis.

### ***Advocacy support is more extensive than other forms of pro bono assistance available for litigants***

Whilst SafeLives. (2021) compared domestic abuse support across the criminal and family justice systems, the report does not address the extent to which this complements other support which is available or fills a gap in the need for assistance. The data from this study therefore build on SafeLives’ findings by indicating that support offered by domestic abuse services differs substantively from non-domestic abuse third sector organisations. The first way it does this is by showing that many domestic abuse services provide individualised tailored support (such as identifying options and completing court forms) and assist victims at all stages of the court process. Broadly, the data support Costello and Durfee’s (2020) findings that ‘advocates provide petitioners with information, make referrals, accompany the petitioner to court proceedings, and assist with paperwork’ (p.303). This can be contrasted with non-domestic abuse specialist third sector support which is typically limited to one-off information about the legal process with there being ‘very little free casework’ (Organ and Sigafos 2018, p. 22, Richardson and Speed 2019). Limits on the scope of third-sector organisations are attributed to the increased demand for such support in the aftermath of LASPO and the fact that many charitable organisations have had to contend with losing legal aid contracts whilst facing wider austerity measures (Organ and Sigafos 2018). As a result, support is often provided by students and/or volunteers rather than trained professionals and demand typically exceeds capacity to assist (Richardson and Speed 2019). For those victims who are unable to secure legal aid, domestic abuse services may therefore fill a well-documented gap in support for ‘help with paperwork ... help with advocacy in court ... and help with evidence-gathering’ (Trinder *et al.* 2014, p. 112). Casework support benefits victims and the family court itself given that ‘much of the work in a family case is conducted before and between hearings rather than in the courtroom’ (Trinder *et al.* 2014, p. 35). A further way the data suggest domestic abuse services differ from other third sector organisations is in their capacity to assist in urgent and/or complex proceedings, such as applications for protective orders. The respondents in this study reported supporting victims not only in the broad range of proceedings that may be required following the breakdown of an abusive relationship (for example divorce, protective order proceedings and children applications) but also where multiple proceedings were ongoing at any one time. In contrast, as a result of the limitations on services described above, most third sector organisations are unlikely to be able to provide meaningful assistance in one set of

**Table 1.** Support provided in family court proceedings by questionnaire respondents.

Types of services	Number and percentage of support services offering services
Help service users identify their legal needs	17 (77.3%)
Encourage service users to address their legal needs through engagement with the family justice system	17 (77.3%)
Make service users aware of the availability of legal aid	15 (68.2%)
Identify legal remedies available to address service users' needs	15 (68.2%)
Refer service users to law firms	15 (68.2%)
Attend court hearings with service users	13 (59.1%)
Help service users to complete court forms	12 (54.5%)
Provide service users gateway evidence to enable them to secure legal aid	11 (50%)
Advocate on behalf of service users with the opponents in a dispute	10 (45.5%)
Help service users to comply with court directions	10 (45.5%)
Engage in national advocacy to raise awareness of service user's legal needs	9 (40.9%)
Provide evidence (such as witness statements) on behalf of service users	8 (36.4%)
Offer drop-in appointments with qualified legal practitioners	8 (36.4%)
Liaise with legal representatives throughout legal case	6 (27.3%)
Engage in research or policy work to raise awareness of service users legal needs	6 (27.3%)
Provide community legal education (for example presentations about legal issues)	6 (27.3%)
Assist service users preparing letters to negotiate a resolution to disputes	5 (22.7%)
Act as McKenzie Friend in court proceedings	5 (22.7%)
Help service users avoid court by offering counselling to service users and family members in relation to their legal dispute	1 (4.5%)
Help service users avoid court by assisting them to negotiate a settlement or resolution to their case	1 (4.5%)
Provide service users financial support to pursue their legal case	1 (4.5%)
Do not offer any of these services	0 (0%)

**Table 2.** Comparison with community-based family court support identified in SafeLives' study.

Types of services	% of services offering this assistance (SafeLives)	% of services offering this assistance (this study)
Supporting clients to access legal aid	85%	68.2%/50% (see Table 1)
Support completing documents	82%	54.5%
Attend court with clients	79%	59.1%
Support to access legal support	79%	68.2%

proceedings and certainly not those which are commenced at short notice. This has previously been discussed this in the context of law school clinics, where it was noted ...

