

The Government Response to the Stern Review:

An independent review into how rape
complaints are handled by public
authorities in England and Wales

Ministerial Foreword

Rape is a horrific crime that can ruin lives. Last year, 435,000 people suffered rape or sexual violence. But despite progress in recent years, it is estimated that up to 9 in 10 cases of rape go unreported and 38 per cent of serious sexual assault victims tell no one about their experience. The long term effects of rape on its victims can include depression, anxiety, post traumatic stress disorder, drug and substance misuse, self-harm and suicide. But things can be different. The simple fact is that when victims receive the support they need when they need it, they are much more likely to take positive steps to recovery. This should be our goal.

To help government improve its response to rape, Baroness Stern last year conducted an independent review into the treatment of rape complaints by public authorities. The review looked at the complete process of handling rape complaints – from the moment a rape is first reported until the case is concluded. It also looked at broader policy issues around our response to rape and sexual violence, taking in both the role of misunderstandings and myths about rape in how cases are dealt with, and looking beyond the criminal justice system to victims' support and services.

We are extremely grateful to Baroness Stern for all her work in this area, the result of which is a wide-ranging and authoritative report that has made a valuable contribution to our work on rape. The report's recommendations form the foundation of our future work to improve the way rape complaints are handled at every stage of the

process and, also, to strengthen our approach to prevention. A clear understanding of the nature and extent of rape will help all partners in preventing violence from occurring, in ensuring victims are properly supported and in holding perpetrators fully accountable for their crimes. We are committed to this approach.

Our commitment to tackling rape does not stop at the borders of the UK. Women and children are disproportionately affected in situations of conflict and post-conflict where they face a high risk of sexual violence. Rape is increasingly used as a weapon of war. Our action plan to tackle violence against women and girls, published alongside our response to Baroness Stern's review, sets out our commitment to tackling sexual violence and rape at an international level.

We have already begun work on many of the actions set out in this response and, last month, we announced £10.5 million of funding over the next three years for centres which provide specialist care to ensure that those traumatised by rape and sexual violence receive the specialist support they need. But we recognise that there is much more work to do. This is a long-term issue which needs a long-term solution and we are determined to ensure that victims of rape should be given the support they need to get their lives back on track.

Working together, we can make a difference.

**Rt Hon Theresa May MP and
Lynne Featherstone MP**

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Introduction

Baroness Stern was commissioned by Jacqui Smith, then Home Secretary, and Harriet Harman, then Minister for Equalities, in November 2009 to conduct an independent review into how rape complaints are handled by public authorities in England and Wales. She was asked to consider how to encourage more victims to report rape, how to improve the response of the criminal justice system and the conviction rate in line with the principles of justice long established in the UK, and how to build confidence and satisfaction in the handling of rape cases. The formal terms of reference for the review were:

- to examine the response of the public authorities to rape complaints and examine how more victims can be encouraged to report;
- to explore ways in which the attrition rate in criminal cases can be reduced, and how to fairly increase the conviction rate;
- to identify how to increase victim and witness satisfaction, and confidence in the criminal justice system in addressing rape;
- to explore public and professional attitudes to rape and how they impact on outcomes;
- to utilise findings and information available from other relevant work, particularly the work on victims' experience being led by Sara Payne and the independent Taskforce on the health aspects of violence against women

and children, led by Professor Sir George Alberti, avoiding unnecessary duplication; and

- to make recommendations, with particular reference to improving the implementation of current policies and procedures.

Baroness Stern published her report in March 2010 and made 23 recommendations. The review recognised the progress that had been made in recent years in improving services to rape victims and concluded that many of the policies that had been put in place were the right ones. However, the review also highlighted the patchy nature of implementation across the country. While recognising that local areas must have the freedom to design their services and operations to meet their circumstances, the Stern Review called for a consistent approach that victims could rely on. This includes the need to recognise the harm that rape victims have suffered and that 'society has a positive responsibility to help and to protect, aside from the operation of criminal law'¹. In addition, the review was critical of the way in which incomparable statistics had overtaken the debate around rape, the extent to which they had obscured the reality of criminal justice outcomes and their likely impact on the confidence of victims to report.

¹Baroness Stern, A report by Baroness Vivien Stern CBE of an independent review into how rape complaints are handled by public authorities in England and Wales (Home Office, 2010).

The government welcomes these conclusions, and the body of work that has gone into providing a wide-ranging and authoritative report on rape. We note the extent to which the review has been supported by all those who deal with rape, most notably those experts who sit in the voluntary and community sector. We also welcome the way in which the review has brought to a head a number of issues that have hampered efforts to improve the state's response to rape and rape victims for a number of years.

We are clear that the response to rape victims needs to continue to improve. Our focus is on the rights and welfare of the victim and we are committed to ensuring that every victim of rape has access to appropriate support. That is why we have committed to improving funding for sexual violence support services by providing sustainable funding for rape crisis centres and supporting the opening of new centres. In January, we also launched the General Fund, which was open to all charities which support the most serious and vulnerable victims and those who are persistently targeted victims. This aims to build capacity across the whole of the victims' sector and to support it during the transition to a locally commissioned model. We have also published our strategic vision on ending violence against women and girls, and supporting action plan. This sets out our focus on prevention and on ensuring that there are sufficient support services for the victims of these crimes, as well as improving our criminal justice response to prevent further harm.

Why does the response to rape still matter?

Much has been done to change the status of, and response to, allegations of rape. Legislation has been introduced to govern what elements of their lifestyle a victim may be asked about at court; special measures have been introduced that respect the victim's dignity and spare them the ordeal of facing their attacker in an open courtroom. There have been two independent thematic inspections of the police and the Crown Prosecution Service, with a further inspection finalising its conclusions at the time of this publication. Training for the police and

prosecutors has been overhauled, and specialisms introduced. New approaches to supporting victims have been piloted and mainstreamed. Awareness and understanding of what rape is, who can be a victim and who is responsible have grown significantly.

And yet, we know that somewhere in the region of 89 per cent of rapes go unreported². 38 per cent of victims of serious sexual assault since the age of 16 tell no-one about their experience³. Some 3.2 million women in England and Wales have been sexually assaulted at some point since the age of 16⁴, and 38 per cent of all rapes recorded by the police are committed against children under 16 years of age⁵. Alongside the statistics is the reality of what these crimes mean for victims: long term effects can include depression, anxiety, post traumatic stress disorder, drug and substance misuse, self-harm and suicide. Each adult rape is estimated to cost over £96,000 in its emotional and physical impact on the victims, lost economic output due to convalescence, treatment costs to health services and costs incurred in the criminal justice system⁶.

And what of our understanding of rape? Rape is the intentional penetration of the vagina, anus or mouth of another person without their consent,

2 Smith, K. (Ed), Coleman, K., Eder, S. and Hall, P. (2011) Homicides, Firearm Offences and Intimate Violence 2009/10 (Supplementary Volume 2 to Crime in England and Wales 2009/10) Home Office Statistical Bulletin 01/11, Table 3.12.

3 *ibid.*

4 Smith, K. (Ed), Coleman, K., Eder, S. and Hall, P. (2011) Homicides, Firearm Offences and Intimate Violence 2009/10 (Supplementary Volume 2 to Crime in England and Wales 2009/10) Home Office Statistical Bulletin 01/11, Table 3.02.

