

5th October 2021

HMICFRS a Joint Thematic Inspection of the Police and Crown Prosecution Services Response to Rape.

This report found [here](#), is phase one of two examining the response, decision-making and effectiveness of the Police and Crown Prosecution Service (CPS) at each stage of a rape case.

There were 13 recommendations raised in this report of which 7 were relevant to the police service. I agree with the response from the Deputy Chief Constable to the recommendations made.

Chris Nelson

Gloucestershire Police and Crime Commissioner

Gloucestershire Constabulary

Police Headquarters
No.1 Waterwells, Waterwells Drive
Quedgeley, Gloucester. GL2 2AN
Tel: 101 www.gloucestershire.police.uk

Mr Richard Bradley Chief Executive Office Police and Crime Commissioner – Gloucestershire	Our Ref: JS-jms/Bradley HMICFRS inspection of the police and Crown Prosecution Service's response to rape Email: jon.stratford@gloucestershire.police.uk Direct Dial: 01452 752331 Date: 17 September 2021
--	--

Dear Richard

Re: HMICFRS A joint thematic inspection of the police and Crown Prosecution Service's response to rape

Please find below our response to the above report, aimed at assisting you to meet the requirements of Section 55(1) of the Police Act 1996.

The inspection is being conducted in two phases. This report relates to phase one. Phase one examined what happens up to the decision to take no further action. The inspection focused on three questions:

- What are the barriers to rape reports progressing to a decision to charge?
- Why does the volume of cases referred to the CPS for charging advice vary by police force and CPS Area?
- How well do the police and the CPS work together to prosecute reports of rape?

Phase two will look at cases that were charged to their conclusion in court or otherwise. Phase two is planned to take place later in 2021.

The report was a thematic inspection that used existing data, augmented by activity with eight forces in seven Crown Prosecution Service areas (CPS). Gloucestershire was not one of the forces inspected.

There are thirteen recommendations with seven relating to the Police Service. An assessment of force activity against each of these is outlined on the attached table.

Please do not hesitate to contact me should you require any further information.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Jon Stratford', with a horizontal line underneath.

Jon Stratford
Deputy Chief Constable

Att/.

A joint thematic inspection of the police and Crown Prosecution Service's response to rape

Phase one: From report to police or CPS decision to take no further action

Ref	HMICFRS	Owner	Timescale	Progress
1	<p>Recommendation 1</p> <p>Immediately, police forces should ensure information on the protected characteristics of rape victims is accurately and consistently recorded.</p>	Police Forces	Immediately	<ul style="list-style-type: none"> The Constabulary consistently records age/date of birth, gender and ethnicity. Gender fields are currently limited to male, female and unknown and therefore do not include other self-identified gender forms under the protected characteristics, due to limitations with the Force's core records management system which is due for replacement. Ethnicity includes the 16 point self-defined ethnicity and the six point defined appearance by the completing officer/staff member. Home Office Counting Rules (HOCR) do not stipulate that all of the protected characteristic details are required when recording victim information. There are specific fields within a crime record that will cover some of these points, for example, hate crime flag, or vulnerable person marker. These are mandated as part of our Annual Data Requirement (ADR) to the Home Office. The sensitivities, timing and practicalities of capturing the nine protected characteristics will need to be carefully considered to avoid alienation and inadvertently causing offence.
2	<p>Recommendation 2</p>	Police Forces	None Set	<ul style="list-style-type: none"> The RASSO tactical lead has regular contact with the SARC Manager, lead nurse and Head of G4S, where all

	<p>Police forces and support services should work together at a local level to better understand each other's roles. A co-ordinated approach will help make sure that all available and bespoke wrap-around support is offered to the victim throughout every stage of the case. The input of victims and their experiences should play a central role in shaping the support offered.</p>			<p>cases that have been referred are discussed to ensure appropriate services have been provided to the client.</p> <ul style="list-style-type: none"> • Monthly meetings are held with GRASAC (Gloucestershire Rape and Sexual Assault Centre), the OPCC commissioned ISVA provider, to determine appropriate delivery of service from police to clients. • The Sexual Violence Partnership Board (strategic and operational) ensures proper representation from all agencies in the provision of services relating to sexual violence. • Alongside the sexual violence work a consultation coordinator is being recruited to seek feedback from service users on a regular basis to ensure that the activities of the partnership stakeholders are consistently informed by the service user. • A quarterly regional ISVA meeting takes place attended by ISVAs, support agencies, CPS, OPCC and police leads to discuss relevant issues in relation to service provision.
3	<p>Recommendation 3 Police forces should collect data to record the different stages when, and reasons why, a victim may withdraw support for a case. The Home Office should review the available outcome codes so that the data gathered can help target necessary remedial action and improve victim care.</p>	Police Forces	None Set	<ul style="list-style-type: none"> • Police collect outcome 15 (discontinued due to evidential difficulties) and outcome 16 (discontinued due to victim unwilling to support) data and record reasons as part of the crime recording process. • Discussions have taken place re: commissioning some academic research to gain a greater understanding of the high attrition rates and reluctance to engage with the criminal justice process. The impact of the pandemic has unfortunately caused this work to be put 'on hold'. The activity will recommence at the start of the new academic year in September.
4	<p>Recommendation 4 Immediately, police forces and CPS Areas should work together at a local level to prioritise action to improve the effectiveness of case strategies and action plans, with rigorous target and review dates and a clear escalation and</p>	Police Forces and CPS	Immediately	<ul style="list-style-type: none"> • The RASSO 2025 Joint National Action Plan (JNAP) has been signed between Police and CPS, which provides clear guidance and focus to the investigation of serious sexual violence. • The national plan informs the framework for the local joint action plan, and is key part of the bi-monthly

