



HM Government

# Rape Review progress update

June 2022



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## 2 Rape Review Progress Update

# Foreword by Deputy Prime Minister and Lord Chancellor and the Minister of State

Rape is an appalling crime that devastates lives. It is a horrific exertion of power and control.

Brave victims who come forward aren't just seeking justice for themselves – they want to spare others the same anguish they have endured.

They need to have their suffering taken seriously. All deserve to have their case investigated diligently, prosecuted properly, to get the right support, and to see justice done.

But for many rape victims, reporting what has happened to them only increases their trauma.

In 2021, the end-to-end Rape Review highlighted deeply entrenched issues in our criminal justice system. Too many rape victims don't get the support they need – and they fear that they will be judged, and that the system designed to protect them will let them down.

That is not surprising, given that the vast majority of rape victims don't see their rapist charged or brought to court. And half of all victims withdraw from rape investigations before they conclude, often because they aren't believed or because they find the process too traumatic.

We are resolved to right these wrongs, overhaul the system, and do much better for victims.

A year on, we've made progress, but there is still a long way to go.

We are already seeing more convictions, with the latest figures showing a 15 percent increase in the number of people convicted of a rape offence in October to December last year, compared with the previous quarter.

Ministry of Justice statistics show that rape convictions have increased by two thirds (67 percent) between 2020 and 2021, as well as by almost a third (27 percent) compared to 2019, before the pandemic hit.

The rape conviction rate also increased to 70.7 percent in October to December last year, up from 67.8 percent in the previous quarter. And the average number of days for adult rape from charge to the case being completed continues to fall, down by 38 days (8.3 percent) since the peak in June 2021.

We are restless to build on this, and make further, rapid and systemic progress to deliver for victims.

So, we've identified eight levers that we believe will make the greatest difference for victims. Measures that will improve victims' experiences of the criminal justice system, increase their engagement with it, and build stronger cases, so we can put more rapists in prison.

First, we are driving improvement by using data more effectively. Our CJS Delivery Data Dashboard is increasing transparency, helping us to shine a light on what victims really care about, and giving Government and local leaders the information they need to do better for victims.

Second, we are expanding support for victims. This includes creating a national 24/7 support line for victims of rape and sexual violence, so that every victim can access support whenever and wherever they need it. And we are using additional ringfenced funding to increase the number of Independent Sexual and Domestic Violence Advisors (ISVAs and IDVAs) by 300, to over 1000 by 2024/25 – a 43 percent increase over the next three years.

We are going further than the Rape Review by trialing new enhanced specialist sexual violence support in selected Crown Courts. These pilots will look to improve the experience in court for rape victims, and working closely with the police, Crown Prosecution Service (CPS) and judiciary, boost ongoing efforts to tackle the court backlog and bring victims swifter justice.

Third, we have established suspect-focused rape investigations – known as Operation Soteria – across five police forces, and will expand to 14 more by September, with a national rollout completed by June 2023. This new approach rightly focuses on the suspect's behaviour, rather than the victim's, so victims do not feel like they are the ones who are under investigation.

Fourth, we have boosted the number of police officers, and specialist rape and sexual offences roles within the CPS, so that they have the capacity and capability to investigate rape cases more effectively. The CPS have committed to increasing their rape and serious sexual offences workforce by 194 – from 433 – by April 2023.

Fifth, we are working with police forces to make sure that victims' mobile phones are only being examined where absolutely necessary. New digital forensics technology is making for swifter investigations, so victims don't have to give their phones up for long periods of time when they are at their most vulnerable.

Sixth, we are rolling out pre-recorded cross examination for rape victims to all Crown Courts nationally, sparing them the trauma of giving evidence in the glare of a live courtroom.

Seventh, our work to expand Crown Court capacity continues, with a £477 million investment over the next three years to reduce the Crown Court backlog and how long victims have to wait for trials.

Our final lever will reduce intrusive requests for third party information, for example medical or social services records, which we know can increase stress for victims.

We are working with the police and CPS to make sure that any requests are made appropriately and only where relevant.

This approach to rape and serious sexual violence is part of a wider package of measures putting victims at the very heart of our system.

Our draft Victims Bill will amplify victims' voices, improve the support they receive, and strengthen oversight of criminal justice agencies. While a new Victims Funding Strategy will tackle barriers to sustainable funding and drive consistent commissioning of victim support services, now and in the future.

And we are taking concerted action to protect women and girls across Government, through our Tackling Domestic Abuse Plan and Violence Against Women and Girls Strategy, as well as our landmark Domestic Abuse Act. We have created new criminal offences, such as of non-fatal strangulation, and are giving victims more time to report assaults involving domestic abuse, so they can seek the justice they deserve.

The Criminal Justice System is complex, with many moving parts. In order to drive systemic change, and drive up the volume of successful prosecutions, we need to improve delivery in each of these eight areas, which are often intertwined and rely on each other.

We are making progress, but can be under no illusion about the scale of the challenge. We owe it to every victim of rape to do better – so they get the support they need to recover, see justice done, and so those responsible for this most abhorrent crime are imprisoned.



A handwritten signature in blue ink that reads "Dominic Raab".

**Rt Hon Dominic Raab MP**

Deputy Prime Minister  
and Justice Secretary



A handwritten signature in blue ink that reads "Victoria Atkins".

**Victoria Atkins MP**

Minister of State

# Introduction: One year on from publication of the End-to-End Review of Rape

At the heart of the Rape Review Action Plan is a collective ambition to transform the criminal justice system – the police, the Crown Prosecution Service (CPS) and courts, and sustain genuine cultural change to help drive up rape prosecutions.

Last year, we recognised that the significant decline in the number of charges and prosecutions for rape cases since 2016 was unacceptable and had to change. This Government, working with the police and the CPS, have set out an ambition to more than double the number of adult rape cases reaching court by the end of this Parliament. This includes increasing the number of cases referred to the CPS by the police by two-thirds compared with 2019, doubling the number of charges pressed by the CPS, and more than doubling the number of cases received in the Crown Court.

The Rape Review Action Plan commits the government to making sure that all victims of rape get justice. We are delivering lasting improvements to how we investigate and prosecute rape, and making sure that victims are supported every step of the way in their recovery, whether or not they choose to report.

We are now almost a year into the implementation of the Rape Review Action Plan, and are starting to see some increases in the number of referrals of adult rape cases from the police to the CPS, and the number of charges as a result. As set out in the most recently published data, in the last quarter of 2021, we have seen 813 police referrals for advice, early advice or charge, which is 76% more than average quarterly figures in 2019. We have seen 337 CPS charges, which is 38% higher than in 2019, and 303 Crown Court receipts, which represents a 32% increase from 2019.

We know that close collaboration between the police and prosecutors is critical to the efficient and fair progression of rape cases. The launch of the wide-ranging Joint National Action Plan (JNAP) is focussed on improving joint ways of working and improving quality referrals from the police to the CPS. Since the launch of the JNAP, when comparing Oct–Dec 2020/21 (the last quarter before JNAP was published) with Oct–Dec 2021/22, adult rape referrals, including early advice, have seen a 37.8% increase, and charges a 32.7% increase.

However, much of the work remains ahead of us, and we recognise that progress is uneven, particularly in light of the ongoing impacts of Covid-19. Due to the nature of rape cases and the time and complexity involved in these investigations, we expected the pace of prosecutions to increase slowly at first. Despite this expectation, we are not yet on track to meet our ambitions by the end of this Parliament.



In the Rape Review we said that if criminal justice agencies were not on track to meet this goal, we would work with them to push actions further and faster, and continue to monitor our impact through the data. We are therefore pushing hard on our existing levers and considering what other actions we might need to take, so that we have the maximum impact, deliver system change and make a real difference for victims of rape in the long-term.

Recognising that this is a crime that disproportionately impacts women and girls, we will also continue to make wider concerted efforts across government to tackle violence against women and girls, including through the Violence Against Women and Girls strategy and through our landmark Domestic Abuse Act.

### **How we're going even further**

We are launching pilots of enhanced specialist sexual violence support in the Crown Court at Leeds, Newcastle, and Snaresbrook in London, with the aim of improving the support on offer in court for victims of rape and sexual violence and increasing the volume of cases going through the system. Working closely with the police, CPS and judiciary, we will deploy learning from the pilots to support ongoing efforts to tackle the backlog and improve case throughput so that cases come to court as quickly as possible. This bespoke support will include trauma-informed training for all court staff, police and prosecutors working on cases, as well as on-site support for victims, such as Independent Sexual Violence Advisors.

