

The Rt Hon Priti Patel MP  
Home Secretary  
Home Office  
2 Marsham Street  
London  
SW1P 4DF

9<sup>th</sup> September 2021

Dear Home Secretary,

### **Police and CPS Response to Rape, Phase One Report**

As required by statute, I am writing to you to respond to the Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) report entitled, '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'.

The severity of rape and other serious sexual offences (RASSO) cannot be overstated. Victims of RASSO are likely to experience significant trauma and face a long-lasting impact on their mental and emotional well-being. It is therefore essential that we get the criminal justice response to RASSO right every time. Sadly, as highlighted in the Government's End to End Rape Review Report, the national trend has shown a decline in the quality of our collective service response over recent years. Of the issues identified in this report, I am particularly concerned about the number of victims withdrawing from the criminal justice process and the declining charge and prosecution rates for RASSO.

I include below a statement from the Chief Constable, which outlines her views on HMICFRS' report:

*'I welcome this thematic report from Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services that examines the topic of decision making by the Police and the Crown Prosecution Service (CPS) to take no further action in rape cases.*

*Rape is an abhorrent crime that leaves life-long lasting trauma and impact on victims. It takes immense bravery and resolve for victims to report rape offences and investigating such offences and supporting victims is therefore a key priority in Gwent Police.*

*Through joint working with the Police and Crime Commissioner, we have introduced a Survivor Engagement Coordinator, the first of its kind in Wales. The coordinator will bring together a range of support services for victims and witnesses to crime to ensure that a victim centred approach is at the heart of Gwent Police's response to survivors of sexual abuse (and domestic violence). They are a vital link between survivors and strategic partners, providing them with the opportunities to influence positive change within policies and procedures.*

*I share the concerns raised within the report about attrition rates and the length of time taken to reach an outcome decision. This is far too long and prolongs the trauma for victims and delays them being able to move on. I commit to working through the recommendations within this report with the CPS and other partners to ensure victims are at the heart of everything we do and to increase confidence with victims to report incidents to Gwent Police.'*

As stated by the Chief Constable, we have taken proactive steps in Gwent to ensure that we are doing all we can to deliver an effective service for victims and provide them with support that meets their needs. We are also undertaking work to improve our overall response to RASSO, taking an end to end approach that identifies areas of strength and weakness from the point of initial disclosure through to prosecution. To that end, my Office has conducted a local rape review which includes recommendations on where Gwent Police can improve its performance around RASSO. This review also aligns with local and national joint action plans between police and the CPS along with national work already underway through the Criminal Justice in Wales partnership. I am working closely with the Chief Constable to support Gwent Police in delivering against the requirements of both the ongoing local and national efforts to improve the criminal justice response to RASSO.

More detail on the work we are undertaking in Gwent can be found below in updates to the relevant recommendations contained within the report:

- **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.**

The JNAP (Joint National Action Plan) for rape has produced the ISVA framework (July 21) which provides guidance around how police and ISVAs should work together. This forms part of the Gwent Police and also the All Wales RASSO (Rape and Serious Sexual Offences) action plan.

On a practical level, a group has been set up between the police and New Pathways, our local specialist counselling and advocacy service for women, men, children and young people who have been affected by rape or sexual abuse. This group will work towards the implementation of the ISVA framework.

The RASSO Detective Sergeants hold monthly meetings with the ISVAs in order to ensure that cases are progressing effectively and provide a coordinated approach and support - The ISVAs represent the voice of the victim.

In addition, following a jointly commissioned review by Gwent, Dyfed Powys and South Wales police forces and OPCCs, Gwent Police is now examining local ISVA provision and will provide recommendations on how that provision should be structured and commissioned.

- **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.**

The force is currently reviewing its business intelligence system to scope the functionality of obtaining this data.

- **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 performance management process. The NPCC lead for adult sexual offences and the CPS lead should provide a national framework to help embed this activity.**

Collaboratively, the JNAP has been produced to offer the resolution to effective rape investigations and is a national framework. One of the pillars within the JNAP focusses on investigations. Activity delivered through that action plan includes publication of agreed guidance on early advice and guidance on file of evidence compilation with a view of offering guidance and clarity between the police and the CPS on action plans and case strategies.

A dip sampling process has been adopted in Gwent as a performance management mechanism. It informs relevant meetings and also the Vulnerability Training Steering Group.

Gwent Police have recently introduced dedicated RASSO Detective Sergeants into each of the Local Policing Areas. They assist in delivery against this recommendation by offering dedicated and effective supervision of rape cases.

- **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:**

- **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.**

The embedding of the early advice as outlined above is impacting on this and we are already seeing more uptake of early advice which means police officers are discussing cases with CPS lawyers. An escalation policy has been drafted but is subject to final sign-off.

- **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.**

It is planned to give all staff who deal with rape cases trauma informed training to help them understand the needs of the victim. The initial training provided to SOLOs (Sexual Offences Liaison Officers) includes an input from a survivor who provides focus on this aspect which helps reinforce the need that timely communication that is tailored to the individual needs of the victim is crucial.

As mentioned by the Chief Constable, Gwent Police, in conjunction with the Office of Police and Crime Commissioner have introduced a Survivor Engagement Coordinator. The role maintains the victim's network and will provide any relevant feedback regarding any issues that victim's within the network have. This helps to inform service provision and shape activity and process around this recommendation.

As explained above the RASSO Detective Sergeants hold monthly meetings with the ISVAs. This allows them to gain a good understanding of the requirements of the victim which will inform the method used to provide such difficult messages.

- **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.**

The recent introduction of the RASSO Detective Sergeants posts now offers a dedicated supervisory role for RASSO offences. Part of this role will ensure this is consistently done and will review the uptake levels.

- **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.**

The force has noted this recommendation and will await the review by the College of Policing and the NPCC of the current training provisions and will consider any changes following that review and will then look to publish figures concerned with this training.

I am pleased with the efforts we have made so far to improve our response to RASSO. However, there is still room for improvement, and we must ensure that we are taking all the steps necessary to achieve the changes required. As both the Chief Constable and I have already stated, RASSO can have a devastating impact on victims and, unfortunately, for too long the criminal justice process, in its current state, has ultimately added to or extended their trauma. This can and must change and I will be working tirelessly over my term as Police and Crime Commissioner to ensure that we improve the situation for victims and deliver better and speedier criminal justice outcomes for RASSO.

Yours sincerely

A handwritten signature in black ink, appearing to read "Jeff Cuthbert". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

**Jeff Cuthbert B.Sc., MCIPD**  
**Police and Crime Commissioner for Gwent**