



# POLICE-CPS JOINT NATIONAL RASSO ACTION PLAN

2021

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## FOREWORD

The effective investigation and prosecution of rape and serious sexual offences (RASSO) is one of the most important challenges facing the criminal justice system. While there has been some long-term progress in this area, we share the deep public concern that while the number of RASSO reports has increased in recent years, the number of cases going to court has fallen. We are committed to urgent action and the actions in this plan are designed to support our shared ambition to narrow the disparity between the number of offences reported to the police and cases going to court as well as encouraging more people to come forward and report with confidence.

This plan, which complements work already underway as part of the Joint Operational Improvement Board (JOIB), sets out how the police and the CPS will work together to improve our joint response to RASSO over the next three years. At its heart is an emphasis on supporting investigators and prosecutors to deliver fair investigations and prosecutions. We will support our frontline colleagues to build strong cases, ensuring that victims are supported through the process.

Public confidence in the criminal justice system is vital if we are to tackle RASSO cases effectively. We know victims need to see evidence that they can report abuse with confidence – and that is only possible through a system which ensures outcomes that are fair to all. We understand that we have a long way to go in building trust and confidence in our RASSO approach, both within our own areas of responsibility and through effective collaboration with the rest of the criminal justice system and importantly through our ongoing engagement with victims' groups in the development and delivery of this plan.

For our part, we are determined that the CPS and police will work effectively together to deliver a response which is effective, fair, humane and respectful. This plan outlines the actions we will take over the next three years to make that vision a reality.

**DCC Sarah Crew, Lead for Rape and Adult Sex Offences, National Police Chiefs' Council**

**Baljit Ubhey, Director of Strategy and Policy, and Sue Hemming, Director of Legal Services, Crown Prosecution Service**

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## INTRODUCTION

We recognise the devastating impact of rape and serious sexual offences on victims, and we know that currently many of those affected cannot access justice. We want every victim of sexual violence to have the confidence to seek help and come forward to report abuse. We want everyone to trust that cases will be fully and professionally investigated by the police and that, where sufficient evidence is available, cases will be charged and fairly prosecuted by the CPS.

Progress is only possible through a long-term and concerted effort and investment from all parts of the criminal justice system. We therefore welcome the scrutiny of the cross-Government review into this issue, which is currently underway.

This joint national action plan covers the next three years and will continue to evolve during that time. It will be reviewed and updated as necessary to reflect any appropriate findings from the cross-Government review, as well as the forthcoming joint and independent inspection of the police and CPS responses to RASSO cases. It will be regularly reviewed in light of the new challenges that will doubtless emerge. Local joint action plans are also being developed to mirror the work of the national plan while responding to local issues.

This first iteration of the joint national action plan directly addresses findings from Her Majesty's Crown Prosecution Service Inspectorate (HMCPISI) 2019 report on rape charging – including those relating to case progression, building strong cases from the outset of an investigation and accelerating the time taken to bring them to court. The actions listed include work that is already well advanced, and activities where specific outcomes have already been completed.

It also goes beyond the recommendations in that report, reflecting work already underway by the CPS and police to develop new and innovative ways of working. Our approach acknowledges not only the complexities inherent in investigating and prosecuting RASSO cases, such as myths and stereotypes, but also more recent challenges linked to the growth of digital evidence and changes in sexual behaviour. We are exploiting evidence from academic study and behavioural science in an effort to make real and lasting change.

This plan is underpinned by collaboration – from partnership working between specialist police investigators and prosecutors to close relationships with external partners, especially victims' groups. We will draw upon the valuable expertise of the third sector in sexual violence.

The actions set out below are designed to make sure that our people are confident, capable and well trained with specialist knowledge, skills and insights. They will have a clear understanding of each others' roles, remit and responsibilities as well as of the legal and policy framework within which they operate. At the heart of this relationship between police and prosecutors will be excellent communication and a strong team ethos – all of which will underpin a step change in our approach to RASSO cases.

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The following five themes will guide all of our work:

- Supporting victims, particularly vulnerable victims, by increasing investigators' and prosecutors' understanding of the impact of abuse and improving communications – so that victims can understand the process, what to expect and are prepared in a way that enables them to give their best evidence.
- Addressing issues related to casework quality and progression to ensure the working relationship between police and prosecutors is timely, effective, efficient and geared towards building the strongest cases from the outset.
- Balancing the needs of an investigation with the right to privacy through work on digital capability and disclosure. This will also include work around the impact of digital evidence as well as collecting, processing and understanding data.
- Supporting our people through learning and development, structure and supporting their wellbeing to ensure they have the expertise and capacity to deliver justice.
- Working openly and collaboratively and being accountable through stakeholder engagement. This will ensure that our action plan and its delivery is fit for purpose.