These pilot locations have been selected because they are currently dealing with a higher than-average number of sex offence cases, higher backlog and have important facilities available including section 28.

In our last update, we also identified seven critical levers which are key to improving victims' experiences of the criminal justice system; increasing the number of victims that stay engaged, and building better, stronger cases so that more people are charged, more guilty pleas are received, and more rapists go to prison.

Since our last update, we have now added a further eighth lever focused on police and CPS requests for third party material which can include a victims' education, medical or local authority records. We have done this because we know that requests for too much or unnecessary information make victims and their credibility the focus of an investigation, instead of the perpetrator. This can be especially challenging for victims of rape and sexual assault where the material requested is often very sensitive, and we know that these materials are not requested to the same extent in almost any other crime type. The length of investigations can also be traumatic for victims, with requests for third party material sometimes slowing them down.

The government has launched a consultation to gather more insight, evidence and data on current issues, and to work to ensure police and CPS requests for third party material are made appropriately. The Attorney General has also undertaken a review of disclosure guidelines which spells out the considerations to be applied by investigators and prosecutors whenever third party material is accessed, and direct investigators and prosecutors only to access information relevant to a case. These guidelines will continue to be carefully reviewed and updated where appropriate.

So that victims feel able to come forward, it is vital that they are confident that they will be treated with sensitivity and dignity when reporting crimes and that their rights to privacy are protected. As part of the commitment to ensure that devices belonging to victims and witnesses are only ever examined where necessary and proportionately as part of a reasonable line of enquiry, the Police, Crime, Sentencing and Courts Act contains new powers for extracting digital data from victims' devices; and will be accompanied by a new code of practice, giving assurance that the police will only look at information that is essential to an investigation. Alongside our last update, we announced the rollout of Section 28 pre-recorded cross-examination for complainants of sexual and modern slavery offences nationwide. This is now available in 37 Crown Court locations – 34 more than when we first published the Rape Review Action Plan. We are working with the police, judiciary and the CPS to make Section 28 available for this cohort in the Crown Court nationally as soon as practicable.

We are determined to use all of our leverage, including our new work on third party material and the enhanced specialist sexual violence support court provision, to make sure every victim feels supported and believed, so that we can go further and faster to meet our ambitions in the Rape Review.

# Police and Crown Prosecution Service (CPS): What we are delivering for victims

## Suspect-focused investigations (Operation Soteria)

### **Aims of this work:**

Operation Soteria is a joint police and CPS programme of work, which seeks to transform the way that rape investigations and prosecutions are handled and progressed. We know too many victims are the focus of investigations and do not feel believed. The investigation of rape must be no different to any other crime, with a focus on the suspect rather than the victim.

By focusing on suspects, Operation Soteria will allow better understanding of the patterns in behaviour that lead to repeat offending, and use this knowledge to disrupt the behaviour of criminals. This will not only improve outcomes for individual victims, but also potentially reduce the likelihood of reoffending. Five police forces, referred to as 'pathfinders', are undertaking deep dive exercises on their response to rape, and testing innovative ways to investigate these cases.

### **What we have done so far:**

- Funded intensive academic-led research in the first five pathfinder police forces with three forces beginning to test new practices following completion of deep dive exercises into their response to rape. The findings of this work so far are set out on page 25.
- Stood up pathfinders in six CPS areas. These pathfinders are testing new practices which will be subject to independent academic evaluation.
- Established a network to facilitate knowledge sharing between criminal justice practitioners and leading academics from a range of disciplines related to sexual offending. This ensures that information on how the policing response to rape can be improved is readily available to all forces so that learning can start immediately.
- Established enhanced scrutiny panels, made up of representatives from both the police and the CPS, in these pathfinder police force areas to scrutinise casework and check whether quality decisions on individual cases are being made.
- Begun expanding to a further 14 police force areas and their three corresponding CPS areas.

## **We will:**

- Publish the final findings from the research conducted in the pathfinder police forces once this research in the first five forces is complete to demonstrate transparency and share key learnings widely.
- Ensure the additional 14 police forces receive specialist support to transform their response to rape, with their experiences being used to inform the development of the national operating model to shift focus to suspects rather than victims.
- Hold a joint CPS and National Police Chiefs' Council (NPCC) event in June to showcase a refresh of the Joint National Action Plan to police and prosecutors. This event will be attended by police forces, CPS areas, independent sexual violence advisers (ISVAs) and voluntary and community sector representatives. The event will include sessions to educate attendees on the suspect-focused approach, joint scrutiny panels, improving communication with victims and the wellbeing of staff working on rape and serious sexual offences (RASSO).

## **Increased police and CPS resourcing**

### **Aims of this work:**

The Rape Review Action Plan committed to ensuring that all professionals across the CPS and police treat victims with the dignity and respect that they deserve. Achieving this means both having the right number of police officers and prosecutors and ensuring they have the right expertise, so that cases are progressed as efficiently as possible, the quality of case files is as high as it can be, and victims are treated with fairness and dignity.

### **What we have done so far:**

- Recruited 13,576 officers as part of the Police Uplift Programme. This is an increase of 2,528 since December 2021.
- Announced £16.9 billion funding for the police in the financial year 2022/23 and an additional £550 million to fund the final 8,000 officers in the third year of the Police Uplift Programme.
- CPS increased its specialist resource by 20%, from 360 full-time equivalent resource in April 2021, to 433 full-time equivalent resource at the end of March 2022, with 63 recruited since December 2021.
- CPS delivered over 100 RASSO legal training courses, attended by over 1,000 CPS colleagues in total. This training covers the application of current law and policy guidelines to RASSO cases, as well as training on the specific impact of trauma on the memory of victims of rape. The CPS held 16 mandatory induction courses for CPS staff new to RASSO units, attended by 156 prosecutors which included suspect-focused approach to case review and case building.

**We will:**

- Continue to support police recruitment to achieve the target of a 20,000 increase by March 2023.
- Increase the CPS RASSO workforce in the next financial year by 194 full time equivalent (representing growth of 44% by end of 22/23)
- Support the development of a new learning programme for police officers to strengthen investigation skills and enhance specialist knowledge about sexual offending and victim engagement.
- Provide a minimum of one RASSO induction course per month for CPS prosecutors over the next six months, reaching 72 prosecutors, and offer CPS prosecutors the opportunity to attend police RASSO training courses.
- Continue to hold National Learning Events for CPS staff working on RASSO.

**Improved digital forensics technology and digital disclosure****Aims of this work:**

We have committed to ensuring that no victim of rape will be left without a mobile phone for more than 24 hours by the end of this Parliament. This is because we know that being unable to easily contact family and friends can make rape victims more vulnerable and risks making them the focus of an investigation, rather than the suspect.

We are working to ensure that victims' mobile phones are only examined where necessary, and if examination is necessary, we want phones to be retained for the shortest possible periods of time. We also want to make sure that requests for personal information are necessary and proportionate, and made only in accordance with reasonable lines of inquiry. This will help to better protect the privacy of victims during the investigation process and encourage more of them to stay engaged, allowing more cases to progress through the system. Ultimately, we know that being without a phone for any length of time, during what is a very difficult and often traumatic period, can have a significant negative impact on victims and so we are looking carefully at the potential for technology to allow for efficient and selective extractions at a time and location convenient to the victim, therefore removing the need to take victims' phones.

**What we have done so far:**

- Provided 24 police forces with new technology to increase police capacity to examine devices quickly and at a location that suits the victim, such as at their house or at another location of their choosing, and have introduced training for police to improve skills for examining digital devices.
- Completed a pilot scheme with the five Operation Soteria pathfinder forces and the major mobile operators where rape victims can get a loan replacement or 'swap out' phone if the police need their phone for longer than 24 hours.

- Passed the Police, Crime, Sentencing and Courts (PCSC) Act which contains new powers for extracting digital data from victims' devices. These statutory safeguards will help to alleviate concerns that victims are being subjected to a 'digital strip search' when their devices are examined, giving assurance that the police will only look at information that is essential to the investigation.
- Launched a public consultation on the statutory code of practice that will support the use of these new powers ensuring that anyone with an interest can consider and contribute to the guidance that the police and others will follow.