5 Flatley, J., Kershaw, C., Smith, K., Chaplin, R. and Moon, D. (Eds.) (2010) Crime in England and Wales 2009/10. Home Office Statistical Bulletin 12/10, Table 2.04.

6 Home Office, 2005. The economic and social costs of crime against individuals and households 2003/04. Figures from this report were up rated to 2009 prices as follows: The physical and emotional cost component of this estimate was up rated to account for growth in nominal income - this reflects changes in prices and evidence that health quality is a normal good and hence the costs of negative health impacts rise with real income. Other costs were up rated for inflation only using the GDP deflator series published by HMT.

and when the perpetrator does not reasonably believe that they consent. Consent, the fundamental basis of the 2003 Sexual Offences Act, is still misunderstood and many ‘rape myths’ commonly held. For example many still believe that rape is an offence committed by strangers and it cannot be rape when the sexual violence occurs within marriage or a committed relationship: in fact the most common perpetrators in incidents of serious sexual assault against women are current or ex-partners (54 per cent)⁷. Other ‘myths’ include that there must be physical force used in rape. Whilst some degree of physical force was used in 64 per cent of cases⁸, the victim was beaten by the offender in only 9 per cent cases. Equally, it is widely assumed that a victim of rape will be obviously upset, but there is no ‘right’ reaction to rape. Symptoms of Rape Trauma Syndrome include recurrent and intrusive recollections of the rape, numbing of general responses, feelings of detachment and estrangement, difficulty sleeping, and outbursts of anger.

Furthermore, there is much that victims and victims’ organisations tell us about how the system can treat individual complainants and the harm that can result from a failure to deal with rape allegations seriously, swiftly and effectively. This government is determined to see further improvement in the care that such vulnerable victims have a right to expect.

The focus of this response

Baroness Stern made it clear that her review was focused on all victims of rape. Indeed, the review highlights the additional barriers that some victims may face, either because of their gender, race, age, religion or belief, sexual orientation, because of disabilities which may prevent them from accessing the services they need, or simply as a result of assumptions made about their lifestyles.

We recognise these points, and the government’s response therefore takes the same approach: we are concerned here with all victims. We have published our strategic vision for tackling violence against women and girls in recognition of the impact of gender-based violence as both a cause and consequence of gender inequality. However, we remain clear that all victims are entitled to the support they need, that men are victims of rape and sexual violence also, and our response to these recommendations set out in this document is therefore based on that recognition. The use of the term ‘victim’ relates to all victims, not just women and girls.

In addition, while the Stern Review focused on rape, many of the conclusions and recommendations have equal value in relation to other forms of sexual violence. We therefore often refer to rape and sexual violence throughout the document to indicate our intention that these improvements should apply not only to rape but to all forms of sexual violence.

For the purposes of the response, we have grouped the recommendations into four key themes: i) understanding sexual violence; ii) supporting victims; iii) an effective criminal justice response; and iv) accountability and governance. We have included a summary of our responses to the recommendations in numerical order in the table at the end.

⁷ Smith, K. (Ed), Coleman, K., Eder, S. and Hall, P. (2011) Homicides, Firearm Offences and Intimate Violence 2009/10 (Supplementary Volume 2 to Crime in England and Wales 2009/10) Home Office Statistical Bulletin 01/11.

⁸ Based on analysis of 2009/10 BCS data.

Understanding sexual violence

Baroness Stern was clear from the outset of her review that she was keen to tackle the myths that persist about rape, from why it is perpetrated and who is responsible, through to how successfully it is prosecuted and perpetrators are held to account. An informed perspective is vital to our efforts to tackle rape – a clear understanding of the nature and extent of rape will help all partners in preventing violence from occurring, in ensuring victims are properly supported, and in holding perpetrators fully accountable for the crimes they have committed. We accept Baroness Stern’s recommendations in this area and will take action to provide a framework in which data and knowledge about rape are clearly presented.

Improving presentation of data

Recommendation 1

We recommend that the National Statistician and the Home Office should aim to ensure that the publication of crime statistics is always accompanied by enough explanation to ensure that their meaning can be widely understood.

Recommendation 3

In view of the controversy surrounding false allegations, the strong feelings the subject arouses and the part the controversy plays in the response to rape complainants, we recommend that the Ministry of Justice commissions and publishes an independent research report to study the frequency of false allegations of rape compared with other offences and the nature of such allegations.

Recommendation 4

We recommend that the Home Office and Ministry of Justice should work with the National Statistician in order to find a way of presenting criminal justice data that enables comparisons to be made of the outcomes for various offences, and makes clear what conclusions can and cannot be drawn from those data.

The Stern Review was critical of the way in which crime and conviction statistics relating to rape have been taken out of context to present misleading attrition rates for rape cases. It also highlighted the fact that the approach some have used to produce the conviction rate for cases of rape from official figures is not replicated in relation to any other crime. The Ministry of Justice’s Chief Statistician has already launched an independent consultation to look at the measurement of conviction rates which specifically addresses this concern. Baroness Stern’s recommendations on this point will also be considered as part of the National Statistician’s short review of crime statistics which is due to report back by the end of April 2011.

One aspect of rape which elicits much attention and misunderstanding is the phenomenon of false allegations. The Stern Review highlights issues around this including the broad range of estimates of the extent to which false allegations have been put forward and the inconsistent interpretation of the term ‘false allegation’. To help improve understanding of the extent and nature of false allegations of rape, the government has appointed

an independent research company to conduct a case file review of a large sample of serious sexual and violent crimes⁹. One element of this research is to review the prevalence and nature of false allegations present in the sample. A report will be published in the second half of 2011.

Improving communication and challenging attitudes

Recommendation 2

We recommend that the basic elements of the Sexual Offences Act 2003 are given more publicity, and information in simple language is made available to young people and those who work with young people who are able to disseminate it widely.

Recommendation 5

We recommend that when education and awareness-raising campaigns and programmes on rape and sexual assault are developed, careful consideration be given to their design so that they spread understanding of the current law on rape; do not in any way perpetuate false understandings of how rape victims respond; and take full advantage of the diverse range of new media outlets so they are as imaginative, targeted and effective as possible.

Baroness Stern's approach chimes with the government's focus on the importance of prevention in tackling violence against women and girls. As set out in our strategic vision published on 25 November 2010, and reinforced in the action plan published alongside this response, we are committed to challenging the attitudes, behaviours and practices which allow rape and sexual violence to be tolerated by society.

Personal Social Health and Economic (PSHE) education helps young people to enjoy safe, responsible and fulfilled lives. The personal wellbeing programme provides schools a context in which young people can learn about developing and maintaining positive relationships including choices relating to sexual activity. This work will be taken forward in the context of the Department of Education's review of Personal Social Health and Economic (PSHE) education

which will also consider Sex and Relationship Education (SRE). We will look at how all schools are able to follow good practice regarding the teaching of sexual consent.

We agree with Baroness Stern's view that, despite significant work to challenge the many myths and uninformed attitudes that rape engenders, false notions about rape remain widespread¹⁰. We therefore fully endorse the recommendation that future communications campaigns should be carefully developed to avoid inadvertently perpetuating these attitudes and should also be as targeted and innovative as possible to provide the correct level of challenge that will support change. We will ensure that the findings of the Stern Review be taken into account in the development of future government-led campaigns as part of our vision to tackle violence against women and girls, and we would encourage all local areas to give similar thought to their own communications work.