*The purpose of a law school clinic is to provide a practical, educational benefit to its students, alongside providing free legal advice to the community ... The cases those clinics take on therefore have to be suitable for students with little to no prior practical legal experience ... Because the students will have to spend time researching the legal issues involved in a case and*

*seeking supervision from a qualified solicitor, they are unlikely to be able to progress urgent cases at the speed they require* (Richardson and Speed 2019, pp.149-150).

A final point to observe in relation to the scope of support available, is that *some* community domestic abuse services appear to provide comparable assistance to court IDVAs (in terms of the *nature* of support offered), despite it being intended that court IDVAs would deliver more extensive support throughout legal disputes (SafeLives. 2021, p. 5). This is important because, taken with SafeLives. (2021) finding that there is a paucity of family court IDVAs, it suggests that domestic abuse services may be compensating for the absence of dedicated court support to ensure this does not adversely impact victims. Nonetheless, given SafeLives. (2021) found that domestic abuse services spend a markedly lower amount of time supporting victims through the court process, the paucity of court IDVAs is still likely to affect the overall number of victims who receive assistance. This approach is also potentially problematic because (as will be explored later in this article) advocates/support workers do not receive the same training as court IDVAs (or even general IDVAs), meaning there could be a two-tier system of support for victims. Given that both types of services are underfunded (SafeLives. 2021; Women's Aid 2021), it is unlikely that support services can continue to provide this level of support in the longer term, without further investment in either (or both) types of services.

### ***Whilst support services may make victims aware of the availability of legal aid, they can do more to ensure victims secure gateway evidence***

As demonstrated by Table 2, the majority of questionnaire respondents in this and SafeLives. (2021) study reported making service users aware of the potential availability of legal aid in family proceedings. The role that support services play in facilitating victims to access legal aid is also documented in Syposz's research which found that after 'direct contact' and 'word of mouth', the next most common routes to engaging with a legal aid provider were either through a 'referral from a support organisation' or a 'specialist domestic violence organisation' (2017, p.21). Whilst on the face of it, it is promising that advocacy services are improving victims' awareness of legal aid, the data in this study suggest they can do more to support victims to actually secure public funding. Only half of the questionnaire respondents reported providing gateway evidence for victims, despite changes to Schedule 1 of LASPO in 2018 which allow IDVAs and domestic abuse services to do so. One explanation is that there is an unwillingness within some organisations to provide gateway evidence and there was some support for this in the interview data. Two of the solicitors interviewed commented:

*'Some domestic abuse services get nervous about these things . . . I just say, 'look just ask them to fill in the blanks and they should be fine'. But even then, some of them hesitate because they're like 'we don't know if we can say this' . . . with legal proceedings, they think they're signing up to a lot.'*

*'We are able to work with the IDVAs to provide letters . . . but IDVAs initially were and still are quite cautious'.*

Additionally, organisations may perceive that service users are able to secure gateway evidence from other organisations, meaning there is limited need for them to offer this service. This was supported by the fact that less than a quarter of the questionnaire respondents felt that securing gateway evidence was a barrier to their service users accessing legal aid. One of the questionnaire respondents also noted that ‘99% [of victims] are able to secure some form of evidence’. Nonetheless, there continue to be benefits of IDVA/support services providing evidence, not least that victims are more likely to have regular engagement with a support worker compared to other professionals who can provide evidence (Syposz 2017). Further, not all victims make a ‘revelation of the abuse to a public official’ (Choudhry and Herring 2017, p. 161). In such circumstances, retrospective evidence could not be sought from a GP or the police, however an IDVA/support service would be able to provide evidence after the fact. The finding that half of the IDVAs/support services in the study do not routinely provide evidence is also concerning because at the time the data was collected, section 80 of the Domestic Abuse Act 2021 was not yet in force meaning that medical professionals often charged fees of up to £120 for providing evidence, which was prohibitive for those on a low income (Syposz 2017). Given that gateway evidence can be the difference between a victim receiving representation or acting as a litigant in person, and that in turn this can impact a victims’ prospects of securing a positive outcome (Moorhead and Sefton 2005, Durfee 2009) it is critical that support services provide evidence to ensure they themselves are not a barrier to victims securing legal services. As the following section will consider, many victims only turn to support services for assistance in their legal dispute because they are unable to secure legal advice through other channels, therefore providing gateway evidence may also reduce reliance on domestic abuse services at a time where many services are underfunded.