### **We will:**

- Continue to work towards our commitment to ensure that victims' mobile phones are only examined where necessary and, where they are examined, retained for less than 24 hours by ensuring all forces have capability to extract digital information from a victim's device by appointment with the victim and without the need to take it into police possession.<sup>1</sup>
- Work with the Police Digital Service, in partnership with the technology sector, to identify, test, and deploy new technological capability that address invasive requests for data and reduce time delays. This innovative work, funded by the Home Office, also aims to quicken the time it takes the police to investigate rape cases by improving their analytical tools.
- Continue to engage victim groups to better understand the impact of phone seizure on victims and use this intelligence to inform future policy development. Early indications from the 'Mobile Phone Swap-Out' pilot (which provide victims' with access to an alternative phone if their device is being examined for more than 24 hours) and engagement with victims' groups show that many victims may be reluctant to swap their phones as they will be unable to access key apps such as online banking, digital wallets and their contact lists. This can have an even greater impact on those with disabilities, as they may need specific apps to aid accessibility and access the right support, or on victims of domestic abuse, for example, where this involves financial abuse. Building our understanding of these challenges is vital to understanding how we can improve victims experience and engagement during an investigation.

## Third party material

### **Aims of this work:**

Sometimes large and disproportionate requests for information from the police and the CPS from those who hold victim records, such as education and health providers, can retraumatise and discourage victims from progressing with their case, and can lead to delays. We have heard how this makes victims feel as though they are the ones being

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<sup>1</sup> There will be some instances where the device has to be taken into police possession, because the circumstances mean the extraction will be time consuming and must be done by a specialist. Examples include if a phone is broken or key data has been deleted, for example by the suspect.

investigated. Recognising how crucial the issue is in helping to improve victim experience at the police and CPS stages, we have introduced this as an eighth lever.

**What we have done so far:**

- The Attorney General has undertaken a review of the current disclosure guidelines, during which the issue of disproportionate third-party material requests was highlighted. The revised guidelines were published on 26 May and provide practical advice on how to make appropriate and proportionate requests, in order to address potentially invasive third-party material requests. For example, the revised guidelines set out the expectation for investigators and prosecutors to record in writing why material is being accessed and the reason for doing so prior to it being obtained.
- In May 2022, following publication of the updated disclosure guidelines, updated pre-trial therapy guidance was published by the CPS.
- Launched a consultation on police requests for third party material, gathering evidence on proposed recommendations for improving how police make these requests, and ensuring they are relevant to the investigation, necessary, proportionate and do not simply establish victim credibility.

**We will:**

- Launch training podcasts for police and prosecutors on digital devices and third party material. This will not only offer victims greater privacy but will aid the efficiency of cases and avoid delays for victims.
- Work with the ICO to consider how their recommendations are taken on board and adhered to across the CJS. Initial assessment suggests that a number of recommendations are already in process of being implemented.
- Respond to the consultation on enhancing access to legal advice or support for victims to empower them to understand and challenge police digital and third party information requests.

# Courts: What we are delivering for victims

## Section 28 – pre-recorded rape victim cross examination

### **Aims of this work:**

Section 28 of the Youth Justice and Criminal Evidence Act 1999 provides the option for vulnerable and intimidated witnesses, including victims of sexual abuse, to have their cross-examination pre-recorded in advance of a trial. By expanding the availability of this provision, we aim to improve the quality of evidence given, and reduce the distress which some witnesses experience when giving evidence to a full courtroom at trial and, in doing so, increase the likelihood of a victim staying engaged in the process.

### **What we have done so far:**

- Continued to go further than the ambition set out in the Rape Review to expand the pilot of section 28 for sexual and modern slavery complainants to four more Crown Court locations. We achieved this in September 2021, with the rollout to Harrow, Isleworth, Wood Green, and Durham Crown Court.
- Rolled out section 28 to Crown Court locations on the North East, Western and Midlands Circuits as part of the national rollout to all Crown Court locations, bringing the total number of Crown Court locations where s.28 is available to 37 – 34 more than when we published the Rape Review Action Plan. We are working with the police, judiciary and the CPS to make section 28 available for this cohort in the Crown Court nationally as soon as practicable.
- Between April and September 2021, 97 witnesses gave evidence via section 28 in a case with at least one adult rape offence (the latest period for which figures have been published).

### **We will:**

- Continue the national rollout of section 28 for complainants of sexual and modern slavery offences in the Crown Court nationally, working with the judiciary, the police and the CPS to ensure the readiness of each circuit area, as part of a phased commencement.
- Complete interviews with criminal justice practitioners who have used section 28 as part of the pilot for complainants of sexual and modern slavery offences, as part of the process evaluation for this pilot
- Begin interviews with victims and witnesses, to understand the impact section 28 is having and identify any areas of improvement as part of the wider rollout.



## Expanding Crown Court Capacity

### **Aims of this work:**

We will expand court capacity to make sure that victims of rape do not have to wait years to see justice. Improving court capacity will help us to reduce the backlog that built up during the pandemic and will drive down victim waiting times.

### **What we have done so far:**

- Removed the limit on the number of days the Crown Court is funded to sit in the last financial year (2021/22) and this financial year (2022/23).
- Reduced the outstanding caseload in courts to 57,800 cases (at the end of March 2022), 5% lower than the peak of around 61,000 cases in June 2021.
- Confirmed an investment of an extra £477 million in the Criminal Justice System over the next three years, which will allow us to reduce the Crown Court backlog from around 61,000 cases in June 2021 to an estimated 53,000 cases by March 2025.
- Increased magistrates' court sentencing powers from 6 months to 12 months to reduce demand in the Crown Court and help us to clear the backlog of outstanding cases in the Crown Court more quickly.
- Legislated through the Judicial Review and Courts Act to enable the Crown Court to return certain cases back to a magistrates' court for trial (with a defendant's consent) or for sentencing (where a magistrates' courts sentencing powers are deemed to be sufficient) in a wider range of circumstances.
- Confirmed that 13 Nightingale courts will continue to operate until the end of March 2023, providing 22 extra Crown courtrooms.
- Launched a judicial recruitment round through the Judicial Appointments Commission for fee-paid judges in January.

### **We will:**

- Continue to implement the flagship HMCTS Reform programme, with the aim to make our court processes more efficient, meaning we can get through more cases in fewer sitting days. This includes using the £1.3bn investment into the justice system to introduce 21<sup>st</sup> century technology and online services to increase access to justice and improve efficiency.

## Best practice framework and improving court experience for victims

### **Aims of this work:**

The best practice framework will help to standardise the court experience of victims across the country by drawing together high-quality practices currently in place at Crown Court level, in to one clear framework. This will explain what courts can do to improve victim'

experience at court, increase confidence in the criminal justice system, and reduce the numbers of victims feeling unable to continue at the Court stage. The best practice framework will be a single document guide, shared at Crown Court level and promoted through information-sharing events.

**What we have done so far:**

- Liaised with selected courts to understand current best practice in more detail.
- Engaged delivery partners to agree next steps for implementing a best practice framework.

**We will:**

- Work with the Crown Court and Nightingale Courts to share best practice and extend the reach of the project to at least four further Crown Court regions.
- Launch pilots of enhanced specialist sexual violence support in the Crown Court at Leeds, Newcastle, and Snaresbrook in London, with the aim of improving the support on offer in court for victims of rape and sexual violence and increasing the volume of cases going through the system.

## Law Commission work on use of evidence in rape cases

**Aims of this work:**

We have commissioned the independent Law Commission to conduct a landmark review of the law, guidance and practice relating to the use of evidence in prosecutions of rape and sexual offences, which was launched in December 2021. The Law Commission project will look at the existence of rape myths and how they may shape jurors' views. The project will consider how to increase the jury's understanding of consent and sexual harm, and to improve the treatment of victims while ensuring that defendants also receive a fair trial. This research will help to ensure that victims do not face inappropriate attacks on their reputation in court, and that only relevant evidence, including around sexual history and medical records, will be presented in court.

**The Law Commission has:**

- Published a background paper setting out the approach to the review.
- Commenced work with stakeholders as part of the pre-consultation and proposal creation stage.

**The Law Commission will:**

- Conduct further pre-consultation stakeholder engagement, including with Independent Sexual Violence Advisers (ISVAs) and with reviewers of sexual offences cases from other jurisdictions.
- Consult on provisional proposals for reform from November 2022.

# Cross-system actions: what we are delivering for victims

## Expansion of victims' support

### **Aims of this work:**

Victims who report undertake a brave step – and in doing so they do not just seek justice for themselves, but also help the rest of society. By providing emotional, practical and legal support to victims, we aim to underpin our wider transformational system changes by ensuring that victims can, and do, stay engaged with their cases.