Department of Health: Violence Against Women and Children Campaign

The Department of Health launched an awareness-raising campaign in November 2010, targeting health professionals and patients. The campaign encouraged health professionals to recognise the signs of violence and to be aware of support available, both for their patients and for themselves, should they become victims of violence. The campaign covers all aspects of violence against women and children, including rape and sexual assault. Included within the campaign resources are case studies which demonstrate the reality of rape and its impact on victims. To support this campaign, the NHS Choices website has pulled together content on violence and abuse in one place to improve access to information for the public.

⁹ The review will cover Rape, Sexual Assault, GBH with intent and GBH without intent.

¹⁰ Baroness Stern, A report by Baroness Vivien Stern CBE of an independent review into how rape complaints are handled by public authorities in England and Wales (Home Office, 2010) (Chapter 1).

Supporting victims

The government is clear that every victim should have access to the support they need in the aftermath of abuse. We are committed to supporting victims both by empowering partners to develop the appropriate support services in their local area and through provision of direct financial support to voluntary and community organisations.

Independent Sexual Violence Advisers

Recommendation 19

We recommend that Independent Sexual Violence Advisers be seen as an intrinsic part of the way rape complainants are dealt with, as the service that enables the rest to operate effectively and a crucial part of the way in which the State fulfils its obligations to victims of violence. Funding should be available in all areas where the demand makes a post viable. The service provided spans a number of different local responsibilities across the criminal justice agencies, the local authority and the health service. Therefore the most suitable body to oversee the arrangements seems to us to be whatever arrangement local areas develop in line with our recommendation made in Chapter Two for local machinery to ensure a strategic approach to victims of rape.

Independent Sexual Violence Advisers (ISVAs) work with victims of recent and historic serious sexual crimes to enable them to access the services they need in the aftermath of the abuse they have experienced. They provide impartial advice to the victim on all options open to them,

throughout and beyond the criminal justice process, such as reporting to the police, accessing Sexual Assault Referral Centres (SARCs), seeking support from specialist sexual violence organisations and other services such as housing or benefits.

We warmly welcome the Stern Review's very positive assessment of the role of ISVAs across England and Wales. The government is committed to providing £1.72m annually to 2015 to fund ISVAs based in either voluntary and community sector organisations or SARCs. This funding will almost double the number of ISVAs supported by the Home Office to over 80 and funding has been made available to organisations which were able to demonstrate sufficient local need and the ability to operate the service effectively. Providing this funding for the first time on a stable basis means that areas which bid successfully for ISVA funding will be able to plan their delivery of the service over a four year period.

However, support for ISVAs from local partners will remain essential both to ensure that there is sufficient resource to meet the needs of victims within a given locality and to support ISVAs in making linkages between the many agencies that are involved in supporting rape victims at a local level. We therefore encourage local areas to consider the second aspect of Baroness Stern's recommendation and put in place appropriate strategic governance arrangements for the ISVA service in their area.

To further support the development of the ISVA service across England and Wales, we are also working with the voluntary and community sector and SARCs to build on the training available to ISVAs to ensure a minimum quality standard. We are working with Skills for Justice to develop the agreed National Occupational Standards for Domestic and Sexual Abuse and Violence to ensure they adequately capture the range of skills that ISVAs will need and provide a framework for the qualification of ISVAs. We will also provide an introductory e-learning package for all Home Office funded ISVAs and continue to work with the sector to determine how best to build on this training over the coming four years. These initiatives will complement local induction and training arrangements.

Sexual Assault Referral Centres

Recommendation 7

We welcome the specific commitment by the government to have one Sexual Assault Referral Centre in every police force area by 2011 and recommend that since some police force areas are very large, the need for additional centres should be considered once the initial phase of development is complete.

Recommendation 8

We acknowledge that the existing funding arrangements for Sexual Assault Referral Centres vary across the country, and we would not wish to be prescriptive about how they are set up and run. However, it is clear to us that there is a greater chance of success when there is a strong partnership between the NHS, the police and elements of local government, and equal commitment in the setting up and operation of a Sexual Assault Referral Centre. We recommend this commitment should be shared equally by the police, the NHS and local government.

Much progress has been made with the delivery of Sexual Assault Referral Centres (SARCs) in recent years, with new SARCs opened and improvements made to the services of and accessibility to those already in operation. A further £3.2 million of central investment from the Home Office and Department of Health was made available to SARCs in 2010/11 and we now have 36 SARCs in operation across

England and Wales, with a further 14 in development.

The provision of multiple services in a safe and victim-centred environment should be the accepted standard. The necessary minimum elements for developing SARCs are set out in the revised national service guidance published in autumn 2009 and, as outlined above, we are developing National Occupational Standards to ensure the support delivered by Independent Sexual Violence Advisors is consistent in its quality. However, as Baroness Stern advises, we will not seek to impose a one-size-fits-all model on local areas as we recognise that areas may wish to adapt the SARC model to meet their particular local needs. For example, an area may wish to purchase its SARC services from another area which has well-developed expertise, or it may wish to have a small centre of expertise with a high number of follow up sites because of the area's geography. To ensure SARC services are focused on local needs and demand we strongly support the recommendation from the Stern Review that areas consider with some care the appropriate strategic and management structures for the provision of SARC services. The involvement of all relevant partners, including the voluntary and community sector, is essential to a strong SARC service, with appropriate referral and follow up mechanisms.

The Treetops Centre – Sexual Assault Referral Centre (SARC)

The Hampshire and Isle of Wight SARC (The Treetops Centre) www.treetopscentre.co.uk provides a comprehensive service to people who have experienced rape or sexual abuse. The Clinical Director and Forensic Physicians are female and the SARC has a clinical governance agreement with Solent Healthcare NHS. The Centre has received awards from the Strategic Health Authority and Hampshire Constabulary for its partnership approach. It is co-located with a pre-existing domestic violence service, and support and advocacy workers from that service also provide a day service to the SARC.

The Centre:

- ensures the best possible care of the client to minimise the risk of further harm, physical and mental health issues and to promote recovery;
- facilitates forensic examination so that evidence can be collected for use in the investigation of crime should the client choose to do so;
- promotes partnership working at all levels throughout Hampshire and the Isle of Wight, as well as nationally to assist with providing best practice and best value; and
- provides a centre of excellence which places client care and quality of service at the heart of its work.

Central to the development of SARC services will be the reforms to the NHS and the creation of Public Health England (PHE). We are currently consulting on the funding and commissioning routes for public health, which includes proposals for SARCs to sit within PHE¹¹. These reforms are still at an early stage. As we move forward we will give consideration as to how commissioners might be encouraged to collaborate to ensure the provision of high quality SARC services in their areas. Similarly, as we develop plans for the introduction of Police and Crime Commissioners (PCCs), who will be in place from May 2012, we will consider how to ensure they understand the role of SARCs in providing support for victims of sexual crime.

We will also continue to support SARCs by providing advice and guidance to those who commission SARC services and through the collection and promotion of operational best practice in the provision of those services.

Forensic Medical Services

Recommendation 6

We support wholeheartedly the recommendation that the funding and commissioning of forensic and clinical services for victims of sexual assault should be

transferred from the police to the NHS. We also endorse the view of the taskforce led by Sir George Alberti that forensic physicians should be employed by the NHS, have better access to high-quality training, be an integrated part of the new NHS clinical governance framework and commissioned in sufficient numbers to meet the needs of victims of rape. We would further recommend that there should be more appropriate accreditation for forensic physicians to ensure every victim of rape should have the choice of a male or female forensic physician to undertake the examination.