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## DELIVERY

This joint plan is owned by the police and the CPS. National and local leaders across both organisations are collectively accountable for its delivery. They will be supported in their efforts by Deputy Chief Constable Sarah Crew (NPCC Lead for Adult Sex Offences), Sue Hemming (Director of Legal Services, CPS) and Baljit Ubhey (Director for Strategy and Policy, CPS) who are the Senior Responsible Officers for the delivery of this work.

The development and delivery of these actions are based on evidence as well as stakeholder expertise and insight. Delivery of this work will be through five project groups consisting of the police, CPS and, wherever relevant, external partners. The work of each project group will involve consideration of equality issues to ensure the needs of all victims, witnesses and defendants are actively considered.

Both agencies are dedicating significant resource to support the project groups which have been established to align with the themes in the joint national action plan. The actions in the plan will be delivered in two phases: actions to address findings from the HMCPSI 2019 report on rape charging are part of Phase One and work has already commenced to deliver these actions; the remaining actions will commence in Phase Two which is currently scheduled to begin in March 2021.

In order to ensure transparency and accountability of our work, progress against delivery of the actions will be published annually on the NPCC and CPS websites. Should the ongoing Covid-19 pandemic impact the delivery timescales set out in this plan, an update will be provided as part of our progress report in the next annual publication.

We will continue to play an active part in the cross-Government review, which is considering how all parts of the justice system - the CPS, police, courts, judiciary and others - can improve on their response to RASSO cases. The content and delivery of this plan will be informed by the work of the cross-Government review, which also includes a joint inspection on our work by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and Her Majesty's Crown Prosecution Service Inspectorate.

## 1. SUPPORTING RASSO VICTIMS

Working together and in partnership with specialist services to ensure victims receive the right information and support and feel listened to. Improving the quality of our communications to ensure they are timely and sensitive to the needs of particularly vulnerable victims and witnesses.

**We will:**

Action	External Partners	Outcome	Timing
1. Improving our staff's understanding, mainly through joint learning and development, of the neurological impact of trauma to promote improved decision-making and victim care	Clinical psychologists Victim groups Academics	Design learning and development materials  Rollout learning and development	December 2021  March 2022
2. Evaluate use of psychology-led ABE interviews that acknowledge the impact of trauma and assist victims in providing their best evidence	Clinical psychologists Academics MOJ Victim groups	Complete evaluation of pilot	December 2022
3. Improve the quality of our communications with victims to ensure they are timely and sensitive to victims' needs at every stage of the criminal justice process (connected with 2019 HMCPSI recommendation)	MOJ Experts in letter writing ISVAs Victim groups	Circulate refreshed template letters  Produce user needs research report	June 2021  September 2021

<p><b>4. Review and improve special measures meetings in RASSO cases to ensure that victims, and their support, are able to meet key members of the prosecution team at an early stage of the prosecution process. That will enable victims to obtain the information they need to help give their best evidence at court</b></p>	<p>External Bar Victim groups ISVAs</p>	<p>Refreshed guidance on meetings</p>	<p>September 2021</p>
<p><b>5. Improve our communication and liaison with Independent Sexual Violence Advisors and equivalent services throughout the investigation and prosecution process, so that victims receive the information and support they need</b></p>	<p>ISVAs Victim groups WCUs</p>	<p>Develop minimum standards on communication and liaison through a National Framework</p>	<p>March 2021</p>
<p><b>6. Take steps to increase awareness of currently under-utilised special measures such as clearance of the public gallery (Section 25(4)(a) YJCEA 1999)</b></p>	<p>Organisations with ISVA networks (e.g. Limeculture, Survivors Trust, Rape Crisis) WCUs External Bar</p>	<p>Information sheet for ISVAs and police  Additions to relevant learning and development and guidance materials</p>	<p>June 2021  March 2022</p>
<p><b>7. Provide victims with clear information about the various stages of the criminal justice process through the production of online and offline information products (e.g. 'digital walkthrough') (<a href="#">connected with action 20</a>)</b></p>	<p>MOJ Victim groups ISVAs</p>	<p>Publication of RASSO walkthrough</p>	<p>June 2021</p>

## 2. CASEWORK QUALITY AND PROGRESSION

Embedding new guidance on early investigative advice and reasonable lines of enquiry to ensure we build strong cases from the outset. Improving the implementation of action plans through effective communication, clear timelines and robust escalation points to ensure we significantly reduce the number that are administratively finalised and expedite bringing strong cases to court.