### **What we have done so far:**

- Published a Victims Funding Strategy which will provide a framework to better coordinate funding and commissioning across government, making services more consistently available for victims.
- Launched a consultation with victims' groups on enhancing access to legal advice or support for victims, which will consider how to empower victims to understand and challenge police digital and third party information requests.
- As set out previously, we have announced an increase in the number of Independent Sexual and Domestic Violence Advisers (ISVAs and IDVAs) that we provide ringfence funding for from 700 to over 1000, by increasing funding for victims' support services to £185m by 2024/25. Victims' advocates – ISVAs and IDVAs and other kinds of advocates – have a crucial role to play in helping vulnerable victims to access support, cope, recover and engage with the criminal justice system.
- In December 2021, we publicly consulted on a draft Victims Bill, which we have now published for pre-legislative scrutiny, alongside a broader package of measures set out in the published Government's response to the consultation. Together these measures will amplify victims' voices in the criminal justice process, improve the support victims receive and strengthen oversight of criminal justice agencies.

### **We will:**

- Work with the Justice Select Committee as it takes the draft Victims Bill through pre-legislative scrutiny and formally introduce the Bill when parliamentary time allows.
- Publish, over the next 6 months the series of user-friendly guides for victims of rape and sexual assault to enable victims to better understand what they can expect as their case progresses through the criminal justice system.

- As part of the Rape Review, research revealed that more evidence was needed about the impact of rape on disabled victims. We will continue to progress bespoke research with this group and feed in findings into the recommissioning of the Rape Support Fund.
- Respond to the consultation on enhancing access to legal advice or support for victims
- Continue to work across government to implement the proposals within the victims funding strategy.
- Launch the 24 hour support line for victims of rape and sexual violence, ensuring that every victim will have access to quality support whenever and wherever they need it.

## CJS Delivery Data Dashboard and transparency

### **Aims of this work:**

The Criminal Justice System (CJS) delivery data dashboard (previously CJS scorecards) demonstrates the Government's continued commitment to improve transparency by bringing together and publishing criminal justice data from the stage a crime is recorded by the police to the completion of a case in court. Bringing data together in this way will allow us to be clear to the public about what is working and what is not across the justice system so we can improve the way all agencies deal with rape cases. We will work collaboratively with partners at a local level to understand what the data is telling us about the experience of victims and help drive progress.

### **What we have done so far:**

- Published the first national delivery data dashboard in December 2021. Since our last progress update, we have also published data for the first time at local level in March and [the most recent update in June](#). This will allow us to understand both national and local progress towards the Rape Review ambitions and other key indicators such as quality of cases and timeliness, and support collaboration at a local level.
- Worked closely with Local Criminal Justice Boards (LCJBs) since the first publication of the dashboard, to understand the system at a local level, including how we can drive progress.
- Published two progress reports on the implementation of the Rape Review Action plan.

### **We will over the next six months:**

- Publish the next two local iterations of the dashboard, and the next six-monthly Rape Review progress report.
- Work with LCJBs to understand local variations and enable the sharing of best practice between local areas to drive progress.
- The CPS is also developing a file quality metric which will measure the quality of case files and provide insight on where issues need to be addressed.

## Annex – Detailed summary of actions

# Key lever 1: CJS Delivery Data Dashboard and accountability

## Background and anticipated impact

- Since publishing the first national criminal justice system delivery data dashboard in December 2021, we have developed and produced the next iteration of the dashboard to present local data. This was published in March 2022. The dashboard allows us to monitor local progress, generate insights to further understand local variation, and share best practice to drive progress across the justice system. In June 2022, we published the latest iteration of both the national and local dashboard.
- When compared to all recorded crime data, the volume of data on adult rape is extremely small at Local Criminal Justice Board (LCJB) level. This has made drawing out accurate insights difficult at this stage. We are addressing this through working closely with individual LCJB areas to understand the system better at a local level.
- The CJS delivery data dashboard is iterative, which means we are continually looking at how to improve it for the next publication. This includes seeking ongoing feedback from our stakeholders and considering the inclusion of new metrics which will add value to users of the criminal justice system and the public.
- The progress reports on the implementation of the Rape Review action plan will continue to be published every six months, and our cross-system governance structures, focussed on implementation, remain in place to regularly review progress made against our timelines.

Rape Review action due to be delivered by June 2022	Status
Published local adult rape dashboard with Q3 2021 data	Complete
Published the third national and second local adult rape dashboard with Q4 2021 data	Complete
Publication of second progress report on Rape Review action plan delivery (this document)	Complete

## Key actions for the next six months

- **August 2022:** Publish national and local recorded adult rape offences dashboard for the first quarter (Jan–Mar 2022) data

- **August 2022:** Complete and quality assure separation of data on police referrals (to differentiate referrals for early advice from referrals for a charging decision) to enable a more accurate understanding of this stage.
- **November 2022:** Publish national and local recorded adult rape offences CJS Data Delivery Dashboard for the second quarter (Apr–Jun 2022) data
- **November 2022:** Complete scoping the feasibility of introducing new metrics to measure victim engagement and satisfaction

### Further planned actions in this lever

- The dashboard is an iterative product, and we have ambitious plans to improve the quality of data contained within it. Improving the breadth of national and local level data in the dashboard will allow us to better understand the criminal justice system and ensure we are taking meaningful steps to make the system work better for victims.

## Key lever 2: Expansion of victims' support

### Background and anticipated impact

- We must support victims who come forward to report a rape to stay engaged through each stage of the criminal justice system.
- Through establishing a national 24/7 sexual violence support line, increasing the number of Independent Sexual Violence Advisors and Domestic Abuse Advisors (ISVAs and IDVAs), and supporting these roles with a statutory footing in the Victims Bill., we are building on our commitment to ensure every victim of rape has access to quality support, appropriate to their needs, when they need it.
- Furthermore, by undertaking focused research on the experiences of rape victims, exploring methods to challenge personal information requests by police and prosecutors, and updating the Victims' Code as we committed to do in the *Delivering Justice for Victims* consultation response, we seek to ensure victims can easily understand and access information about their entitlements and support them to remain engaged in the process of seeking justice.

Rape Review action due to be delivered by June 2022	Status
In the Victims' Bill consultation, consulted on: <ul style="list-style-type: none"> <li>• provision of community-based sexual violence support services;</li> <li>• strengthening the role of the ISVAs; and</li> <li>• how to ensure criminal justice agencies are delivering victims' rights, (including those in the Victims' Code) and the consequences if they do not</li> </ul>	Complete
Launched a pilot with Thames Valley that allows victims to challenge requests for personal information from the police.	Complete
Updated content to the digital walkthrough based on feedback received	Complete
Concluded consultation period for the Victims Bill and published the government's response to the consultation along with a draft bill for pre-legislative scrutiny by the Justice Select Committee	Complete
Consulted on how to enhance support and access to legal advice for rape victims so they can understand and challenge personal information requests from the police	Complete



Rape Review action due to be delivered by June 2022	Status
Expanded the Thames Valley Police pilot (since its launch previously reported in the December update) allowing victims the options to challenge disclosure requests, to West Berkshire, Slough, Reading, Bracknell and Wokingham, and the Royal Borough of Windsor and Maidenhead.	Complete
Undertook targeted research with rape victims to better understand their experiences and what they want from support services to inform future provision.	On track
Commenced the recruitment process for an additional 300 ISVAs and IDVAs to increase the number to over 1000 by 24/25 (this is a new milestone we are reporting on)	Complete
Started recommissioning work on the national Rape Support and Sexual Abuse Fund	Complete
Launched the national 24/7 sexual violence support service	Off-track (We announced in May that Rape Crisis England and Wales was awarded the grant for the helpline. We are working with them to improve the service available to victims over the Summer, to launch a dedicated telephone number and website later this year.)
Published a series of user-friendly guides for victims of rape and sexual assault, which explain how the criminal justice system works and the support available.	Off-track (due to changes in policy content and additional stakeholder engagement. Most guides will be published in July, with two further guides published later this year.)
Published victims funding strategy to align and coordinate funding across Government to help victims receive necessary support	Complete

## Key actions for the next six months

- **July 2022:** Respond to 'legal advice consultation'.
- **July 2022:** Publish the majority of user-friendly guides for victims of rape and sexual assault, which explain how the criminal justice system works and the support available. A further two guides will be published by the end of the year.
- **October 2022:** Publish Government Social Research report from targeted research with rape and sexual violence victims, subject to external review. We will use the findings to feed into the recommissioning of the Rape Support Fund.