Fundamental to the provision of high quality SARC services is the ability for victims to undertake a forensic examination in dedicated, forensically approved premises within the SARC if they wish. Aligned to this is the continued improvement of this service which should be provided in a sympathetic and supportive environment by forensic physicians and other practitioners who are appropriately qualified, trained and supported and who are experienced in sexual offences examinations for adults and children. However, this has not always been the case, and some services are still offered to victims which do not meet these requirements. We therefore support the Stern Review's recommendation that the inadequacies in the provision of forensic and clinical care of victims should be addressed.

One means of addressing this issue is to ensure that the health service has responsibility for the delivery of the forensic examination service. A feasibility study to understand the likely impacts of any decision to transfer funding, commissioning and budgetary responsibility for forensic and clinical care in sexual assault from the police to the health services has begun¹². This will need to take into account the outcome of the consultation on commissioning and funding routes in public health also currently underway.

We have also funded development of the examination for the Diploma in the Forensic and Clinical Aspects of Sexual Assault by the Society of Apothecaries. This will provide a basic level qualification for doctors, nurses, midwives and

¹¹ The consultation ends on 31st March 2011.

¹² A joint Department of Health/Home Office commitment with the work commissioned by the Department of Health and awarded to the University of Birmingham.

other clinicians who examine and care for victims of sexual assault. The government has provided funding to the Society of Apothecaries to enable them to give scholarships to the initial cohorts of candidates. Further funding has been made available to develop an e-learning tool that will help candidates to prepare for the diploma examination.

Overall, the Department of Health is continuing to work with the medical Royal Colleges, their relevant faculties, and other national bodies, to improve advanced training and recognition for their members who are engaged in forensic medical practice. Together, these initiatives should see an increase in the numbers of appropriately trained forensic practitioners available to SARCs, which should in due ensure that victims are more likely to be offered a physician of the gender of their choice.

Information for victims

Recommendation 15

We recommend that the booklet ‘CPS Policy for Prosecuting Cases of Rape’ should be widely available to all victims and witnesses. It should be available to all victim and witness units, Independent Sexual Violence Advisers, Sexual Assault Referral Centres, Rape Crisis Centres and should be given as a matter of routine at the appropriate moment to all rape complainants who have decided to report the rape to the police. The Crown Prosecution Service should ensure the booklet is kept under review and regularly updated.

The provision of an effective response to victims of any crime relies on effective communication and information. This is particularly true of rape victims. The very nature of the crime against them heightens the fear that they may not be believed, that the needs of the investigation may ‘take over’ and remove control from them. They also dread the prospect of recounting highly personal details in a court full of officials and strangers. The Stern Review highlights the importance of effective communication about these processes and we accept the recommendation. The Crown Prosecution Service continues to make its ‘CPS Policy for Prosecuting Cases of Rape’ booklet available to victims and has introduced new

guidance for prosecutors on appropriate and effective communication with victims following the finalisation of the prosecution. We will also seek to improve communication with victims across the criminal justice system.

Criminal Injuries Compensation

Recommendation 20

We recommend that the Criminal Injuries Compensation Authority policy that applicants ‘who suffer a sexual assault while under the influence of drugs or alcohol will be eligible for a full award’ is made clearer in the guidance available to the public and to those supporting victims of rape.

Recommendation 21

We appreciate the requirement to exercise care in disbursing public money and the complexity of assessing each individual’s entitlement. We recommend that the eligibility requirement in respect of character, as evidenced by unspent criminal convictions, be reconsidered in terms of its appropriateness for rape victims, with a view to providing clear guidance to case officers that unless there are exceptional circumstances it should not apply to rape victims.

Recommendation 22

We recommend that the appropriate victims’ organisations be consulted and detailed guidance be provided for case officers explaining why the requirement of immediate reporting to the police should normally be waived for rape victims.

Provision of compensation for victims of crime, regardless of the outcome of any investigation or court proceedings, is a valued part of our criminal justice system. While financial assistance can never fully compensate victims of violent crime, it can recognise the suffering of the victim and give them some financial support that may help to address the lasting impacts of the crime and may help them move on. Whilst acknowledging the positive consequences of this scheme, the Stern Review highlights the concern that has emerged in response to press reports that victims of rape had received reduced awards because they had been drinking at the time of the attack. This is not right and we fully endorse the review’s

recommendation that the Criminal Injuries Compensation Authority's (CICA) guidance on this matter be made clearer. We welcome the steps that CICA has already taken to address this, including the provision of more training for staff and the revision of the online guidance. These revisions have been absorbed into the printed guidance issued by CICA.

We do not accept, however, that a reduction in award for a rape victim who has unspent criminal convictions implies that rape victims are accorded less protection and support from the state. A reduction in award on such a basis for any victim is not intended to imply that a victim is in some way responsible for the crime committed against them due to their past life. Rather, it reflects the fact that a person who has themselves committed a criminal offence has probably caused distress, loss or injury to other people, and has certainly caused expense to society through police time, court appearances and the cost of sentencing. The terms of the compensation award scheme, agreed and set by Parliament, require CICA to consider the applicant's character as shown by his or her unspent criminal convictions. Other than this, CICA does not seek information on any other aspect of a rape victim's lifestyle. The guidance does not apply to rape victims alone and to give them an exemption from the criminal convictions provisions of the scheme would create unfairness in terms of other victims of violent crime, particularly where convictions are for serious or violent offences. We do not think, therefore, that it would be justified or proportionate to reconsider the eligibility requirement in respect of character, as evidenced by unspent criminal convictions, for rape victims.

We agree that the requirement for immediate reporting to the police cannot be applied to rape victims in the same way as to victims of other crimes because, as the Stern Review highlights, there are often legitimate reasons why a rape victim delays reporting. However, CICA needs to be able to gather sufficient evidence to take a decision on the facts of the case. When making awards of public money, CICA must be in a position to take a decision whether, on the balance of probabilities, a crime took place. For this

reason, an award may be made when the offender has not been convicted. If there are clear reasons for the delay in the rape being reported and the case officer can still gather sufficient evidence that it has occurred, the terms set by Parliament allow CICA the discretion to set aside the requirement for immediate reporting and take a view based on the facts of the case. We are exploring with CICA how to ensure that case officers have the correct guidance and training in applying discretion in rape cases.

An effective criminal justice response

The Stern Review, along with many other commentators and victims' organisations, states clearly that criminal justice outcomes should not be the only way in which the state measures its response to victims of rape. The government agrees entirely and has made clear its commitment to supporting specialist services for victims of sexual violence to ensure all their needs are met properly.

Nevertheless, an effective criminal justice response remains a vital part of what victims should rightly expect: recognition of the harm done to individuals, enforcement of the law, punishment of perpetrators, and the prevention of further risk of harm to victims and other members of society. Not every report of rape will result in a successful conviction, but it is this government's ambition that every report be treated seriously from the point of disclosure; that every victim be treated with dignity; and that every investigation and that prosecution be conducted thoroughly and professionally, without recourse to myths and stereotypes.