### ***Advocacy support is usually provided as an alternative, rather than in addition to, legal services***

The data indicate that victims seek advocacy support from domestic abuse services when they have exhausted more traditional routes to securing legal advice and representation (for example, legal aid). This suggests that domestic abuse services are not necessarily a victim’s first choice for support through their legal dispute. The most common reasons provided by the questionnaire respondents for victims utilising advocacy support were ‘being unable to secure legal aid’, ‘the cost of pursuing a legal case (including court fees, disbursements, and legal services)’, and ‘a lack of other organisations offering pro bono advice or support’. Nearly three quarters of the questionnaire respondents felt that most of their service users could not afford to pay for initial legal advice in the event they did not qualify for legal aid and over 90% reported the same in relation to legal representation, suggesting that in the absence of legal aid being available, most victims could not even make use of an unbundled service. This mirrors the findings in Speed and Richardson’s (2022) study of occupation orders, where victim litigants who were not eligible for legal aid adopted a range of strategies to secure support, including borrowing money from family and friends to fund representation, crowdfunding, or prioritising which cases to allocate any limited



financial resources to. Turning to a support service was one such strategy, which a third of the victims ultimately resorted to. This finding is important because it builds on SafeLives. (2021) study which did not explore victim rationales for engaging with advocacy services. Whilst it is a limitation of the data that this finding reflects the perceptions of professional participants rather than through the author having direct contact with litigants themselves, questionnaire respondents reported having insight into victim motivations for utilising their service as they enquired with victims about what other sources of support had already been ruled out when they initially began working with a new service user.

Combined with the finding that support services perform tasks that are ordinarily carried out by legal representatives (for example preparing court paperwork), the data from this study also suggest that advocates are commonly used as an alternative to legal representatives. This is contrary to the intention that IDVAs should work alongside legal practitioners to improve the multi-agency approach to protecting victims (Howarth and Robinson 2016) but is nonetheless reflective of the legal climate examined in the preceding section. Previous studies indicate, however, that domestic abuse support in the absence of legal representation is likely to be less effective for victims. Burton (2009) observed that advocates working alongside qualified legal professionals are likely to offer the best support for victims because ‘victims who use specialist advocacy services sometimes find they are able to get a better service from solicitors because advocates can put victims into contact with specialist solicitors, act as a supporter at consultations or prompt solicitors to progress cases’ (p.116). This was also identified in the interview data where one of the support workers described referring service users to a particular firm of solicitors who they trusted to deal with their cases effectively. In relation to victims receiving only advocate support, Burton (2009) raised a concern that ‘whilst advocates may mitigate some of the effect of non-specialist lawyers, they are arguably not an effective substitute for a good solicitor specialising in domestic violence who is able to appropriately support and respond directly to the victim’ (p.116). Similar comments were made in the case of *JY v RY* [2018] EWFC B16 where the Judge noted that:

*‘Having professional representation and advice will tend to support and help an alleged victim of domestic abuse in a moral and practical way that goes far beyond what a voluntary support agency can or should offer. It can fortify a witness before questions are asked, be a reassuring presence during that process, and debrief them afterwards. It can reassure them as to outcomes, and act as a safeguard during what may be a hugely bewildering and scary experience’* (para 35).

More recently, the need for both types of support was acknowledged by the Domestic Abuse Commissioner and Victims Commissioner (2021) where the participants in their study ‘repeatedly emphasised just how important access to *both* good quality legal representation and specialist domestic abuse support (such as an IDVA or advocate from a specialist by and for organisation) was for survivors . . . despite this, a significant lack of access to such representation and support was cited by the roundtable participants’ (p.10). As a result, the Domestic Abuse Commissioner has agreed to include ‘access to legal representation *and* non-legal specialist domestic abuse support’ to the list of areas that will be monitored in her inquiry into improving the response of the family court in cases where domestic abuse is alleged.