- **December 2022:** Recommission the Rape Support Fund for two years over 2023 to 2025.

### Further planned actions in this lever

- We are also investigating the best ways to collect data on protected characteristics of rape victims to understand how this might impact experiences of the criminal justice system, as was recommended in the Home Affairs Select Committee's report on the investigation and prosecution of rape.

# Key lever 3: Operation Soteria

## Background and anticipated impact

- Operation Soteria is an ambitious, joint police and CPS programme of work to transform the way that rape investigations and prosecutions are handled and progressed, with a focus on investigating the suspect rather than the victim. It sits across all stages of the case and will form the foundation of a new operating model for the investigation and prosecution of rape.
- The policing aspects bring together policing and academic experts to transform how investigations into rape and sexual offences are handled by the police. The first phase of this work involves a series of intensive research deep dives in five 'pathfinder' forces,<sup>2</sup> delivered by a team of experts. Once a deep dive is complete, the force is supported to reflect on the findings before implementing recommendations. This work will inform a new national operating model for the investigation of rape cases which will be available for all forces from June 2023.
- The CPS are working jointly with policing counterparts. The CPS aspects of Operation Soteria involves independent academic evaluation of activities using a 'test, learn and evaluate' approach in their delivery, focussing on six workstreams. The findings from the academic evaluation will shape and inform rollout of a new operating model for prosecuting rape cases.

## Findings to date

- Following work in Avon and Somerset Police in June 2021, further academic-led research 'deep dives' have been completed in pathfinder police forces, including in the Metropolitan Police Service and Durham Constabulary. The key findings to date are listed here:
  - There is a clear need to refocus on suspects in rape investigations, noting that disproportionate effort was being put into testing the credibility of a victim's account;
  - Indications that forces could improve identification of serious repeat offenders through better knowledge sharing and use of a range of tactics by investigators;
  - Analysis of over 33,000 reports of rape made to the Metropolitan Police Service between 2018 and 2020 showed that the charge rate for offences of rape differed greatly depending on the relationship between the victim and the suspect. For example, where the victim was unknown to the suspect 8.2% of cases resulted in a charge, compared to 3.4% of cases where the suspect had just recently met the victim (such as met at a party, club or bar or had only spoken on the phone, messaging apps or dating apps) and only 1.2% of cases where there was a current

<sup>2</sup> Avon and Somerset Police, the Metropolitan Police Service, Durham Constabulary, West Midlands Police and South Wales Police

or former intimate relationship between victim and suspect. Researchers have suggested that this may mean rape myths and stereotypes are influencing investigations and charging decisions;

- Further analysis showed that one in three rapes reported to the Metropolitan Police Service during 2018 and 2020 took place in a domestic abuse context, with similar proportions shown in Avon & Somerset police and Durham Constabulary. This highlights the importance of successful evidence gathering especially in domestic contexts, and case building involving an understanding of wider forms of violence against women such as domestic abuse, including coercive control;
- There were many examples of good practice in Durham, including robust safeguarding processes, care for victims, challenging of rape myths and tackling perpetrators. However, good practice was not always consistently applied and in some cases the focus on process hampered effective engagement with victims;
- As was the case in Durham, there can be tensions between a force wanting to take every report of rape seriously and investigate all reasonable lines of enquiry, and the need to maintain and respect victims' agency and trust particularly in cases where the victim does not wish to proceed with or indeed, never intended a police investigation. About one-third of rape cases categorised as outcome 14<sup>3</sup>, 15<sup>4</sup> and 16<sup>5</sup> in the MPS and Durham are reported by third parties rather than the victim themselves;
- The deep dives completed so far have also identified a critical need to provide improved professional learning and development and welfare support for investigators. Work between the lead academics and the College of Policing is being funded by the Home Office to help address this.
- Following our commitment in the last Rape Review Progress Update:
  - 14 further police forces and the three new CPS Areas have been invited to participate in Operation Soteria. The police forces are North Wales, Gwent, Dyfed-Powys, Northumbria, Gloucestershire, Devon and Cornwall, Warwickshire, Lancashire, Greater Manchester, Hampshire, Wiltshire, Dorset, Kent, and Sussex. The new CPS Areas are CPS North East, CPS Wessex and CPS South East. This expansion means nine CPS Areas, over half of all CPS Areas, and 19 police forces will be taking part in Operation Soteria.
  - The police forces who have been invited to participate will utilise a self-assessed capability tool to develop a problem profile and improvement plan to transform their response to rape, whilst receiving bespoke and tailored support from a team of academic and subject matter experts

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<sup>3</sup> **Outcome 14:** Evidential difficulties: suspect not identified; victim does not support further action (from April 2014): Evidential difficulties victim based; named suspect not identified. The crime is confirmed but the victim declines or is unable to support further police action to identify the offender.

<sup>4</sup> **Outcome 15:** Evidential difficulties: suspect identified; victim supports action (from April 2014): Evidential difficulties named suspect identified – the crime is confirmed, and the victim supports police action, but evidential difficulties prevent further action. This includes cases where the suspect has been identified, the victim supports action, the suspect has been circulated as wanted but cannot be traced and the crime is finalised pending further action.

<sup>5</sup> **Outcome 16:** Evidential difficulties: suspect identified; victim does not support further action (from April 2014): Evidential difficulties victim based – named suspect identified. The victim does not support (or has withdrawn support from) police action.

Rape Review action due to be delivered by June 2022	Status
Launched pathfinders in five areas to test innovative ways for the police and CPS to investigate rape cases (Operation Soteria)	Complete
Expanded pathfinders to CPS North	Complete
Completed academic-led deep dive in the Metropolitan Police Service and Durham Constabulary, and begin implementing recommendations	Complete
Held national learning events on lessons from the Metropolitan Police Service and Durham Constabulary	Complete
Commenced and completed academic-led deep dive in West Midlands	Complete
Held national learning event on lessons from West Midlands police	On track
Commenced academic-led deep dive in South Wales Police	Complete
CPS appoint academic to commence work evaluating Operation Soteria	On track
Invited 14 forces and three additional CPS areas to participate in Operation Soteria. <u>The new police forces are</u> North Wales, Gwent, Dyfed-Powys, Northumbria, Gloucestershire, Devon and Cornwall, Warwickshire, Lancashire, Greater Manchester, Hampshire, Wiltshire, Dorset, Kent, and Sussex. <u>The new CPS Areas are</u> CPS North East, CPS Wessex and CPS South East. This expansion of the programme means that in total nine CPS Areas (which is over half of all CPS Areas), and 19 police forces will now be taking part in Operation Soteria.	Complete
Onboarding 14 further police forces to Operation Soteria	On track
Completed onboarding process of three new CPS Areas completed onboarding process to enable full engagement with themed Operation Soteria activities	On track
CPS and Policing showcase an updated Joint National Action Plan at joint national conference ahead of a Summer publication	On track

## Key actions for the next six months

- **September 2022:** Hold a fifth national learning event to share lessons from South Wales Police academic-led deep dives
- **September 2022:** Complete academic-led deep dives in pathfinder police forces, and publish findings from first phase of the programme.
- **September 2022:** Onboard all 14 police forces and prepare to apply self-assessment framework.
- **October 2022:** Provide first tranche of police forces with bespoke support to apply self-assessment capability tool

- **November 2022:** Provide second tranche of police forces with bespoke support to apply self-assessment capability tool
- **November 2022:** CPS appointed academic produces interim position paper on Operation Soteria for learning within CPS.
- **February 2023:** CPS appointed academic produces a briefing report covering key findings to date. This will be complemented by two Learning and Engagement events with stakeholders.

## Further planned actions in this lever

- Beyond the forces participating in Operation Soteria, we are working to ensure that all police and crime commissioners, chief constables and their officers are prepared for the national operating model ahead of its introduction in June 2023. This includes ministerially led engagement with policing leaders, and close working with the National Police Chiefs' Council, the College of Policing and the academic research team to promote emerging learning from the programme, including through the Home Office-funded national learning network.
- The CPS has also developed several mechanisms to ensure findings and learnings are disseminated, including regular CPS RASSO Unit Heads meeting and Operation Soteria Coordination meetings to discuss key themes and findings.