Investigation

Recommendation 10

The work that the Association of Chief Police Officers has been doing in partnership with the Crown Prosecution Service and National Policing Improvement Agency is designed to improve the approach taken by all forces in responding to and investigating rape complaints. We have therefore based our

recommendations on the assumption that all forces aspire to provide a high-quality service to everyone who reports a rape. The 'Guidance on Investigating and Prosecuting Rape' seems to us to reflect the very best that a police service can achieve, and we would make no suggestions for improvements to it. We recommend that the Association of Chief Police Officers should continue the work of seeing the guidance implemented in every police force area.

We welcome this recommendation. We also welcome the work that the Association of Chief Police Officers (ACPO) continues to do to improve police investigations of rape, including support visits to every police force area in 2009/10. In recognition of the joint nature of investigating and prosecuting rape, 39 (out of 42) of these visits were conducted jointly with the Crown Prosecution Service. These resulted in bespoke reports for the Chief Crown Prosecutors, as well as Chief Police Officers, that identified good practice and set out recommendations for improvement.

ACPO has developed a series of 'key statements' of investigation based on the joint 'Guidance on Investigating and Prosecuting Rape' which will ensure that there is a national bench-mark for rape investigation which can be adapted to local conditions. It has also encouraged all forces to develop action plans setting out how they will deliver effectively on those key statements.

Similarly, the Crown Prosecution Service (CPS) will continue to ensure that the joint guidance is

appropriately and consistently applied across CPS areas. The CPS will also continue to conduct robust evaluation of performance in violence against women prosecutions. In January 2011, the CPS launched a violence against women assurance system. As part of this assurance, 25 per cent of all rape cases will be sampled and analysed to ensure that they are being appropriately handled. Reports will be reviewed by the Chief Operating Officer to provide strategic oversight and ensure that emerging concerns are addressed and learning shared across the CPS.

Recommendation 13

We understand the National Policing Improvement Agency provides key computer technologies to assist forces with tracking intelligence on sex offenders and their offences. We further understand that the mechanics of capturing this intelligence on a national basis do exist. We therefore recommend that the National Policing Improvement Agency take steps to ensure that all police forces are aware of these ways of capturing intelligence.

The Stern Review highlights the impact that effective sharing of information in relation to rape can have, whether that is preventative or in bringing a series of seemingly random attacks together to identify serial perpetrators. We fully endorse the review's recommendation that the very best use be made of intelligence in rape cases, including the sharing of such information across force boundaries.

The system used to hold such police intelligence is the Violent and Sex Offender Register (ViSOR) which interacts with a number of other systems to bring intelligence together, including the Police National Computer (PNC) and the Police National Database (PND). The updated version of guidance on the standards of intelligence appropriate for use with ViSOR, ViSOR Standards v2.0, was published in December 2010¹³. ACPO and the NPIA are also exploring the feasibility of including non-stranger rape as a data set on ViSOR.

¹³ ACPO and NPIA have developed a joint programme to consolidate existing national policing doctrine into Authorised Professional Practice (APP). APP will be implemented across priority areas (which require common standards for reasons of high risk, interoperability or VFM) during 2011/12.

In addition, further analysis of the consistent use of ViSOR will take place as one element of a thematic inspection jointly conducted by Her Majesty's Inspectorate of Constabulary (HMIC) and Her Majesty's Inspectorate of Probation and due to complete in spring 2011. This will feed into the assessment of the training currently provided on ViSOR, and how that training could be improved and marketed more effectively to the officers that need to access it.

Intelligent approach to the prevention of sexual violence

The Bristol sexual violence perpetrator pilot has devised a robust risk assessment process that has identified a number of high risk sexual violence perpetrators. The process incorporates three stages (Recidivism Assessment; Harm Assessment; Long Term Risk Assessment Matrix), each of which utilises variations of accepted risk assessment tools. The process considers and weights not only criminal convictions but also arrests, intelligence and unpursued allegations. The process incorporates Police and Probation data bases in the selection of the cohort.

The pilot has discovered that there are 86 high risk sexual violence perpetrators in the city of Bristol. The majority of these individuals are neither on the Sexual Offenders Register nor being managed through Multi Agency Public Protection Arrangements (MAPPA) because they have not been convicted of a sexual offence.

The ultimate aim of the Constabulary and its partners in Probation and the Prison Service is to proactively manage these individuals within an Integrated Offender Management (IOM) Framework; this will include the provision of direct access to 'Pathways' out of offending.

In the short term and in order to test out how this approach might work in practice, police have convened a 'Sexual Violence (SV) Perpetrator Tasking Group'. The group consists of representatives from Police, Probation, Prison Service, Offender Health, Primary Care and Mental Health Trusts and has an experienced MAPPA chair. It incorporates elements from both the MAPPA conference model and the IOM tasking and coordinating meeting and operates as dynamic

multi-agency case management meeting to coordinate efforts in the better management of these individuals.

Recommendation 9

It is clear that this video-recorded 'achieving best evidence' interviews is an issue of considerable concern which is posing problems for the smooth running of trials. It is causing distress to some victims, and the costs are not inconsiderable. We encountered very strong views that currently this is a big hindrance to effective trials and action needs to be taken. We recommend that this issue be looked at again by the Association of Chief Police Officers, the Crown Prosecution Service, Her Majesty's Inspectorate of Constabulary and Her Majesty's Crown Prosecution Service Inspectorate. We understand the National Policing Improvement Agency has a small internal research programme looking at the issue of achieving best evidence in rape investigations, and we recommend that this plays a part in finding a solution that preserves the benefits for the victim but is more effective in the courtroom.

Whilst we support the ambition of improved victim care which lies behind the introduction of 'achieving best evidence' (ABE) interviews, we accept the Stern Review's observation that this is giving rise to a number of procedural difficulties in practice. We do not wish to see the supportive and sympathetic techniques, which are used to enable victims to give a full account of the trauma they have suffered, have the ultimate effect of undermining the prosecution's case in court, and letting down the victim they were intended to help. We therefore welcome the recommendation that this issue be considered further by the relevant agencies, with a view to improving upon the current approach.

Work on investigative interviewing is already underway under the auspices of the ACPO Working Group, with members representing other key agencies such as the CPS and the judiciary. Guidance, 'Advice on the Structure of Visually Recorded Witness Interviews', intended to maximise the quality of interviews with witnesses, was published in August 2010 and has been sent to all Chief Constables and to rape champions in every police force area. The advice contained in this document will be incorporated

into national learning and development programmes and will be reflected in the revised ABE guidance to be published by the Ministry of Justice in spring 2011. Once this guidance has been published, ACPO, NPIA and the CPS will consider whether further updates are required to the joint Guidance on Investigating and Prosecuting Rape to ensure that forces are using ABE appropriately when interviewing rape victims.

Recommendation 11

We were very impressed with the specialist police units. It may be that the combination of high-level investigation, victim care and a focus on vulnerable people provided for by specialist units is the best way forward. We therefore recommend that the Association of Chief Police Officers works with the National Policing Improvement Agency to assess the benefits of this specialisation in terms of its cost effectiveness, the number of victims reporting, the level of victim satisfaction and the opportunities it provides for a more strategic approach to protecting the vulnerable.

The specialist unit approach to dealing with rape investigations has developed over recent years, with numerous forces around the country adopting the approach. Specialist or dedicated units allow officers to develop their experience of dealing with sexual violence in a range of ways, from supporting victims appropriately to developing appropriate investigation techniques specific to sexual violence. These units contain resources that are generally ring-fenced and sit outside of mainstream Criminal Investigation Department (CID) activity. They are therefore able to provide an efficient, prompt and effective response to rape - for instance, ensuring sufficient numbers of specially trained officers are available to be sent to attend victims as soon as a rape is reported. We therefore welcome the recommendation of the review that this approach should be evaluated.