	performance management process. The NPCC lead for adult sexual offences and the CPS lead should provide a national framework to help embed this activity.			<p>RASSO PTPM (Prosecution Team Performance Meeting).</p> <ul style="list-style-type: none"> The PTPM provides the governance and framework for regular review and auditing activity, along with learning and success.
5	<p>Recommendation 5 Police forces and the CPS should work together at a local level to introduce appropriate ways to build a cohesive and seamless approach. This should improve relationships, communication and understanding of the roles of each organisation. As a minimum, the following should be included:</p> <ul style="list-style-type: none"> considering early investigative advice in every case and recording reasons for not seeking it; the investigator and the reviewing prosecutor including their direct telephone and email contact details in all written communication; in cases referred to the CPS, a face-to-face meeting (virtual or in person) between the investigator and prosecutor before deciding to take no further action; and a clear escalation pathway available to both the police and the CPS in cases where the parties don't agree with decisions, subject to regular reviews to check effectiveness, and local results. 	Police Forces and CPS	None Set	<ul style="list-style-type: none"> A recent survey has been conducted into police and CPS relationships to identify key issues and enable a more collaborative approach. The RASSO PTPM is the forum through which feedback from both police and CPS is exchanged, which includes performance data and examples re: the uptake/utilisation of Early Advice (EA). The <i>Investigations Policy</i> has been updated to ensure that EA is considered at each supervisory review for all crime is in place. Contact details for CPS have been shared with the police and disseminated to all officers involved in the investigation of rape alongside the EA guidance, which includes escalation process and timescales. EA guidance is readily available to all officers/staff via the force intranet.

6	<p>Recommendation 6 The police and the CPS, in consultation with commissioned and non-commissioned services and advocates, and victims, should review the current process for communicating to victims the fact that a decision to take no further action has been made. They should implement any changes needed so that these difficult messages are conveyed in a timely way that best suits the victims' needs</p>	Police Forces and CPS	None Set	<ul style="list-style-type: none"> • The process for delivering the message that a case is being discontinued is done face-to-face with the victim, by the officer in case (OIC). Where possible this will be done in the presence of the victim's ISVA or other appropriate support worker or advocate. • In addition to the face-to-face meeting, a letter is also provided, written by the reviewing CPS lawyer, which explains the reasons for the case being discontinued. This is to assist the victim to understand the rationale for the decision, as it is acknowledged that a verbal explanation may not be fully comprehended at the time it is delivered. • The content and wording of these discontinuation letters has been subject to recent review by the local scrutiny panel, following concerns re: lack of sensitivity and legal jargon/terminology being used.
7	<p>Recommendation 7 Police forces should ensure investigators understand that victims are entitled to have police decisions not to charge reviewed under the Victims' Right to Review scheme and should periodically review levels of take-up.</p>	Police Forces	None Set	<ul style="list-style-type: none"> • At the same time that the discontinuance letter is provided to the victim, the OIC will also discuss the Victim Right to Review (VRR) scheme with relevant signposting should they wish to invoke the right. • A newly created role of Victim Coordinator is being recruited by the Constabulary to ensure that the victim code is promoted and adhered to, and to also ensure that investigators understand the VRR process. • The Victim Coordinator will audit/dip-sample/quality assure VRR cases and review levels of take-up. • All VRRs relating to RASSO cases are currently reviewed by the Detective Chief Inspector for Investigations.
8	<p>Recommendation 8 The National Criminal Justice Board should review the existing statutory governance arrangements for rape and instigate swift reform, taking into account the findings from this report and from the Government Rape Review. The recent</p>	NCJB	N/A	N/A

	<p>appointment of the Minister for Crime and Policing to lead the implementation of the Rape Review should make sure that there is sustained oversight and accountability throughout the whole criminal justice system, sufficient resourcing for the capacity and capability required, and improved outcomes for victims. To support this, a clear oversight framework, escalation processes and scrutiny need to be in place immediately.</p>			
9	<p>Recommendation 9 Immediately, the CPS should review and update the information on the policy for prosecuting cases of rape that is available to the public. The information provided about how the CPS deals with cases of rape must be accurate. Victims and those who support them must be able to rely on the information provided to inform their decisions.</p>	CPS	N/A	N/A
10	<p>Recommendation 10 Immediately, the College of Policing and the NPCC lead for adult sexual offences should review the 2010 ACPO guidance on the investigation of rape in consultation with the CPS. The information contained in available guidance must be current to inform effective investigations of rape and provide the best service to victims.</p>	CoP & NPCC	N/A	N/A
11	<p>Recommendation 11 The Home Office should undertake an urgent review of the role of the detective constable. This should identify appropriate incentives, career</p>	HO	N/A	N/A

	progression and support for police officer and police staff investigators to encourage this career path. It should include specific recommendations to ensure there is adequate capacity and capability in every force to investigate rape cases thoroughly and effectively.			
12	<p>Recommendation 12</p> <p>The College of Policing and NPCC lead for adult sexual offences should work together to review the current training on rape, including the Specialist Sexual Assault Investigators Development Programme (SSAIDP), to make sure that there is appropriate training available to build capability and expertise. This should promote continuous professional development and provide investigators with the right skills and knowledge to deal with reports of rape. Forces should then publish annual SSAIDP attendance figures, and information on their numbers of current qualified RASSO investigators.</p>	CoP & NPCC	N/A	N/A
13	<p>Recommendation 13</p> <p>The College of Policing, NPCC lead for adult sexual offences and the CPS should prioritise action to provide joint training for the police and the CPS on the impact of trauma on victims, to promote improved decision-making and victim care.</p>	CoP & NPCC	N/A	N/A