## Case Study: Operation Soteria

### **Betsy Stanko and Dr Katrin Hohl (Joint academic leads) have highlighted:**

“Operation Soteria deep dives are unlike any other police research project. There is continuous, candid dialogue about emerging findings between academics and officers. The result are richer and deeper insights, police forces fully accepting findings and then taking ownership of developing action plans to radically improve rape investigations.”

**Detective Superintendent Ed Yaxley, Senior Responsible Officer for Avon and Somerset's Project Bluestone, highlighted:**

“the huge energy and transformational effect of this programme. In Avon and Somerset, we have long recognised that change in the investigation of rape is required but the deep dive brought that into sharper focus. The rigour with which the research was conducted, and the huge experience of the academic team, mean that we have a detailed evidence-base, a clear implementation plan, and a robust means of evaluating new ways of working as they are brought into operational use. Our new specialist investigation team, Operation Bluestone, is forming and its every step is informed by the work of Operation Soteria. Green shoots are starting to emerge and we're determined to nurture them in the coming months and years.”

## Case Study: Operation Soteria

The CPS aspects of Operation Soteria are underpinned at all stages by close joint working with the police, adopting a ‘test, learn and evaluate’ approach to delivery. Ensuring we can build the strongest possible case from the outset, with a productive joint CPS-Police partnership, is our priority. Ultimately, this ensures we are improving the overall experience victims have within the Criminal Justice System. Since the pilots began, we have embedded work against the CPS Operation Soteria workstreams:

- Monthly No Further Action (NFA) Scrutiny Panels are held with corresponding police forces, to identify feedback on casework quality and any recurring themes that can be applied as learning going forward.
- A regional operational ISVA meeting has become routine, bringing together CPS, Police and ISVAs to better understand how we can collectively support victims.
- Multiple joint training sessions on the offender centric approach have been delivered, with the sessions receiving positive feedback from attendees.

**Vicky Gleave, Senior District Crown Prosecutor, CPS South West**

“An early focus was on investment in relationships; to improve the partnerships both at a strategic level and crucially operationally case by case. This was begun through an away afternoon with police officers and lawyers attending together with leaders to reflect on some of the challenges we face, what the barriers are to our working relationship and what commitments do we want to make to one another going forward. It was a positive event in demonstrating how hard everyone is working and how we should use that to pull in the same direction rather than apart.

These innovative pilots have contributed to improving our working relationships with the Police, which in turn have helped with building stronger cases when investigating and prosecuting rape cases.”

# Key lever 4: Increased police and Crown Prosecution Service resourcing

## Background and anticipated impact

- The Rape Review highlighted the critical importance of police officers and prosecutors having the right capacity, capability, and mindset to investigate rape cases effectively.
- On the policing side, we are now over halfway toward our objective to recruit 20,000 police officers over this Parliament. These uplift officers will increase the capacity of police forces to respond to crime generally. Forces received £700 million in 2020/21 and £425 million in 2021/22 specifically for the uplift.
- The measures in place to help make sure that police officers have the necessary knowledge and skills to respond effectively to rape and sexual offences cases include the following:
  - At the entry level, all student officers take modules that teach them how to identify the factors that contribute to victim and witness vulnerability and how to respond appropriately;
  - Training on working with the CPS and the complex cases unit, as well as rape and sexual offences through the policing education qualifications framework.
  - The Vulnerability Knowledge and Practice Programme, funded by the Home Office, which identifies best practice in the police's response to crimes such as sexual offences and shares it across forces in England and Wales. It supports frontline officers to improve how they recognise and respond to vulnerable victims, builds the evidence base of 'what works' across areas such as investigation, training, and victim care, and benchmarks all forces against the National Vulnerability Action Plan to improve their response to vulnerability
  - Also funded by the Home Office, the College of Policing's Public Protection and Safeguarding Leadership Programme provides training to policing leaders to ensure they have a strong understanding of the complexity and sensitivity of these crime types. This supports senior officers to lead safeguarding investigation teams which are dedicated to reaching the best outcomes for victims.
  - As well as these training packages, specialism is crucial. The College of Policing licenses two training packages, one for investigators and one for response officers. To help ensure the right support is in place, the Home Office is working with the National Police Chiefs' Council and the College of Policing to build on this and support the design of a new blended learning programme for police officers. This programme will incorporate learning from Operation Soteria to strengthen investigative skills and enhance and embed specialist knowledge about sexual offending and victim engagement. It is due to be piloted in two police forces in Summer 2022.



- Ongoing national learning events sharing lessons from the pathfinder academic-led deep dives
- On the CPS side, RASSO cases have always been amongst the most challenging to prosecute and having the right number of RASSO prosecutors with the right expertise, specialist training, mindset and wellbeing support is critical in ensuring cases are progressed effectively. Increasing the right resources will also support the delivery of our RASSO national enhancement programme of work, which will make sure all CPS areas are meeting the same high and consistent standards when handling RASSO cases.
  - The CPS has also increased its specialist RASSO resource from 360 full time equivalent in April 2021 to 433 full time equivalent at the end of the March 2022, a 20% increase. The focusing of resources within Operation Soteria areas will enable further innovation in these pilot areas
  - Given the challenging nature of these cases, staff in RASSO units are supported with professional learning and development to ensure the right expertise and mindset are cultivated. The CPS reviewed, enhanced and piloted the wellbeing offer to RASSO staff in 2021, with a new offer in place from May 2022.
  - Between April 2021 and March 2022, CPS delivered over 100 RASSO-specific legal training courses which were attended by over 1,000 delegates in total. We specifically held 16 induction courses for staff new to RASSO units, attended by 156 people.

Rape Review action due to be delivered by June 2022	Status
Delivered learning and development and increase resourcing to improve capability and capacity in rape investigation and prosecution: <ul style="list-style-type: none"> <li>• Two joint training packages across CPS and police being developed on digital devices and third-party material.</li> <li>• 470 new CPS staff recruited between April and September 2021.</li> <li>• 100 new prosecutors trained on RASSO.</li> <li>• 674 prosecutors trained in suspect-centric approach (35% of all prosecuting lawyers, including all 358 prosecutors in our RASSO units).</li> <li>• 176 prosecutors trained this financial year on the impact of trauma on memory.</li> </ul>	Complete
CPS appoint over 70 additional staff into RASSO posts in the five Operation Soteria pathfinder areas.	Complete

## Key actions for the next six months

- **Ongoing:** Provide ongoing RASSO training to support new, existing and returning RASSO CPS staff with a range of induction training modules and refresher training, including training on the impact of trauma on memory
- **July 2022:** Pilot the new blended learning programme for rape and sexual offence investigators in two Operation Soteria police forces

- **November 2022:** Hold learning events for RASSO staff, following completion of phase 1 of the Operation Soteria CPS academic work programme
- **December 2022:** CPS to deliver further 6 RASSO induction courses for senior crown prosecutors.
- **March 2023:** Increase the CPS RASSO workforce in the next financial year by 194 full time equivalent (representing a 44% increase in 22/23).

## Further planned actions in this lever

A new wellbeing offer will be rolled out for CPS staff working in RASSO units. This updated training has been successfully piloted from October 2021 and forms part of a more holistic approach to support and learning.

# Key lever 5: Improved digital forensics technology and digital disclosure

## Background and anticipated impact

- We are working to ensure that victim devices are only examined where necessary and proportionate, and only retained for short periods of time when they are. We concluded the mobile phone swap out pilot in January 2022 and have completed analysing evidence and making recommendations for next steps. We are now focussing on ensuring that the best technology is available to officers to allow them to extract only necessary data from phones, without the need to retain devices.
- This follows learning from the pilot mobile phone swap out scheme in January, which showed a low demand for replacement phone. Engagement with victims' groups have also highlighted that handing over a phone for any length of time during a traumatic period can be difficult, and are clear that we should focus on deploying better technological solutions that allow for data to be gathered by appointment with the victim, rather than them having to hand their phone over. Additionally, forces have started to embed recommendations of the Rape Review and we would expect to see a decline in phones being taken into police possession as a result.
- We need to gather further data on the scale and nature of the problem underlying the 24 hour mobile phone commitment. In April 2022, we sent a data notice out to police forces as part of the annual data requirement (ADR) process, which means we will get regular data on mobile phones in adult rape investigations on a quarterly basis starting from July 2022.
- We have strengthened the measures in the Police, Crime, Sentencing and Courts Act (PCSC) to ensure they better protect the privacy of those being asked to provide agreement to disclose digital data, a change that was supported by Parliament. These amendments, which were backed by the Victims Commissioner for England and Wales, increase protections for individuals, making it clear that individuals have the right to refuse to provide their device, and that this refusal does not automatically result in the closure of any enquiry or investigation.
- The PCSC Act achieved royal assent on 28 April 2022. This was slightly later than expected and, as a result the launch of the public consultation on the draft code of practice containing guidance on the extraction of information from electronic devices was delayed until May 2022. This statutory code of practice will provide detailed guidance on the appropriate use of these powers, as well as specific guidance for police on working with vulnerable victims of crime and with communities who may have less confidence when reporting crimes such as those from black or other minority ethnic backgrounds, or those who have disabilities including deafness or blindness and

require additional or alternative support options. This will ensure they have all the information they need to make a decision that is right for them.