The ACPO Rape Support Programme includes a commitment to evaluating the specialist unit approach and will look at eight different forces across the country. It will produce a report for consideration by the ACPO Rape Working Group in spring 2011. Emerging evidence from the evaluation suggests that forces which develop a specialist unit tend to observe an increase in

reporting and confidence amongst victims and a more joined up approach between agencies, the voluntary sector and the police. This results in a more joined-up service for victims.

Prosecution

Recommendation 17

We accept that in very busy court centres there are great difficulties in ensuring individual ownership of cases. Nevertheless, it is desirable and we recommend that the Crown Prosecution Service takes steps to ensure its stated policy of individual ownership of cases is applied so that cases are managed and progressed effectively.

Recommendation 18

We also recommend that the Association of Chief Police Officers, the Crown Prosecution Service and the Local Government Association initiate discussions to resolve difficulties about disclosure of local authority third-party material, with a view to ensuring all local authorities adopt the protocol between the Crown Prosecution Service, police and local authorities on the exchange of information.

The Stern Review brought out some concerns, raised by the judiciary, about the thoroughness of preparatory work that goes into rape cases, particularly with regard to the disclosure of information by a third party, such as social services or GPs. The disclosure of material that can undermine a case during a trial can result in a witness's credibility's being reduced and even in the discontinuance of a case. This, of course, can cause incalculable damage to the victim. Therefore, where the prosecutor has an opportunity to review the material and address the issues raised at an early stage in the investigation, such an outcome may be preventable, and all steps should be taken to ensure this happens.

We welcome the recommendation to ensure the protocol on exchange of information is used to best effect. The Director of Public Prosecutions (DPP), head of the CPS, has confirmed that the CPS will try to re-establish effective voluntary arrangements with as many local authorities as possible. To this end, the CPS has carried out an audit of its areas to identify any problems in the

implementation of the protocol and is discussing its findings with the Association of Directors of Social Services and ACPO with a view to undertaking a review of the protocol. This should ensure that material which may undermine a prosecution can be dealt with effectively at an early stage in the proceedings.

The Stern Review also deals with the CPS policy of individual prosecutor ownership of rape cases. This policy seeks to ensure that cases are managed and progressed effectively, with less chance of such preparatory work slipping through the gaps between prosecutors. We accept the recommendation that this should be achieved wherever possible. The CPS is committed to ensuring that its rape policy is consistently applied, including allocating every rape case to a rape specialist prosecutor who is responsible for its conduct from early in the investigation until the case is finalised. From January 2011, this element of CPS policy will be included in the violence against women assurance scheme, as detailed in the section on An Effective Criminal Justice Response.

The introduction of the violence against women assurance scheme is just one aspect of a package of measures to strengthen rape prosecutions announced by the DPP in December 2010. Other measures include seeking the views of interested parties on the factors that prosecutors should consider before prosecuting people connected with rape allegations on grounds of perverting the course of justice. This will inform new guidance for prosecutors. In addition any prosecutor who is considering charging a person who has retracted a rape allegation with an offence of perverting the course of justice will need the DPP's approval before they can proceed. The DPP is also committed to reinforcing the 'merits-based' approach to rape prosecutions by dealing effectively with myths and stereotypes and improving the quality of communication with victims.

Managing performance

Recommendation 14

We recommend, for the 2010 thematic inspection to be carried out by Her Majesty's Inspectorate of

Constabulary and her Majesty's Crown Prosecution Service Inspectorate, a different approach to the one adopted for the previous thematic inspections. Specifically, we recommend that forces are assessed against the following:

- *those reporting are treated well, i.e. victim satisfaction*
- *local arrangements are in place so that the many people who report, where reporting is part of a pattern of abuse in their lives, are linked into other agencies; and*
- *good practice in the collection of intelligence material is in place.*

Recommendation 16

We learnt that joint police/prosecution performance measures are currently being considered by the cross-government Rape Monitoring Group. We welcome this development and recommend that this work is completed with all speed in order to remove what are seen to be barriers to effective joint working between the Crown Prosecution Service and police.

The final aspect that the Stern Review considered in relation to the response of the criminal justice system was that of performance and partnership working. Reflecting on previous scrutiny, the review highlighted the impact that the thematic inspections in 2002 and 2007 had had on police and CPS performance but recommended that a different approach be taken in future.

The joint inspection '*Rape Investigation: Adding Value to Victims through Focusing on Suspects and Defendants*' began in November 2010. It is visiting six force areas to examine how suspects and defendants are managed, with a focus on identification of repeat suspects and assessment and management of any risks identified. The handling of intelligence will be a key consideration in the inspection.

The inspection is intended to drive improved performance in the way that cases are handled (and thereby seeks to improve victim outcomes, which may lead to an increase in victim satisfaction) through ensuring that suspect/defendant issues are incorporated into the investigation and prosecution of cases. It will also seek to ensure

that these issues are considered at each stage of a case instead of the tendency to concentrate on issues affecting the credibility of victims. The inspection will, to an extent, cover the requirement for multi-agency working between agencies. Furthermore, it will provide a clear message that victim care is related to ensuring that specially trained officers are on hand, that quality SARC service provision is necessary to provide the appropriate crisis care, and that the trauma of the incident must be taken into account when interviewing the victim.

We are not in a position to prescribe performance measures but it is still important that police are able to benchmark their performance on this issue at a peer level. The Rape Monitoring Group is considering a range of validation measures that may be used to better measure joint working. Further training will be rolled out which will help forces understand their own performance. However, the HMIC-led Rape Monitoring Group will continue to look at performance in handling rape cases in each force area and is in the process of designing a series of statistical measures which will assess this by following each case from the point at which it is reported to the police to the point at which it is considered or discontinued in court. This will remove the focus on separate police and CPS measurements which cannot accurately be combined in order to provide the wider view for which the Stern Review calls. The Rape Monitoring Group is also developing a toolkit for use by local areas to support better understanding of performance on a self-help basis in addressing rape in a particular area. This is currently out for consultation. In addition, ACPO is leading on a piece of work to examine the early findings emerging from the HMIC thematic inspection. These suggest that joint working between the police and the CPS, such as early consultation, has not been taking place on a consistent basis. ACPO will provide, as it currently does in partnership with the NPIA, a number of training days for key staff to ensure that the basis for joint work is understood and implemented consistently across the country.

Accountability and governance

As we have set out in our strategic vision to tackle violence against women and girls, an effective response to rape and sexual violence is not achievable by government alone. All partners, at both national and local level, need to understand the roles that they play in supporting victims of rape and sexual violence – whether this is through the criminal justice system, or in the provision of the services such as support, advocacy and counselling which rape victims need. Crucially, victims need an approach that is co-ordinated, victim-centred and consistent.

Recommendation 12

We recognise that there are a number of existing local arrangements in place, such as Local Criminal Justice Boards and Community Safety Partnerships. We do not wish to be prescriptive about the types of local arrangements needed, but are of the view that local arrangements should aim to bring together health, the voluntary sector, local authority safeguarding services, the police, the Crown Prosecution Service and Her Majesty's Court Service to focus on rape. We therefore recommend that a suitable arrangement should be put in place, bringing together representatives from these organisations, to create an effective governance structure for the handling of rape complaints and to enable issues to be brought to a multi-agency forum where action can be taken.

