

18th May 2022

Response to the national HMICFRS joint thematic inspection of the police and Crown Prosecution Service's Response to Rape Phase 2: Post-charge

This report found [here](#) is the final part of the HMICFRS and HM Crown Prosecutions Service Inspectorate's joint inspection of the investigation and prosecution of Rape in England and Wales. Where the first part of the inspection examined cases from the point when they were reported to the police through to the decision to take no further action. The second part looks at cases from the point of charge through to their end.

This report is particularly significant as it relates to my priority in the police and crime plan 'Tackling Violence against Women and Girls'. These crimes can have a profound effect on victims and those closest to them. Therefore it is imperative that the police response to rape is considered and effective.

Though Gloucestershire Constabulary was not one of the six forces inspected two of the nine recommendations are relevant to the police service. I agree with the response given from the Assistant Chief Constable Rhiannon Kirk and will be looking forward to see the outcomes from these recommendations.

Regards

Chris Nelson

Gloucestershire Constabulary

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Our Ref: LG/Bradley Rape Phase 2
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Dial:

Date: 22 April 2022
Updated 11 May 2022

Dear Richard

Re: Response to the national HMICFRS joint thematic inspection of the police and Crown Prosecution Service's response to rape Phase 2: Post-charge

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 report is national report and Gloucestershire Constabulary was not one of the six forces inspected.

This publication follows the Rape Phase 1 inspection published in July 2021 that examined cases from the point when they were reported to the police through to the decision (either by the police or the CPS) to take no further action. This part (Phase 2) examines cases from the point of charge through to their conclusion.

It notes an overall conclusion that the criminal justice system is failing to provide a satisfactory level of service to victims of rape and that consistently good communications with victims, better relationships between prosecutors and the police, and stronger case building would improve this.

The nine new recommendations are directed at a number of agencies, with two allocated to the police service, as assessment of Force activity has been included in the table below. The recommendations for other agencies have been included for reference, however do not require individual forces to implement changes at this time, and the outcome will be monitored for any subsequent impact

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

Yours sincerely



PP

Rhiannon Kirk

Assistant Chief Constable

Att/.

HMICFRS joint thematic inspection of the police and Crown Prosecution Service's response to rape Phase 2: Post-charge

Recommendations				
Ref	HMICFRS	Owner	Timescale	Progress
1	<p>Recommendation 1 Immediately, police and prosecutors should review and significantly improve communications with victims from the point of charge onwards.</p>	Police Service	Immediately	Communication is provided to all victims via the officer overseeing the case and Independent Sexual Violence Advisors in line with agreed terms within the victim contract and Victims Code of Practice COP post charge. Police communication is good. It has been recently acknowledged by South West CPS that they do have a gap in service around victim contact and have created a new role to address this. Officers overseeing cases will be given a direction reminding them of their responsibilities.