- The public consultation on the draft code of practice containing guidance on the extraction of information from electronic devices will ensure that all those who may be impacted have an opportunity to comment and shape the guidance that will be used to advise on the use of these powers. For example, the draft code contains a detailed section on the additional consideration that should be shown to vulnerable victims of crime. This was updated following early informal engagement with civil society organisations representing victims that took place during passage of the bill.
- We have heard from stakeholders that there is a need to ensure that guidance on the extraction of information from electronic devices which is given to victims is accessible, and we are working closely with the National Police Chiefs' Council to introduce easy-read versions of the digital processing notice. The DPN is the form that will be given to victims when they are asked to provide agreement. This is where police will set out information such as the reasonable line of enquiry and the information that is sought, and ensure that the victim is informed that they have the right to refuse to provide agreement, and that refusal does not automatically result in the end of an enquiry.

Rape Review action due to be delivered by June 2022	Status
Worked with the mobile network operators and policing to support efforts to provide 'swap out' phones for victims with support from the Home Office.	Complete
Worked with the National Police Chiefs' Council (NPCC) to standardise the questions asked of suspects about disclosure to ensure they are consistent	Complete NPCC considered creating a standardised portfolio of questions when police investigators are interviewing rape suspects. However, they found taking a standard approach to interviewing and investigations was not always appropriate in driving forward thoughtful investigation. The focus of this action is now briefing the NPCC RASSO leads to ensure that a suspect centric approach, including thoughtful approach to suspect questions, is covered within Operation Soteria training.
Commenced phase two roll out of technology uplift (mobile digital forensics units)	Complete
Completed the mobile phone swap out pilot and gathered data to inform recommendations	Complete
Began the consultation on the code of practice for extracting digital data from victims' devices	Complete

Rape Review action due to be delivered by June 2022	Status
Police Crime Sentencing Courts (PCSC) Bill achieved royal assent	Complete
Circulated Annual Data Requirement to ask forces to provide data to baseline how long forces hold on to rape victims' mobile phones	Complete
Completed the roll-out of digital forensics equipment to 24 force areas following a £5m uplift, with all kit in use by the end of the financial year (regular reporting on usage undertaken)	Complete
Engaged with victims' groups to better understand the impact of phone seizure on attrition	On track
Private sector tech solutions to end-to-end tech challenges in rape and sexual offence cases presented to Home Office.	On track
Held a Showcase Event to provide an opportunity for successful supplier to showcase their technology and for Police Digital Service (PDS) and Accelerated Capability Environment (ACE) to demonstrate the work to date to wider partners.	Complete
Reviewed the outcomes of the PCSC code of practice consultation and complete the final draft	Off track (due to parliamentary delays on PCSC Bill consultation which is now due to conclude in July)

## Key actions for the next six months

- **July 2022:** Her Majesty's Inspectorate of Constabulary and Fire and Rescue Service will conclude inspections of 10 digital forensics units and present their conclusions to government in July 2022.
- **July 2022:** Receive the first data return on mobile phones in adult rape investigations from the police, and an initial evaluation report on the impact of the £5m technology uplift fund.
- **July 2022:** Conclude public consultation on the code of practice for the extraction of information powers and begin the final draft to take into account feedback received.
- **November 2022:** Complete engagement with police forces and victims' groups to understand the scale of the problem and to start testing policy interventions.
- **November 2022:** Lay the final code of practice in Parliament and bring the powers and the code into force.

## Further planned actions in this lever

- Victims' groups have highlighted that while it is important to implement technology that facilitates extraction at a location and time convenient to the victim rather than taking a device into police possession, it is also important to address the issue of selective extraction of only necessary material. Currently the police largely lack the technology to do this in a secure and effective way, meaning that when they extract information from a device, they download big bulk files and then redact information that is irrelevant. This can prove a barrier to victim engagement as they may not wish to hand over information that is not relevant to the case.
- The Police Digital Service is currently trialling 'selective extraction' technology in three different forces (Northamptonshire Police, Kent Police, and the British Transport Police). This is to ensure that the technology can be certified as meeting digital forensic standards. If it proves to be so, the Home Office will look at the case of funding a rollout to other forces.

# Key lever 6: Section 28 pre-recorded rape victim cross examination

## Background and anticipated impact

- Section 28 of the Youth Justice and Criminal Evidence Act 1999 is part of a range of special measures, intended to enhance the quality of evidence given by the victim. It may also improve the experience of victims at the court stage. We went beyond the ambition set out in the Rape Review to extend the pilot of section 28 and have begun rollout of section 28 to the Crown Court nationally as soon as practicable. We are working with the judiciary, the police and the CPS to prepare areas for a phased commencement.
- Starting on 31 March 2022, phase one of the national rollout of section 28 for complainants of sexual and modern slavery offences extended the special measure to Crown Court locations of the North East Circuit, beginning with: York, Grimsby, Hull, Bradford and Teesside. On 12 May 2022, this was extended to a further 14 Crown Court locations: Newcastle, Sheffield, Doncaster, Bournemouth, Bristol, Exeter, Gloucester, Isle of Wight, Plymouth, Portsmouth, Salisbury, Southampton, Truro and Winchester.
- We have also been working with criminal justice system partners through a judicially-chaired steering group to consider operational changes required to commence a test of section 28 in one youth court. Once commenced, this will help us to understand how section 28 may work for vulnerable victims and witnesses in the youth court more widely.
- Between April and September 2021, 97 witnesses gave evidence via section 28 in a case with at least one adult rape offence (the latest published figures).

Rape Review action due to be delivered by June 2022	Status
Rolled out to phase 1 courts: commenced section 28 in five Crown Court locations, for sexual and modern slavery victims by 11 April 2022	Complete

Rape Review action due to be delivered by June 2022	Status
Commenced the test of s.28 in youth court in Birmingham magistrates' court	Off track (Delayed due to Operational issues with Birmingham magistrates court. We are now working towards a test of section 28 in Leeds youth court starting in September 2022.)
Rolled out to Phase two courts: commenced section 28 in 14 Crown Court locations, for sexual and modern slavery victims by 12 May 2022	Complete

## Key actions for the next six months

- **July 2022:** Begin interviews with victims and witnesses as part of phase two of the process evaluation for complainants of sexual and modern slavery offences,
- **September 2022:** Complete the national rollout of section 28 for complainants of sexual and modern slavery offences in the Crown Court nationally, subject to judicial, police and CPS readiness.
- **September 2022:** Commence the test of section 28 in Leeds Youth Court.
- **November 2022:** Combine findings from both phases of the process evaluation (interviews with criminal justice practitioners and interviews with victims and witnesses) into a cohesive Government Social Research report to publish in the late autumn of 2022, subject to internal quality assurance and external academic peer review.

## Further planned actions in this lever

- We will also be collecting data to monitor the impact of section 28 on case outcomes and the operation of the justice system.
- Counsel will play an important role in making the rollout of section 28 a success. Our response to the comprehensive Legal Aid Independent Review seeks to gather data on the additional work involved in cases with a section 28 hearing and proposals for how the fee scheme should reflect section 28 work.