### **Advocates/advocacy services engage in practices which both empower and disempower service users**

The majority of the questionnaire respondents in this study (59%) and SafeLives. (2021) study (79%) reported attending court hearings with service users. The respondents recognised that ‘effective advocacy for victims requires more than mere accompaniment in the courtroom’ (Epstein *et al.* 2003, p. 488) and described being able to provide emotional support and create a ‘welcoming less-threatening environment’ (Costello and Durfee 2020, p. 312). One interview respondent, for example, noted, *‘I’m just smiling, nodding my head encouraging and every so often an “are you okay?” I’m not going to say anything that’s inappropriate, it’s just that reassuring face’* whilst another said (in relation to hearings taking place in the physical courtroom) *‘my practice is always to go in to check the room is okay and set out properly’*. The benefits of advocacy support in court hearings – particularly for litigants in person – has been recognised in wider literature. Costello and Durfee (2020) argue that specialist advocacy support can ‘counteract the effects of victims’ fears and increase feelings of safety, improving the prospect a petitioner will be able to complete the process’ (p.306). For this reason, Trinder *et al.* (2014) recommended that there should be a presumption in favour of litigants in person having an informal supporter in court hearings. For the foreseeable future whilst hearings are being dealt with remotely, this issue has been addressed by the Family Justice Council (2020)) guidance for victims of abuse in remote hearings, which provides that courts should ordinarily allow either party to be accompanied in any hearing by a supporter (whether or not the party is legally represented) or a McKenzie Friend (if the party is not legally represented), subject to the judge’s power to exclude any supporter who disrupts the hearing (section 4). Recognising the role that advocacy support can play in navigating victims through the family court process, the guidance states that ‘ideally supporters should not be directly involved in proceedings (e.g. a domestic abuse support worker or friend)’ (section 4). This guidance was implemented following findings by the Nuffield Family Justice Observatory (2020a, 2020b) that some judges have questioned the necessity of support workers being present during remote hearings or have otherwise made it difficult for them to engage by listing or rescheduling hearings at the last minute. The need for such guidance was also supported by SafeLives. (2021) who found that one in five of the IDVAs in their study had been prohibited from supporting victims in court. Whilst this guidance is well meaning, it nonetheless remains a concern that many victims will not benefit from advocacy support because the capacity of many services has been negatively affected by underfunding and, more recently, Covid-19.

SafeLives. (2021) identified that victims’ negative experiences at court were principally attributable to professionals having a poor understanding of domestic abuse (45%), the court experience in general (23%) and poor safeguarding, special measures or other safety concerns (18%). Suggesting that support services could effectively counteract some of these concerns, both the questionnaire and interview respondents in the present study described challenging approaches which disadvantaged victims or compromised their ability to effectively participate in proceedings:

*‘I’m fierce when it comes to protecting my women and if I have to [I will] stand to a judge and say, ‘I’m sorry sir, she’s not going to be able to do that, it’s not acceptable’.*

*'We have to challenge sometimes ... we've got to bend over backwards to make sure we're accommodating her safety'.*

Challenging perceived unfair practices was particularly evident in the context of special measures, with an interview respondent commenting, *'I think the family court have tried to fob it off and say, "we can't accommodate that" and I'm saying, "no, that's not acceptable"*. It is well documented that special measures are not always available or fit for purpose in family proceedings but that those who participate without special measures find the process traumatising (Coy *et al.* 2015, Birchall and Choudhry 2018). The findings of the Harm Report (Hunter *et al.* 2020) for example, identified that the absence of special measures left victims open to "intimidation and physical attack" (p.6). Recent research also supports that there is value in victims having assistance to request special measures (and to challenge refusals to grant measures) because some members of the judiciary continue to demonstrate a poor understanding of the impact of domestic abuse on a victims' ability to effectively participate in proceedings (Home Office 2022) whilst other courts do not possess the facilities to put some measures in place (Hunter *et al.* 2020). Recent reform through the Domestic Abuse Act 2021 has been aimed at restricting judicial discretion with section 63 creating a statutory presumption that special measures should be granted to victims of domestic abuse because 'the quality of [a victim's] evidence and participation in proceedings is likely to be diminished by reason of vulnerability'. Further changes have been implemented through the Family Justice Council (2020) guidance on special measures in remote hearings, which provides that victims can use a blurred out/generic background or that they participate in the hearing from a neutral space (such as a legal representative's office, should they have one). Victims can be permitted to join a remote call by audio only or, where not required to give evidence, a victim may be excused from attending at all – albeit this option will not be available to a litigant in person. Whilst these reforms are a step in the right direction, they do not address the fact that without appropriate support, many victims are unlikely to be aware of the available measures and how they can be requested (Hunter *et al.* 2020, Home Office 2022), something which is particularly problematic given SafeLives. (2021) finding that 71% of the victims in their study had received no formal support (from a domestic abuse service or otherwise).

