

VICTIMS RIGHT TO REVIEW (VRR) CONVICTION RATES 2015/16

	Principal Offence Category	Total VRR Appeals Received and Finalised	Qualifying Decisions: Unable to Recommend if Upheld	Qualifying Decisions: Possible to Recommend if Upheld	Total Appeals Upheld ⁵	Recommended at Court			Total Completed Prosecutions	Finalised Upheld Appeals Awaiting Prosecution Outcomes
						Convictions	Unsuccessful	% Convictions		
A	Homicide	46	1	45	6	4	2	66.7%	6	0
B	Offences against the person	835	88	747	68	41	24	63.1%	65	3
C	Sexual offences	373	24	349	52	23	26	46.9%	49	3
D	Burglary	55	6	49	5	3	1	75.0%	4	1
E	Robbery	21	4	17	3	1	2	33.3%	3	0
F	Theft and handling	137	19	118	12	6	6	50.0%	12	0
G	Fraud and forgery	92	6	86	8	6	1	85.7%	7	1
H	Criminal damage	73	5	68	2	1	1	50.0%	2	0
I	Drug offences	3	1	2	1	1	0	100.0%	1	0
J	Public order offences	73	14	59	8	5	3	62.5%	8	0
L	Motoring offences	37	3	34	2	2	0	100.0%	2	0
K	All other offences (excluding motoring)	56	9	47	1	0	1	0.0%	1	0
	No Principal Offence Category	8	0	8	0	0	0	0.0%	0	0
	Total	1809	180	1629	168	93	67	58.1%	160	8

1. The right to request a review of a CPS decision arises where decisions are made not to bring proceedings (i.e. at the pre-charge stage); to discontinue or withdraw the case in magistrates' courts ending all proceedings involving the victim; to offer no evidence in all proceedings relating to the victim; or asks the court to leave all charges in all proceedings to lie on file. These are defined as qualifying decisions.

2. If an appeal is upheld it may be possible to bring proceedings against a suspect if the original decision is found, on review, to be wrong. Reinstatement is possible for pre-charge proceedings where the original decision was not to charge or where the CPS discontinued or withdrew proceedings. However it is not possible to recommence proceedings in cases where the CPS offered no evidence or if the offence cannot be charged because the statutory time limit has expired. Cases where all charges are left on file at the Crown Court may only be reinstated with the leave of the Crown Court or the Court of Appeal. 19 upheld appeals could not be recommended. A further 2 appeals could not be recommended for other reasons, for example the defendant could not be found or an extradition request was not successful.

3. Appeals upheld at Stage One are appeals where, on review, it is considered that a different decision should have been taken and, if possible, and appropriate to do so, action will be taken to (re) commence proceedings.

4. Appeals upheld at Stage Two are appeals which are either assigned for a further, independent review, at the Appeals and Review Unit (who will not have been involved in the original decision) or if the qualifying decision was not to prosecute in circumstances in which reinstatement is not possible the review will be by a senior manager in the Area/Division where the original decision was made.

a) Convictions comprise guilty pleas, convictions after trial and proceedings which are proved in absence.

b) Unsuccessful Outcomes comprise prosecutions dropped, administrative finalisations, discharged committals and cases acquitted or dismissed following a contested hearing.

c) Live proceedings are those cases currently being prosecuted.

5. Total Appeals Upheld which could be recommended.

Notes

During the period in question, the CPS made 118,600 decisions which could be subject to appeal under the VRR scheme and there was a total of 189 upheld appeals. The percentage of appeals upheld is therefore 0.16%.

Source: CPS VRR Tracker. November 2017

The VRR scheme is a two stage process where appeals can be reviewed by either local offices or a specialist Unit within HQ. In the first instance, that decision is reviewed by a manager in the local area. If he or she upholds the decision, and if the victim so requests, the case may be further reviewed by the CPS Appeals and Review Unit (ARU). The ARU is a national CPS unit staffed with experienced specialist lawyers who conduct a fresh independent review of the evidence in every case referred to them. If an ARU lawyer decides that the original decision was wrong, and a prosecution is required to maintain confidence in the Criminal Justice System, that decision will be overturned and proceedings reinstated. The figures provided represent all upheld appeals regardless of which stage the final decision was made.

The CPS operates both Feedback and Complaints schemes to deal with concerns about legal decisions which do not fall within the scope of the VRR scheme. The CPS does not collect data which constitutes official statistics as defined in the Statistics and Registration Service Act 2007. This data has been drawn from the CPS's administrative IT systems, which (as with any large scale recording system) is subject to possible errors with data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.