Recommendation 23

In order to assess the extent to which all police forces and the Crown Prosecution Service are implementing the 2009 'Guidance on Investigating and Prosecuting

Rape', we recommend the government reports annually to Parliament on progress made.

We welcome the Stern Review's focus on multi-agency working at a local level and the need for decisive and strategic leadership. We fully endorse the recommendation that this is what is required. As the right structure for bringing together local partners will depend on local circumstances we do not wish to prescribe what model local areas should use. However, whatever structure a local area may opt for, it will need to take account of imminent changes to the policing and health landscapes to ensure that an effective local response to rape and sexual violence is embedded within those new arrangements from the start. As part of the new violence against women assurance regime, the CPS will review local multi-agency structures and share best practice across areas.

The joint 2009 ACPO, CPS and NPIA guidance on *Investigating and Prosecuting Rape* was developed by those agencies to bring together the best examples of operational good practice. Central government does not monitor the implementation of this guidance at force level and cannot therefore provide reports to Parliament on that basis.

The CPS publishes annually a comprehensive violence against women Crime report which sets out data, actions and case studies in relation to offences which come within the ambit of violence against women. While it is not presented to Parliament, this information is in the public domain and will implicitly cover the extent to which the

guidance is being implemented by CPS areas. This will also come under further scrutiny as the HMIC-led Rape Monitoring Group develops new validation measures which look at all elements of police performance on rape.

Next Steps

Baroness Stern has provided a comprehensive analysis of the way that rape complaints are handled in England and Wales. Our intention is to build on the foundation she has provided.

As well as the twenty-three recommendations which we have responded to here, the Stern Review also brought out a number of challenges and issues which did not have recommendations attached to them.

With our partners, we will give consideration to these challenges as part of our policy development on rape and sexual violence as we move forward.

We will also continue to monitor the implementation of the actions included in this response, and indeed our progress in tackling rape and sexual violence more broadly, through the Inter-Ministerial Group on violence against women and girls and its supporting governance structure.

Summary of responses

Generally agreed = government and its partners are in position to take forward the recommendation

Partially agreed = government and its partners are in a position to take forward the recommendation in part or more work is required before the recommendation can be taken forward

Stern Review Recommendation	Government Response Summarised	Section
<p>Recommendation 1</p> <p>We recommend that the National Statistician and the Home Office should aim to ensure that the publication of crime statistics is always accompanied by enough explanation to ensure that their meaning can be widely understood.</p>	Generally agreed.	Understanding sexual violence: Improving presentation of data.
<p>Recommendation 2</p> <p>We recommend that the basic elements of the Sexual Offences Act 2003 are given more publicity, and information in simple language is made available to young people and those who work with young people who are able to disseminate it widely.</p>	Generally agreed.	Understanding sexual violence: Improving communication and challenging attitudes.
<p>Recommendation 3</p> <p>In view of the controversy surrounding false allegations, the strong feelings the subject arouses and the part the controversy plays in the response to rape complainants, we recommend that the Ministry of Justice commissions and publishes an independent research report to study the frequency of false allegations of rape compared with other offences and the nature of such allegations.</p>	Generally agreed.	Understanding sexual violence: Improving presentation of data.

<p>Recommendation 4</p> <p>We recommend that the Home Office and Ministry of Justice should work with the National Statistician in order to find a way of presenting criminal justice data that enables comparisons to be made of the outcomes for various offences, and makes clear what conclusions can and cannot be drawn from those data.</p>	<p>Generally agreed.</p>	<p>Understanding sexual violence: Improving presentation of data.</p>
<p>Recommendation 5</p> <p>We recommend that when education and awareness-raising campaigns and programmes on rape and sexual assault are developed, careful consideration be given to their design so that they spread understanding of the current law on rape; do not in any way perpetuate false understandings of how rape victims respond; and take full advantage of the diverse range of new media outlets so they are as imaginative, targeted and effective as possible.</p>	<p>Generally agreed.</p>	<p>Understanding sexual violence: Improving communication and challenging attitudes.</p>
<p>Recommendation 6</p> <p>We support wholeheartedly the recommendation that the funding and commissioning of forensic medical services should be transferred from the police to the NHS. We also endorse the view of the taskforce led by Sir George Alberti that forensic physicians should be employed by the NHS, have better access to high-quality training, be an integrated part of the new NHS clinical governance framework and commissioned in sufficient numbers to meet the needs of victims of rape. We would further recommend that there should be more appropriate accreditation for forensic physicians to ensure every victim of rape should have the choice of a male or female forensic physician to undertake the examination.</p>	<p>Generally agreed.</p>	<p>Supporting victims: forensic medical services.</p>
<p>Recommendation 7</p> <p>We welcome the specific commitment by the government to have one Sexual Assault Referral Centre in every police force area by 2011 and recommend that since some police force areas are very large, the need for additional centres should be considered once the initial phase of development is complete.</p>	<p>Partially agreed.</p> <p>Local areas are best placed to consider how best to provide services to rape victims but they should ensure that all victims have access to the specialist services they need.</p>	<p>Supporting victims: sexual assault referral centres.</p>

<p>Recommendation 8</p> <p>We acknowledge that the existing funding arrangements for Sexual Assault Referral Centres vary across the country, and we would not wish to be prescriptive about how they are set up and run. However, it is clear to us that there is a greater chance of success when there is a strong partnership between the NHS, the police and elements of local government, and equal commitment in the setting up and operation of a Sexual Assault Referral Centre. We recommend this commitment should be shared equally by the police, the NHS and local government.</p>	<p>Partially agreed.</p> <p>It is clear that strong partnership working leads to the best results in this area. Local areas are best placed to agree strategic and funding arrangements that suit them to allow for delivery of the specialist services that victims need.</p>	<p>Supporting victims: sexual assault referral centres.</p>
<p>Recommendation 9</p> <p>It is clear that video-recorded 'achieving best evidence' interviews is an issue of considerable concern which is posing problems for the smooth running of trials. It is causing distress to some victims, and the costs are not inconsiderable. We encountered very strong views that currently this is a big hindrance to effective trials and action needs to be taken. We recommend that this issue be looked at again by the Association of Chief Police Officers, the Crown Prosecution Service, Her Majesty's Inspectorate of Constabulary and Her Majesty's Crown Prosecution Service Inspectorate. We understand the National Policing Improvement Agency has a small internal research programme looking at the issue of achieving best evidence in rape investigations, and we recommend that this plays a part in finding a solution that preserves the benefits for the victim but is more effective in the courtroom.</p>	<p>Generally agreed.</p>	<p>An effective criminal justice response: investigation.</p>