There was also evidence that some practices adopted by domestic abuse services disempowered victims and that this was the result of the 'professionalisation' and 'institutionalisation' of advocacy support (McDermott and Garofalo 2004). One limitation highlighted within the SafeLives. (2021) study was that IDVAs (who are funded by the Ministry of Justice) are only able to work with victims for a restricted amount of time (on average 14 weeks). Building on this finding, three of the interviewees employed by a domestic abuse support service recognised that this issue also extended to non-IDVA advocacy support. This was because some of the community-based domestic abuse services were still 'commissioned' by the State, leading to restrictions on how funding was spent. Time frames quoted for supporting victims were often much shorter than the typical length of court proceedings, particularly during the pandemic where the average time taken to dispose of cases has increased (Ministry of Justice and National Statistics 2020). Respondents also recognised that funding restrictions could lead to the imposition of quotas on the number of victims that services were expected to support within a given

timeframe, which further reduced the support that could be provided in court proceedings. On the one hand, quotas and time restrictions were felt to be harmful to victims, resulting in some being left ‘without advocate support in the midst of the court process’ (SafeLives. 2021, p. 11). However, respondents also recognised that a careful balance had to be struck, as without any limitations whatsoever, service users could become dependent on their advocate, which militates against victim empowerment and autonomy. One of the interview respondents noted, *‘sometimes you have clients that won’t agree to anything the solicitor says unless they can have a conversation with an advocate’* whilst another said, *‘none of [our service users] have been open to attending court or accessing the justice system without the support of an advocate’*. Although an interviewee reported trying to deter such behaviour *‘because we want the women we support to feel empowered in decisions without feeling that they need the go-ahead from the advocate’*, it nonetheless suggests that some clients may not be used to or feel able to make their own decisions due to the trauma they have experienced. Relying on an advocate in such situations is potentially concerning, however, given that not all have legal training and, as the article will turn to next, the quality of support available is often variable. Further, whilst elsewhere it is suggested that support services can reduce rates of attrition (SafeLives. 2021), where assistance is not available for the full duration of the proceedings, victims may withdraw if they feel unable to continue without the support of an advocate upon whom they have formed a particular attachment.

Finally, there was evidence that funding restrictions placed on some commissioned services meant that they were not able to provide support for victims with no recourse to public funds. Two of the interviewees from domestic abuse services noted:

*‘We had a woman call the other day who was told [by a commissioned service] “no sorry we can’t help because you have no recourse for public funds” – I’ve seen this multiple times.’*

*‘Women that have no recourse to public funds come to us and say, “I’ve called all of these helpline numbers”. When you think these women have gone their entire lives being taught they are worthless ... so then to actually build up the bravery to pursue a protective injunction [but] domestic violence agencies are saying “no sorry because of your visa status we can’t help you”. All that is doing is reconfirming what they’ve been taught by the perpetrator’.*

Outside of this study, the annual audit of domestic abuse support conducted by Women’s Aid (2021) found that no victims were refused support because a service was ‘unable to meet support needs around no recourse to public funds’, albeit it is not clear whether the reference to ‘unable’ relates to the competency of a service to provide support or limitations on service provision (p.47). SafeLives. (2021) did not directly address this issue, however they did identify some bespoke court-based support and community support for victims with no recourse to public funds. It is possible, however, that such bespoke provision exists precisely because mainstream government-funded services have restrictions on supporting victims with this immigration status and because other studies have highlighted that specialist ‘by and for’ provision can be necessary to ‘win the confidence of migrant victims’ and overcome issues such as language barriers and poor cultural awareness within generalised services (Home Affairs Committee 2018). This is a gap in knowledge that requires further research given previous studies have found that attempting to escape a violent relationship is a particularly difficult time for women with