# Key lever 7: Crown Court capacity expansion

## Background and anticipated impact

- Expansion of court capacity will help to deliver swift access to justice for victims of crime. We will do this by making sure courts continue to work at full capacity, reducing the Covid backlog of cases, increasing the number of jury trials dealt with by the courts, improving timeliness, and reducing victim attrition.
- We will be investing £477 million in the Criminal Justice System over the next three years which will allow us to reduce the Crown Court backlog from around 61,000 cases in June 2021 to an estimated 53,000 cases by March 2025. In the long term, this will reduce the time that rape victims wait for trial.
- As well as extending magistrates' court sentencing powers, we have commenced recruitment for 1,100 judicial office holders in 2022 including 70 circuit judges (salaried judges) and 125 recorders (fee paid judges). Over the three-year Spending Review period we also plan to recruit 4,000 new magistrates. This will help ensure that we have the judicial capacity needed to reduce the backlog of outstanding cases in the Crown Court and magistrates' courts.
- These measures are starting to work – the outstanding caseload in the Crown Court has declined and as of the end of March 2022 sits at around 57,800 cases. This is 5% lower than the peak of around 61,000 cases in June 2021. There were 1,352 adult rape cases outstanding at the Crown Court in December 2021. This is broadly unchanged on the previous quarter peak (1,359).

<b>Rape Review action due to be delivered by June 2022</b>	<b>Status</b>
Deployed Recorders from 2019/20 recruitment round	Complete
Launched 2021/22 recruitment programme for Recorders – 125 roles (of which, 80 are in Crime). Recorders are due to start sitting from June 2023	Complete
Legislated through the Judicial Review and Courts Act to return some cases from the Crown Court to the magistrates' court to free up capacity	Complete
Achieved royal assent for the Public Service Pensions and Judicial Office Bill (Raising the mandatory judicial retirement from 70 to 75 and introducing a new judicial pension scheme)	Complete
Extended Nightingale courts until March 2023	Complete

## Key actions for the next six months

- **Ongoing:** The Judicial Appointments Commission will run recruitment campaign through which we expect to recruit 1,000 judges.
- **Ongoing:** Use the £477 million secured for criminal justice system recovery in the Spending Review to improve waiting times for victims and reduce Crown Court backlogs.

## Further planned actions in this lever

- The Crown Court improvement group, a judicially-led consultative body reporting to the Lord Chief Justice, has been established, with the purpose of improving the overall performance of the Crown Court. By evaluating the lessons learned from the pandemic, the group seeks to promote more efficient ways of working within existing structures. The aim is to reduce the backlog of cases which will ultimately result in improved waiting times, improved victim experience and reduced victim attrition.
- As part of the Spending Review we will be spending £200 million to complete the flagship £1.3 billion court-reform programme, which aims to make our court processes more efficient, meaning we can get through more cases in fewer sitting days. This includes using the £1.3bn investment in the justice system to introduce additional technology and online services to increase access to justice and improve efficiency.

## Key lever 8: Third party material

### Background and anticipated impact

The End-to-End Rape Review identified two key problems in relation to the impact that police requests for personal records held by third parties, such as the NHS, schools, or local authorities have on victim confidence. Requests relating to the victim can be intrusive or disproportionate, and this can impact the length of time it takes for third parties to provide the material which can result in delays to investigations. When someone reports a crime, they should feel confident that they can do so in the knowledge that their privacy will not be unnecessarily invaded, and that their case will not face lengthy delays because of such requests.

Rape Review action due to be delivered by June 2022	Status
Completed engagement with relevant stakeholders to understand current issues with third party materials	Complete
Defined legislative options or recommendations	Complete
Published the Attorney General review into disclosure guidelines	Complete
CPS published pre-trial therapy guidance and accompanying notes for therapists	Complete
Launched a consultation to consult on legislative and non-legislative options for improving requests from third party material in response to rape.	Complete

### Key actions for next six months

- **July 2022:** Consider recommendations from the Information Commissioner's Office report on data in rape and sexual offences cases, and further actions required. Initial assessment suggests that many recommendations are already in process of being implemented.
- **December 2022:** Gather empirical evidence on the necessity, proportionality and timeliness of third party material requests through case file review of police files.

### Further planned actions in this lever

- Further planned actions will be dependent on the outcome of the consultation but may include legislation or further guidance for policing and/or third parties.

## Other actions

In addition to the eight levers described earlier in this report, there has also been good progress in a number of other areas, outlined below:

### Best practice framework

- The best practice framework will draw together and roll out best practice guidance in how victims should be supported at the Crown Court, resulting in improved confidence at the courts stage. Over the last year, we have spoken to stakeholders working with victims at court and looked at a wide range of reports, research and surveys to understand the key challenges that victims face and the blockers to improving their experiences at court in order to inform how they may be overcome.
- We have worked with criminal justice system staff and focused in on six high-level issues: communication with victims, including around special measures; consistency of use and availability of ISVAs; inter-agency interaction; court facilities; remote links; and staff training.
- To support this work, we have started visiting courts and speaking to staff on the ground to better understand the challenges they face.
- Learning from our engagement with stakeholders and the success of Operation Soteria, we have also set up a work strand to develop learning and innovation-sharing events, led by practitioners, to provide the opportunity for best practice to be shared between Crown Court locations across the country.

### Law Commission

- A **Law Commission** project to examine law, guidance and practice relating to the use of evidence in prosecutions of sexual offences is now underway. Since formal launch in December 2021, the Law Commission increased its resource, published a background paper setting out the context of their work and some of the issues in this space, and undertook a wide range of stakeholder engagement and broader research.
- It is anticipated that this work will lead to greater assurance that victims will not face rape myths or inappropriate attacks on their reputation in court, and greater certainty that only relevant evidence, including around sexual history and medical records, will be presented in court. This will help to build victim confidence in the courts stage of the process and encourage them to stay engaged.

- From now until October, the Law Commission will be conducting ongoing background research and engagement with the sector to understand key issues and proposed solutions and drafting of provisional proposals for reform in our Consultation Paper.
- The Law Commission will also begin a three-month consultation period. The sector and members of the public will have the opportunity to comment on our provisional proposals for reform.

## Joint National Action Plan

- Close joint working between the police and prosecutors is critical to the efficient and fair progression of rape cases and to make sure victims are willing to stay engaged with the criminal justice system. To ensure this strong relationship, the police and CPS previously launched a wide-ranging Joint National Action Plan (which aims to improve joint ways of working and quality referrals from the police to the CPS).
- Since the launch of the Joint National Action Plan, when comparing October to December 2020 (the last quarter before the plan was published) with October to December 2021, adult rape referrals have seen a 37.8% increase and charges have seen a 32.7% increase.

Rape Review action due to be delivered by June	Status
Law Commission begun work on a background paper, including comparative research, with plans for this to be published before the end of the year	Complete
Begun work on development of a three-phase approach to creating, testing and rolling out the best practise framework. Engaged with the Judiciary and other agencies to agree next steps and planning	Complete
Published a new National File Standard for submission of rape cases to increase effective joint (virtual) working by police and CPS on rape cases.	Complete
Improved Police and CPS communication with victims through better supporting documents and training around victim contact. Template letters have been developed to improve the quality of communication, focussing on timely contact and sensitivity to needs.	Complete
Published updated 'Achieving Best Evidence' guidance	Complete
Began trial of the best practice framework: Scoping work to understand the concerns raised by stakeholders relating to the experience of victims of Rape and Serious Sexual Violence at court.	Complete
Law Commission project: formal launch and commencement of work with stakeholders as part of the pre-consultation and proposal creation stage	Complete
Delivered joint learning and development on RASSO across police and CPS	On track
Launched training podcasts on digital devices and third party material for police and prosecutors	On track

## Key actions for the next six months

- **June 2022:** The police and CPS will refresh the Joint National Action Plan. This refresh will report on progress against committed actions and will be soft-launched at a national CPS and National Police Chiefs' Council hosted conference in June 2022, ahead of formal publication in the summer.
- **August to November 2022:** Continue trial of best practice framework to further Crown Court regions and commence hosting of information and learning through practitioner attended and led innovation and learning events.
- **November 2022:** Conduct the Law Commission public consultation.

## Further planned actions

- We are launching pilots of enhanced specialist sexual violence support in the Crown Court at Leeds, Newcastle, and Snaresbrook in London, with the aim of improving the support on offer in court for victims of rape and sexual violence and increasing the volume of cases going through the system. Working closely with the police, CPS and judiciary, we will deploy learning from the pilots to support ongoing efforts to tackle the backlog and improve case throughput so that cases come to court as quickly as possible. This bespoke support will include trauma-informed training for all court staff, police and prosecutors working on cases, as well as on-site support for victims, such as Independent Sexual Violence Advisors.
- These pilot locations have been selected because they are currently dealing with a higher than-average number of sex offence cases, higher backlog and have important facilities available including section 28.



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