

## **Laidlaw Reflective Research Report:**

**Self-Defined Research Title:** How are different social groups who experience domestic abuse treated differently by the criminal justice system in England and Wales?

### **The research I have conducted:**

My research project aimed to assess how the criminal justice system interacts with domestically abused women from different social groups – specifically BAME, LGBTQ+ and the disabled communities. It considered how these groups' experiences differed as they interacted with different parts of the criminal justice system and attendant services - the police, courts, and other services (such as shelters and refuges) - alongside considering the differential nature of domestic abuse for each social group. I have completed my literature-based research from the library on campus to enable access to the various journal and literature requirements. My research project involved identifying and comparing current literature to gain an overview of the issue. This can thus be used as foundational knowledge for later reports considering inadequate treatment within the legal system.

Before explaining some of my findings in my research, it is necessary to consider the issues with using terms such as BAME and LGBTQ+. Despite literature often grouping these experiences, there is not one homogenous experience for each social group which thus should be maintained when reviewing the literature. Therefore, before examining the varied experiences throughout the criminal justice system, the differential nature of the abuse for each group needs to be understood. This is important because the varied lived experiences result in the perpetrators exerting control and power in different ways. The differential nature of abuse for BAME women is influenced by the impact of both institutional racism and a governmental policy of hostile immigration.<sup>1</sup> As for LGBTQ+ women, their differential nature is influenced by how their abuse is different to the heterosexual norm of domestic abuse which is the basic model for understanding and intervention; this viewpoint perpetuates the larger male attacking the smaller female.<sup>2</sup> As a result, their abuse is largely linked to gender identity and sexual orientation. Disabled women's experience of abuse is linked to their disability and is often perpetuated by their caregiver (whether this is an informal caregiver or a formal one).<sup>3</sup> This was important to consider because the different nature of abuse affected how the criminal justice system reacted to meet the needs of these women.

As for barriers to reporting abuse and accessing support, these can be broken down into common barriers that are universal to all minority groups and differential barriers. The common barriers concerned intersectional discrimination (since they are both a woman and part of another minority group thus compounding their disadvantage); a lack of understanding on the legislation and services available; not recognising their experience as abuse; being isolated by their abusers; and a lack of monetary funds due to financial control by the perpetrator. As for differential barriers, for BAME individuals, these included the patriarchal nature of communities, the concepts of shame and honour (izzat and sharam in Urdu), language barriers, religious fundamentalism, immigration (causing NRPF) and the social stratification from communities.<sup>4</sup> LGBTQ+ women faced the barriers of minimisation of

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<sup>1</sup> Ministry of Justice, The Lammy review (2016); Ministry of Justice, Tackling racial disparity in the criminal justice system: 2020 update (2020)

<sup>2</sup> Evan Stark and Marianne Hester, 'Coercive Control: Update and Review', *Violence against Women*, 25(1), 91-4

<sup>3</sup> Gill Hague and Ravi K. Thiara, 'Disabled Women and Domestic Violence: Increased Risk but Fewer Services' in Alan Roulstone and Hannah Mason-Bish, *Disability, Hate Crime and Violence*, Routledge Advances in Disability Studies (2012), 107-11; Jennifer Nixon, 'Exploring interaction between two distinct spheres of activism: Gender, disability and abuse (2009) 32(2), 142-9

<sup>4</sup> Burman Batsleer, *Domestic Violence and Minoritisation: Supporting women to independence* (2002), 84-108

experience of abuse, feeling insecure about sexuality, facing societal negative stereotypes, having a lack of trust in public and social facilities and fear of discrimination when accessing assumed heteronormative services.<sup>5</sup> Finally for disabled women, these differential barriers include how they are more likely to be living with and are dependent on the perpetrator, lack of suitable services, disablist social attitudes and reluctance to leave home.<sup>6</sup>

Additionally, when conducting my research, I realised that rather than being specific to domestic abuse, I needed to zoom out and understand the wider picture of the issues occurring within the criminal justice system. To understand these specific domestic abuse issues, I needed to perceive it in light of the wider issues of homophobia, ablism and institutional racism. Whilst ablism and homophobia were present, institutional racism was the most prominent; it is embedded within the system.<sup>7</sup> Therefore, considering structural discrimination was integral to understanding minoritized domestically abused women's experiences.

My findings reflect the different components of the criminal justice system and attendant services - the police, courts and services - and will be briefly explained here. For police, whilst LGBTQ+ and disabled women faced disadvantages, the impact of structural racism was the most prevalent issue, resulting in BAME women having the worst experience.<sup>8</sup> These issues are compounded by the funding cuts placing extensive strain on officers and resulting in a lack of resources to appropriately help women<sup>9</sup>; this thus illustrates that the problem is both attitudinal and financial. The stereotypical racist culture of the police further exacerbates BAME women's reluctance to seek support and isolates them from contact with the criminal justice system.