no recourse to public funds, and that without ‘adequate and timely support’, many women will return to an abusive situation (Styles 2014, p. 26). Styles (2014) argues, ‘the support that is available to women will impact their decision-making processes and their ability to safely flee violent relationships’ (p.26). A higher level of support may also be required for women with no recourse, who may have fewer social networks. The finding that some support services are unwilling or unable to support migrant victims with no recourse in family proceedings is particularly important given that the Home Office launched the Support for Migrant Victims Scheme in 2021 to ‘paint a more accurate picture of what support migrant victims and survivors need’. In its first year, £1.5 million was dedicated to the Scheme, with a further £1.4 million being provided in 2022/2023. The results of the Scheme are due to be published in Summer 2022. The findings from this study suggest that there is a clear need for either restrictions on commissioned services to be lifted with regard to victims who have no recourse to public funds or for financial support to be separately made available to specialist services to ensure that migrant women can benefit from advocacy support. Aside from further investment, it is also vital that where a service is unable to assist a victim because of the limitations outlined in this section, referrals are made to appropriate services and victims are not expected to locate and approach services themselves, as in the examples provided above.

### ***The quality of support available from advocacy services is variable***

The legal professionals in this study recognised that the quality of advocacy services could be variable as a result of advocates/support workers lacking a sufficient working understanding of the law. In turn this was felt to compromise the quality of information provided to service users and the ability of advocates to offer the ‘legal reality-check’ that is required by many litigants at the early stages of their case (Trinder *et al.* 2014, p. 36). One respondent noted:

*‘This is no disrespect as they’re not legally trained, and yet despite working in this sector, some of them still don’t quite understand the law. For example, with what is needed to get a non-molestation order ex-parte, they continue saying, ‘right, this happened three months ago, this woman needs a non-mol’, and there isn’t merit for it. The client in their head is adamant they now want a non-mol. Then you say, ‘I can’t do that’. It makes us look like the bad guy because we can’t get them the support they need, as we’re restricted by the law’.*

Examples were also provided of support workers ‘overstepping’ by providing legal advice, despite claiming that their support was practical/emotional, and this having a detrimental impact on victims’ expectations:

*If they are asked by the judge ‘why have you stopped contact’ . . . [they will say] ‘because my support worker told me to’. It’s not for a support worker to say, ‘you should be stopping contact’, they should say ‘there’s some safeguarding issues that need exploring but you need to get legal advice around this to know the repercussions’. Because then you [the legal representative] are this bad person who says, ‘I hear what you say, I see what’s happened, but just to let you know when we go to court, he’s going to get contact’. Which happens quite regularly’.*

As a result, the legal professionals described that in some cases advocates/support workers could be a hindrance because the legal professional then needed to manage both the support workers’ and the clients’ expectations:

*I've had this quite a few times . . . I have sat down a client and the support worker is basically sitting there and challenging me and as a professional I am also very mindful that they're a professional and I don't want to disrespect them. I do try and manage expectations as much as possible, but sometimes I will just ask the support worker to wait outside'.*

*'It's managing the support worker's expectations because I've had cases where it'll go to a fact-find hearing say in private law proceedings, but no findings are made and then contact happens. Then the support workers are kicking off saying, "well, I don't understand, she's made all these allegations", but it's a case of the evidence and if the court doesn't believe you on the day, then you're stuck and you know they say "well, I don't think it's safe" but the court has determined it safe, that's the thing'.*

Similar findings were also raised by SafeLives. (2021), where only a third of the victims surveyed reported being either 'somewhat' or 'very' satisfied with the support they received. Despite services claiming to explain the legal process to victims, over 67% of victims in the SafeLives' study who had been through the family court reported that the court process was not explained to them. As a result, victims' understanding of the court procedure was poor. Only 4% of victims reported fully understanding the court procedure whilst over a third said they 'didn't understand the process at all' (SafeLives. 2021, p. 20). It is concerning that in many cases, legal professionals will not be instructed and victims may therefore attend court with a poor or unrealistic understanding of the process and likely outcome.