<p>Recommendation 10</p> <p>The work that the Association of Chief Police Officer has been doing in partnership with the Crown Prosecution Service and National Policing Improvement Agency is designed to improve the approach taken by all forces in responding to and investigating rape complaints. We have therefore based our recommendations on the assumption that all forces aspire to provide a high-quality service to everyone who reports a rape. The ‘Guidance on Investigating and Prosecuting Rape’ seems to us to reflect the very best that a police service can achieve, and we would make no suggestions for improvements to it. We recommend that the Association of Chief Police Officers should continue the work of seeing the guidance implemented in every police force area.</p>	<p>Generally agreed.</p>	<p>An effective criminal justice response: investigation.</p>
<p>Recommendation 11</p> <p>We were very impressed with the specialist police units. It may be that the combination of high-level investigation, victim care and a focus on vulnerable people provided for by specialist units is the best way forward. We therefore recommend that the Association of Chief Police Officers works with the National Policing Improvement Agency to assess the benefits of this specialisation in terms of its cost effectiveness, the number of victims reporting, the level of victim satisfaction and the opportunities it provides for a more strategic approach to protecting the vulnerable.</p>	<p>Generally agreed.</p>	<p>An effective criminal justice response: investigation.</p>
<p>Recommendation 12</p> <p>We recognise that there are a number of existing local arrangements in place, such as Local Criminal Justice Boards and Community Safety Partnerships. We do not wish to be prescriptive about the types of local arrangements needed, but are of the view that local arrangements should aim to bring together health, the voluntary sector, local authority safeguarding services, the police, the Crown Prosecution Service and her Majesty’s Court Service to focus on rape. We therefore recommend that a suitable arrangement should be put in place, bringing together representatives from these organisations, to create an effective governance structure for the handling of rape complaints and to enable issues to be brought to a multi-agency forum where action can be taken.</p>	<p>Partially agreed.</p> <p>We agree that multi-agency arrangements are important in providing an effective response to the needs of victims of rape. Local areas are best placed to agree the partnership arrangements that work for them.</p>	<p>Accountability and governance.</p>

<p>Recommendation 13</p> <p>We understand the National Policing Improvement Agency provides key computer technologies to assist forces with tracking intelligence on sex offenders and their offences. We further understand that the mechanics of capturing this intelligence on a national basis do exist. We therefore recommend that the National Policing Improvement Agency take steps to ensure that all police forces are aware of these ways of capturing intelligence.</p>	<p>Generally agreed.</p>	<p>An effective criminal justice response: investigation.</p>
<p>Recommendation 14</p> <p>We recommend, for the 2010 thematic inspection to be carried out by Her Majesty's Inspectorate of Constabulary and her Majesty's Crown Prosecution Service Inspectorate, a different approach to the one adopted for the previous thematic inspections. Specifically, we recommend that forces are assessed against the following:</p> <ul style="list-style-type: none"> • those reporting are treated well, i.e. victim satisfaction; • local arrangements are in place so that the many people who report, where reporting is part of a pattern of abuse in their lives, are linked into other agencies; and • good practice in the collection of intelligence material is in place. 	<p>Partially agreed.</p> <p>The thematic inspection carried out in 2010 has focused on how suspects and defendants are managed, with a particular emphasis on the identification of repeat suspects and the assessment and management of any risks identified. This includes a focus on the use of intelligence and is intended to improve overall victim satisfaction.</p>	<p>An effective criminal justice response: managing performance.</p>
<p>Recommendation 15</p> <p>We recommend that the booklet 'CPS Policy for Prosecuting Cases of Rape' should be widely available to all victims and witnesses. It should be available to all victim and witness units, Independent Sexual Violence Advisers, Sexual Assault Referral Centres, Rape Crisis Centres and should be given as a matter of routine at the appropriate moment to all rape complainants who have decided to report the rape to the police. The Crown Prosecution Service should ensure the booklet is kept under review and regularly updated.</p>	<p>Generally agreed.</p>	<p>Supporting victims: information for victims.</p>

<p>Recommendation 16</p> <p>We learnt that joint police/prosecution performance measures are currently being considered by the cross-government Rape Monitoring Group. We welcome this development and recommend that this work is completed with all speed in order to remove what are seen to be barriers to effective joint working between the Crown Prosecution Service and police.</p>	<p>Partially agreed</p> <p>Performance management is changing. We are not in a position to prescribe performance measures but it is still important that police are able to benchmark their performance on this issue at a peer level. The Rape Monitoring Group is considering a range of validation measures that may be used to better measure joint working. Further training will be rolled out which will help forces to understand their own performance.</p>	<p>An effective criminal justice response: managing performance.</p>
<p>Recommendation 17</p> <p>We accept that in very busy court centres there are great difficulties in ensuring individual ownership of cases. Nevertheless, it is desirable and we recommend that the Crown Prosecution Service takes steps to ensure its stated policy of individual ownership of cases is applied so that cases are managed and progressed effectively.</p>	<p>Generally agreed.</p>	<p>An effective criminal justice response: prosecution.</p>
<p>Recommendation 18</p> <p>We also recommend that the Association of Chief Police Officers, the Crown Prosecution Service and the Local Government Association initiate discussions to resolve difficulties about disclosure of local authority third-party material, with a view to ensuring all local authorities adopt the protocol between the Crown Prosecution Service, police and local authorities on the exchange of information.</p>	<p>Generally agreed.</p>	<p>An effective criminal justice response: prosecution.</p>

<p>Recommendation 19</p> <p>We recommend that Independent Sexual Violence Advisers be seen as an intrinsic part of the way rape complainants are dealt with, as the service that enables the rest to operate effectively and a crucial part of the way in which the State fulfils its obligations to victims of violence. Funding should be available in all areas whether the demand makes a post viable. The service provided spans a number of different local responsibilities across the criminal justice agencies, the local authority and the health service. Therefore the most suitable body to oversee the arrangements seems to us to be whatever arrangement local areas develop in line with our recommendation made in Chapter Two for local machinery to ensure a strategic approach to victims of rape.</p>	Generally agreed.	Supporting victims: independent sexual violence advisers.
<p>Recommendation 20</p> <p>We recommend that the Criminal Injuries Compensation Authority policy that applicants ‘who suffer a sexual assault while under the influence of drugs or alcohol will be eligible for a full award’ is made clearer in the guidance available to the public and to those supporting victims of rape.</p>	Generally agreed.	Supporting victims: criminal injuries compensation.
<p>Recommendation 21</p> <p>We appreciate the requirement to exercise care in disbursing public money and the complexity of assessing each individual’s entitlement. We recommend that the eligibility requirement in respect of character, as evidenced by unspent criminal convictions, be reconsidered in terms of its appropriateness for rape victims, with a view to providing clear guidance to case officers that unless there are exceptional circumstances it should not apply to rape victims.</p>	<p>Not agreed</p> <p>The government does not intend to pursue a change of the terms of the Criminal Injuries Compensation Scheme in Parliament to exclude rape victims alone from this requirement.</p>	Supporting victims: criminal injuries compensation.
<p>Recommendation 22</p> <p>We recommend that the appropriate victims’ organisations be consulted and detailed guidance be provided for case officers explaining why the requirement of immediate reporting to the police should normally be waived for rape victims.</p>	Generally agreed.	Supporting victims: criminal injuries compensation.

<p>Recommendation 23</p> <p>In order to assess the extent to which all police forces and the Crown Prosecution Service are implementing the 2009 'Guidance on Investigating and Prosecuting Rape', we recommend the government reports annually to Parliament on progress made.</p>	<p>Not agreed.</p> <p>The government does not monitor the implementation of the ACPO, CPS and NPIA guidance. The CPS currently publishes data annually on violence against women cases and the Rape Monitoring Group is revising its measures to take account more fully of police performance. We will not therefore duplicate this information but will monitor the implementation of the actions set out in this response through the Inter-Ministerial Group on violence against women and girls.</p>	<p>Accountability and governance.</p>
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