Continues below

<p>9</p>	<p>Recommendation 9</p> <p>Immediately, forces should make sure that victims of rape are given the opportunity to make a victim personal statement (VPS) at the earliest possible time, with the option of updating this statement closer to the court trial date.</p>	<p>Police Service</p>	<p>Immediately</p>	<p>All victims of crime, including victims of Rape, are provided with our victim of crime booklet when a crime is reported to us. This booklet contains information about VPS and what a victim can expect from providing a VPS.</p> <p>Frontline officers and investigating officers all have the booklet by way of QR code also to ensure a victim can be easily provided with another copy should they need it.</p> <p>Training has been provided to frontline staff, including RASSO and CID officers, about the importance of VPS and information about VPS.</p> <p>We have a new VCoP intranet page which includes detail about VPS, which is accessible for all officers.</p> <p>All crime enquiries are updated on our Core RMS system and we have introduced new pro-forma templates that all officers must complete when they become OIC for a crime and throughout the investigation – One of these templates is VPS – This ensures officers have considered and offered VPS at the earliest opportunity and means they can document this communication. The templates will feed into a performance dashboard in the future which will assist us in monitoring compliance around VCOP rights and in particular VPS's.</p> <p>VCOP performance monitoring is conducted and reported into the CDI/CMU improvement Board and the Operational Policing Board chaired by the ACC's. In the last quarter over 900 crimes were dip sampled as part of the audit and over the last three quarters there are significant performance improvements across the vast majority of VCOP criteria. By June 2022 the new templates and VCOP App will enable more refined performance reporting on VCOP.</p>
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			<p>The last VCOP performance report is attached separately to this document for reference of the OPCC.</p> <p>RASSO specific - The investigating officers, trained detectives in the dedicated RASSO or CID department, will then discuss VPS and offer a victim the opportunity to make one at the point of making their statement/interview of evidence. Victims are supported to make decisions about when they would like to make a VPS and this is re-visited throughout the investigation. In all cases where a victim is wanting to provide a VPS this will be taken prior to the first hearing in case of an early guilty plea.</p> <p>Victims of rape are generally advised to engage with support agencies before providing a VPS or offered the opportunity to provide a second one after support, this is because a trauma informed approach is taken to working with our victims because:</p> <ol style="list-style-type: none">1. The impact of the offence is usually not fully understood at the point of recorded interview and support agencies help them gain understanding and insight. Most VPS' end up being completed much later in the investigation, sometimes post-charge but if a victim wishes to provide one early this is supported and actioned.2. A good quality VPS can take hours to obtain, so does an evidential ABE for a rape case. Put both of these together and you could have a rather exhausted victim spending hours in a police station reliving the events.3. Getting a victim to speak in great detail about their emotions before suitable support is in place for their mental health is not necessarily in their best interest.
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				Gloucestershire Constabulary has made an in principle decision to take part in the next phase of Operation Soteria, which brings together leading academics from across the UK to work alongside police officers and seeks to improve the investigation and response to rape and serious sexual assault. Contact has been made with the Home Office sighting our formal interest and further communication and detail with regards to the implementation, delivery and funding is awaited. This has been discussed at both the regional ACC's meeting, regional ACC/CPS meeting and regional Chief's meetings. Gloucestershire is in the process of finalising the plans with the Home Office Soteria Team.
Recommendations for other agencies				
2	Recommendation 2 Immediately, and no later than September 2022, the CPS should unequivocally define the role of the prosecutor in communicating with victims, and the standards expected in doing so.	CPS	Immediately	N/A at present – Outcome will be monitored
3	Recommendation 3 By December 2022, the Ministry of Justice (MoJ) should complete a full mapping exercise of (1) demand for and (2) provision of specialist sexual violence victim services across England and Wales. They should then use this to make sure there is adequate and effective provision of specialist and bespoke support to all victims of rape, with long-term funding in place.	MoJ	December 2022	N/A at present – Outcome will be monitored
4	Recommendation 4 Immediately, and no later than May 2022 to help clear the significant Crown Court backlog for rape cases, the MoJ	MoJ	Immediately	N/A at present – Outcome will be monitored We should however note the role of the LCJB in coordinating action to drive down court backlogs. This is

	should group adult rape cases into specialist rape offence courts.			represented at senior levels from all agencies within Gloucestershire and is chaired by the PCC
5	<p>Recommendation 5</p> <p>Immediately, and no later than May 2022, the Home Office and the Ministerial Lead for Rape and Serious Sexual Offences should consult widely on the benefits of a commissioner with explicit responsibility for and focus on tackling rape and serious sexual offences. This should include working with ministers, established Victims' Commissioners, the Domestic Abuse Commissioner and support services, and considering whether an expansion of the role of either the existing commissioner for domestic abuse or for victims is feasible and workable. Sustainable funding and appropriate staffing support must be in place to support this focus.</p>	Home Office	Immediately	N/A at present – Outcome will be monitored We should however note that the PCC is the victims' commissioner locally. We need to carefully consider the value added of any national Commissioner role to tackle rape and consider whether more local authority/autonomy through the LCJB would provide stronger traction.
6	<p>Recommendation 6</p> <p>Immediately, and no later than by September 2022, the MoJ should gather and publish quantitative and qualitative data on use of special measures in rape cases, including section 28.</p>	MoJ	Immediately	N/A at present – Outcome will be monitored
7	<p>Recommendation 7</p> <p>By September 2022, the CPS should make sure regular clinical supervision is available to all prosecutors who deal with rape and serious sexual offence cases.</p>	CPS	September 2022	N/A at present – Outcome will be monitored
8	<p>Recommendation 8</p> <p>Immediately, the police and the CPS should work collaboratively to ensure that bad character is considered in all rape cases, and progressed wherever it is applicable.</p>	CPS	Immediately	N/A at present – Outcome will be monitored

Ends/.

Security classification: **OFFICIAL**