Issues around competence and understanding are likely to relate, at least in part, to an absence of training or minimum standards for non-IDVA advocates/support workers. Within this study, for example, nearly a third of the questionnaire respondents reported that no one in their organisation had received any legal training despite all respondents supporting victims in family court proceedings. This suggests there is a need for a review into the training requirements of those who do not possess an IDVA level qualification. This was originally recognised by Kelly (2008) who proposed minimum standards that all services should aim to implement with regard to advocacy services. She argued, 'among other areas, advocates should have sufficient knowledge to provide information, advice and referrals on legal rights and remedies (including child protection)' and should be able to 'explain criminal and civil justice processes . . . and the service user's rights' (p.43). It was proposed that minimum standards should be supplemented by aspirational standards, including maintaining an up-to-date list of local lawyers (including pro bono) who work with victims of abuse, accompanying victims to meetings with other professionals and having a working knowledge of the local law court rules and the local justice response. The findings discussed in this section indicate that there would be value in minimum standards to ensure support is more accurate, consistent and reflective of legal practice, however this would require additional funding to allow training to be prioritised. In the meantime, support services should be alive to the availability of free support and training in family law matters through organisations such as Finding Legal Options for Women Survivors (FLOWS).

Improved financial investment would also allow organisations to make provision for the future, which is likely to have a positive impact on advocate/support worker retention and, in turn, quality. A recent Women's Aid (2021) audit of support services identified that advocacy services were the second least funded service after prevention and

education work, that nearly 43% of providers were delivering advocacy services without any dedicated funding and that 69% of providers were using reserves to cover these costs. Nearly 20% agreed that funding difficulties for advocacy work meant they were unable to plan for the future and this impacted the service delivered. The need for increased funding to support victims has been heightened by Covid-19 and the impending introduction of Domestic Abuse Protection Orders (DAPOs) in Spring 2023 under the Domestic Abuse Act 2021 which will likely see domestic abuse services take a more active role in securing protection on service users' behalfs as a third party applicant. Since this study was carried out, there has been some acknowledgement of the need for greater funding to address these concerns through the Home Office (2022) which will see the Ministry of Justice ringfencing £15.7 million per annum for community-based services providing advocacy support to victims of domestic abuse and sexual violence (over and above the funding which will be used to recruit more IDVAs/ISVAs). This is a necessary and welcomed step in securing the future and quality of advocacy interventions.

## Conclusion

Contrary to the policy intention that domestic abuse services would work alongside legal representatives to support victims of domestic abuse in family law proceedings, the data from this study indicate that as a result of LASPO and wider austerity measures, advocacy services are frequently the only source of support available to victims in family law matters. Advocacy support may fall short of full legal representation however it is nonetheless considerably more extensive in its scope than that which is available from other third sector organisations. In the absence of any wide-reaching changes to bring the legal aid means criteria in line with the rate at which litigants can afford to pay for legal services (the review of which is currently being undertaken by the Ministry of Justice) the findings therefore support that 'domestic abuse support and advocacy services are more vital than ever' (SafeLives, 2021, p. 8). The data is cautiously optimistic that domestic abuse services can minimise some of the intellectual, emotional, and practical barriers to the family justice system by ensuring victims are able to make more informed choices about pursuing (or responding to) a legal dispute and navigating the proceedings more competently and safely than if this support was not available. Invariably, given that such assistance is provided free of charge and often by advocates/support workers who have minimal training on legal issues, limitations on such services were identified. Some of these critiques (notably variability in quality and limitations on capacity to assist) are the product of advocacy interventions experiencing years of underfunding (Women's Aid 2021). Whilst SafeLives (2021) concluded that there was a need for funding to recruit more IDVAs (particularly court-based IDVAs), this study highlights the need for funding across three additional areas. Firstly, funding is needed to train non-IDVA advocates/support workers to ensure the quality of advocacy support. As outlined above, this is more important in the wake of the Domestic Abuse Act 2021. Secondly, given this study suggests that community-based services are able to support those who do not qualify for IDVA assistance, and provide advocacy support for victims in areas where there are insufficient numbers of IDVAs, additional funding is required to allow community-based support services to continue picking up this shortfall in support – albeit some funding has now been promised for this through the Tackling Domestic Abuse Plan (Home Office



2022). Finally, given the findings suggest that some commissioned services are not able to support victims with no recourse to public funds, funding (potentially through the Support for Migrant Victims Scheme) must continue to be made available to ensure that migrant victims are not left unable to access advocacy interventions. Of course, it must be borne in mind that support provided by an IDVA/advocate is the lowest level of assistance that should be available to a victim. Efforts must continue to support changes to the legal aid criteria so victims have access to both a legal representative and specialist domestic abuse support, to ensure that their legal interests as well as their safety and wellbeing are best protected throughout the family court process.

## Disclosure statement

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