As for the courts, despite their being a lack of bespoke support for all minority groups, disabled women face the worst experience.<sup>10</sup> These issues occur regardless of whether the disability is identified. Disabilities are often undetected in court if not identified by the police because court staff have been found to view identification as within the police's sphere of influence through the MG2 form. Therefore, a lack of identification results in the court failing to tailor processes to the specialist needs and thus disabled women fall between the cracks. However, it should be considered that due to the lack of cases going to court, the main issue that should be focused on is increasing the number of cases reaching court level rather than the treatment when in court.

Finally, when considering service provision to aid women, all three minority groups were disadvantaged due to the lack of specialist provision. This has been exacerbated over recent

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<sup>5</sup> Michaela Rogers, 'TransForming Practise': understanding trans people's experience of domestic abuse and social care agencies' (2013); Welsh Government, 'Barriers Faced by Lesbian, Gay, Bisexual and Transgender People in Accessing Domestic Abuse, Stalking and Harassment, and Sexual Violence Services' (2014)

<sup>6</sup> Gill Hague, Ravi Thiara and Audrey Mullender, *Disabled Women and Domestic Violence: Making the Links*, a National UK Study, *Psychiatry, Psychology and Law*, (2011) 18(1), 127-8; Jenna P Breckenridge and Nancy Lombard, 'The relationship between disability and domestic abuse' in *The Routledge Handbook of Gender and Violence*, 133-7

<sup>7</sup> Ministry of Justice, *The Lammy review* (2016) ; Ministry of Justice, *Tackling racial disparity in the criminal justice system: 2020 update* (2020)

<sup>8</sup> Independent, *Almost half of BME domestic abuse victims say police failed to take their complaints seriously* (1 December 2022) <<https://www.independent.co.uk/news/uk/home-news/domestic-abuse-police-black-and-ethnic-minority-b2236980.html>>; UK Government, 'Ethnicity facts and figures: Crime Justice and the Law' <<https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law>>

<sup>9</sup> Metropolitan Police, *The Baroness Casey Review* (2023)

<sup>10</sup> Ministry of Justice, 'Court experience of adults with mental health conditions, learning disabilities and limited mental capacity- report 1' (2010), 5-20; SafeLives, *Understanding court support victims of domestic abuse* (2021), 55

years due to funding cuts disproportionately affecting specialist services.<sup>11</sup> Additionally, the lack of training for all social groups worsens the experience faced.<sup>12</sup> It is important to maintain that when considering services, there are large discrepancies nationally and the size of services should be considered in reference to social group size.<sup>13</sup> In terms of BAME, women who face non-recourse to public funds (NRPF) largely fall into this social group which affects their ability to seek refuge at shelters and places a large burden on services who don't want to refuse support.<sup>14</sup> This increased pressure on specialist services also occurs when Women's Aid (the body that the government funds) states in their policy that they don't consider race or immigration. The importance of this surrounds how some abused immigrant women have NRPF; this lack of access to public funds means that the refuge cannot be reimbursed for the cost of the woman's stay. As a result, by not explicitly considering immigration status, they will be likely only support women with access to public funds. Since a disproportionate number of women with NRPF are BAME women, this demonstrates inadequate and disproportionate treatment. When considering LGBTQ, whilst there is a lack of specialist services nationally to all groups, trans women have the worst experience since largely services are angled towards heteronormativity.<sup>15</sup> Finally, for disabled women, there is a lack of specialised services nationally and those that are available are primarily 'structural' compared to 'attitudinal'.<sup>16</sup>

### **How the research work is impactful or important:**

My research is important because as a society we are increasingly concerned with the treatment of minority groups and are aware this is usually inadequate. Therefore, by comparing various minoritized groups, a greater understanding of the discrepancies between them can be gained. Minority groups are not homogenous, and my research aims to dissolve the notion that all minorities are treated in one way and the majority differently. Instead, as my research indicates, different minority groups (and different sub-groups) face varied experiences. This is especially important in the context of domestically abused women's treatment in the criminal justice system since historically, the system has favoured men and viewed the issue as one that was beyond the public's jurisdiction. As society becomes more open and accepting of all groups, it should be ensured that governmental systems and the

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<sup>11</sup> Gill Hague, Ravi Thiara and Audrey Mullender, 'Making the Links: Disabled Women and Domestic Violence', a National UK Study- w/ Womens Aid (2011); Maggie Bridge, 'Contemporary feminist imaginings of the refuge space: implications for black and 'minority ethnic' migrant survivors in the UK' - *Journal of Gender-Based violence*, 4(3), 393-409; Michaela Rogers, 'TransForming Practise: understanding trans people's experience of domestic abuse and social care agencies' (2013), 91-4;

<sup>12</sup> Gill Hague, Ravi Thiara and Audrey Mullender, Making the Links: Disabled Women and Domestic Violence, a National UK Study- w/ Womens Aid (2011); Ravi K. Thiara, Sumanta Roy and Dr. Patricia Ng, 'Between the lines: service responses to black and minority ethnic women and girls experiencing sexual violence', (2015), 7-17

<sup>13</sup> Galop, 'Commissioning for inclusion: delivering services for LGBT+ survivors of DA' (2021), 6

<sup>14</sup> Maggie Bridge, 'Contemporary feminist imaginings of the refuge space: implications for black and 'minority ethnic' migrant survivors in the UK' - *Journal of Gender-Based violence*, 4(3), 393-409

<sup>15</sup> Catherine Donovan, Dr. Jasna Magić and Sarah West, 'LGBT+ Domestic Abuse Service Provision Mapping Study', 6-16; Galop, "'An isolated place": LGBT+ domestic abuse survivors access to support' (2023); Stonewall, 'Supporting trans women in domestic and sexual violence services', (2018) 6-18

<sup>16</sup> Jenna P Breckenridge and Nancy Lombard, 'The relationship between disability and domestic abuse' in *The Routledge Handbook of Gender and Violence*, 133-7; Ravi K. Thiara, Sumanta Roy and Dr. Patricia Ng, 'Between the lines: service responses to black and minority ethnic women and girls experiencing sexual violence' (2015), 7; Gill Hague and Ravi K. Thiara, 'Disabled Women and Domestic Violence: Increased Risk but Fewer Services' in Alan Roulstone and Hannah Mason-Bish, *Disability, Hate Crime and Violence*, Routledge Advances in Disability Studies (2012), 107-11; Gill Hague, Ravi Thiara and Audrey Mullender, Making the Links: Disabled Women and Domestic Violence, a National UK Study- w/ Womens Aid (2011)

Poppy Davey

law follow this route. Therefore, completing this literature review is important, it compares different minority groups and illustrates the specific areas of worst treatment.

Additionally, the potential impact of my research renders it important. Upon research, there are no other pieces of literature that directly compared minoritized groups in this context. So often women, and in particular domestically abused women, are failed by society both in terms of police treatment, the lack of convictions, and the absence of refuge support. Therefore, shedding light on these issues is the way to achieve societal change. My research provides a comparison of the different social group's experiences to demonstrate how the inadequacies faced depend on the social group. This direct comparison in treatment is important because it uncovers how social biases have penetrated different areas of the criminal justice system. The current lack of research both on the groups independently and comparing is problematic because, without knowledge of issues, changes will not be made. Additionally, the direct comparison allows a broader understanding of the issues in the criminal justice system.

Through my future dissemination with academics and charities at conferences, I can pass my research onto people with greater influence. As concluded, most of the issues are fundamentally due to a lack of funds and no matter how idealistic provisions are, without greater funding, change cannot be made. Women of minority backgrounds cannot be continually left behind and pushed to the shadows. Therefore, I hope by establishing connections, my research can contribute to the change needed.

#### **Dissemination:**

As I am writing this report after just completing my research, I have not yet disseminated my findings. This is partially due to how the self-defined nature of my research means I must find these opportunities myself and there are not many opportunities within the criminal justice sphere due to the already high pressure on resources. After looking at possible conferences to disseminate to, it has become apparent that these are over for the year and the next one was in early 2024. Therefore, I am going to be keeping an eye out for when applications are open to attend these conferences in the future.

As for near-future dissemination, I have plans to disseminate to academics within the School of Law Centre for Criminal Justice Studies when the university re-starts in September. This will provide me with the opportunity to practise my public speaking and gain further insight and feedback from academics in this field.

Additionally, I have produced a research project which has been attached at the bottom of this document and is separately attached to the Laidlaw scholars' network. Creating this document enabled me to narrow down my ideas into clear and concise points which are accessible to all. This is important since making the concepts accessible to all further facilitates raising awareness of the issue.

#### **The impact conducting research has had on me:**

Having never completed an independent project like this, I naturally anticipated the journey and naively predicted it would be a linear one. Thus, this project has taught me the importance of problem-solving when things don't go to plan. An example of this occurring was realising that there is an absence of literature on the court process for domestically abused minority groups which is likely due to the lack of cases going to court. This reflected minority treatment in literature being focused on the police and services rather than the courts. As a result, I realised that it would not be possible to look at courts purely considering domestic abuse cases and instead, the wider process should be considered in light of the issues of ableism, homophobia and institutional racism. Rather than perceiving setbacks like this as a weakness, it became a strength since it forced me to obtain a wider perspective of

Poppy Davey

the issues and realise how structural the issues are. Moreover, developing perseverance will enable me to confidently work through problems faced in future projects.

Additionally, conducting this research facilitated the development of my critical thinking skills. Thinking critically about a topic is vital to forming analytical and evaluative arguments and through assessing different viewpoints, my independent thinking has improved. Before completing this project, I often took arguments at face value and didn't question their validity. Having to work through such a large mass of articles really taught me how to question the biases of each and their reasonings for writing. An example of this is that when reading government documents on the courts, for example, I had to contemplate their reasons for writing and wanting to portray a certain image. Therefore, being an independent thinker requires challenging different perceptions and viewpoints. Learning this skill is one that will be incredibly useful both in my degree and beyond.

My perception of society and governmental institutions has also changed because of the research. Without taking the time to educate yourself on a topic, it is inevitable that you lack an understanding of the extent of the issue. While one can be anticipated that minority women do not benefit from the same treatment as white heterosexual women, I wasn't aware of the more specific issues such as the impact of immigration (and those with no recourse to public funds), and the conversation regarding gender in shelters for transgender individuals. Therefore, conducting this project has widened my understanding of how the criminal justice system is like a puzzle where all parts are interconnected; completing one piece of the puzzle (even if it is an important part like the police), doesn't mean that the rest is solved. Therefore, the various issues at different stages of the system need to be corrected. This has resulted in my opinion now being that wider societal changes need to occur to how public bodies are funded rather than criminal justice-specific changes. The need for this can be exemplified by how the police have a stereotype of failing women and many blame this on a patriarchal culture; however, whilst this certainly plays a part, other issues contribute such as the lack of training and the lack of resources resulting in officers being stretched beyond capacity.

#### **The leadership skills gained:**

Conducting independent research has progressed my leadership skills which include data analysis and project management. Developing data analysis showcases leadership skills because compiling and reading various forms of information and displaying it in an understandable way demonstrates an ability to make a topic approachable. Since one of the main roles of leaders is to unite a team, being able to convey information to people of various capabilities is vital. This was pivotal in my research when I had various pieces of complicated literature to grasp and thus made clear and concise notes on them all. Consequently, this was turned into a list of key themes which I could use as the foundations for my academic poster.

As for project management, this furthered my leadership skills by improving my organisational skills and becoming more comfortable in positions of responsibility. The independent nature of my self-defined research developed my responsibility since I was fully in control of all stages of the project. Completing a project of this scale independently (except for my incredible supervisor support) really forced me to work through challenges and come up with solutions myself which was something that I previously had little experience in. EPQ was the closest experience I had prior and whilst this was a research project, I had a lot of support from my teacher. Contrastingly, in this research, when I encountered the issue of a lack of literature on the traveller community, I worked through the problem to identify the disability social group as a viable alternative. Furthermore, this reflects a newfound confidence in my abilities rather than immediately seeking external help which is important for leaders in charge of making important decisions. Additionally, within project management, my organisational skills were improved by breaking down my project

Poppy Davey

into weekly assignments with the assistance of my supervisor and implementing weekly reflections. By having smaller tasks to tackle each week, I was able to move through tasks more calmly and quickly without feeling stressed about the bigger picture; this is important for leaders who are often overseeing large projects.

**My Future plans:**

Whilst I am not completely sure on the direction of my future plans, this research project has certainly improved my sense of direction. Despite the clear difference between discovering your passions and discovering the right career for you, conducting this research has enabled development of my understanding of the former. Prior to conducting my research, I knew the legal treatment of women was an interest of mine, but it was only through completing the research that I realised how passionate I am. Having a desire to contribute positively to society is something I have always felt and thus conducting a project in this area showcased that this was the area I want to work in. Although I remain unsure of the exact direction my career will take, I know I want it to be in supporting the underrepresented. Before becoming a Laidlaw scholar, I knew that this was an interest, but I was primarily considering a commercial career. Whilst commercial law remains an option, my focus has shifted towards considering a career in criminal justice. Additionally, I am really interested in international law and thus am considering if a career in the international legal treatment of women is possible.

It is also important to note the positive impact this project has had on my perception of what I am capable in my future. I always viewed myself following the typical solicitor route and working in commercial law partly due to not knowing other avenues and because I didn't think I was capable of working in a more leadership-oriented role. This project has showcased that I am capable of being a leader and that following a different route to the majority doesn't invalidate my plans or mean they are less likely to result in success.

On a shorter-term basis, conducting this research has affirmed that I want my dissertation in third year (or fourth because I am hoping to study abroad) to be on a related topic. This will likely involve building on the research I have undertaken in this project and further developing my knowledge.