**We will:**

Action	External Partners	Outcome	Timing
<b>8. Launch and embed new guidance on early investigative advice to ensure we jointly build strong cases from the outset</b>		Launch of DG6 and associated RASSO guidance	April 2021
<b>9. Work with local police force and CPS areas to identify best practice models that promote closer joint working during the investigation process. This includes the evaluation of ongoing early advice pilots in the South East and London and the increased use of Microsoft Teams to facilitate charging consultations</b>	Academics	Evaluation of early investigative advice surgeries	April 2021
		Rollout surgeries	July 2021
		Evaluation of pilots	December 2021
		Disseminate best practice recommendations	January 2022



<p><b>10. Evaluate the use of pre-trial witness interviews with the aim of improving prosecutorial decision-making, promoting effective prosecutions and helping witnesses to give their best evidence at court</b></p>	<p>ISVAs Victim groups</p>	<p>Evaluation report  Design learning and development materials  Rollout learning and development</p>	<p>August 2021  March 2022  December 2022</p>
<p><b>11. Review police and CPS decision-making in those police force and CPS areas that have seen the sharpest rises in the conviction after contest rate and ensure that that decision-making is sound. Capture and feed back any relevant learning to staff</b> <a href="#">(connected with 2019 HMCPSI recommendation)</a></p>		<p>Completion of force and CPS area reviews of decision-making  Produce a report on themes</p>	<p>June 2021  October 2021</p>
<p><b>12. Build on existing local RASSO action plans to ensure they are tailored to their police force and CPS areas and cover the complete process from report to prosecution in court</b> <a href="#">(connected with 2019 HMCPSI recommendation)</a></p>		<p>Evaluate local action plans  All areas have effective plans in place</p>	<p>March 2021  September 2021</p>
<p><b>13. Identify best practice to ensure that all police force and CPS areas have effective joint monitoring and escalation mechanisms in place for live investigations</b> <a href="#">(connected with 2019 HMCPSI recommendation)</a></p>		<p>Identify best practice  Disseminate best practice recommendations  Embed best practice in all areas</p>	<p>March 2021  June 2021  December 2021</p>

<p><b>14. Ensure all police force and CPS areas have effective joint performance management meetings to analyse data and to identify and address local issues related to investigation and prosecution (connected with action 18) (connected with 2019 HMCPSI recommendation)</b></p>		<p>All areas have timely access to data and are hosting meetings</p>	<p>June 2021</p>
<p><b>15. Improve effectiveness of action plans, and action plan follow-up, with good communication, clear timelines and robust escalation points (connected with 2019 HMCPSI recommendation)</b></p>		<p>Improved timeliness of Code Compliant case decisions</p>	<p>March 2022</p>
<p><b>16. Review the administratively finalised terminology and process to significantly reduce the number of administratively finalised cases</b></p>		<p>Report on findings  Reduction in administratively finalised cases</p>	<p>June 2021  March 2022</p>
<p><b>17. Launch and evaluate pilot on capturing evidence of psychological injury. This will raise awareness of the existence of psychological injury at an early stage of the investigation to inform case-building and decision-making</b></p>	<p>Experts in psychological injury Academics</p>	<p>Launch pilot  Completion and evaluation of pilot</p>	<p>April 2021  December 2022</p>
<p><b>18. Significantly enhance the collection of currently available data, and how we draw and share insights from it, to support better understanding and monitoring of RASSO throughout the CJS</b></p>	<p>MOJ HO PMIU</p>	<p>Delivery of analytics product</p>	<p>April 2021</p>

### 3. DIGITAL CAPABILITY AND DISCLOSURE

Embedding guidance to help investigators and prosecutors balance the needs of an investigation with the right to privacy. Working together to help the public understand the impact of digital evidence and third-party evidence on our casework, including how we decide what data to collect, how we collect it as part of a criminal investigation and prosecution, and how it might be used.

These actions supplement the significant joint work being progressed through the Joint Operational Improvement Board to improve activities on disclosure.

**We will:**

Action	External Partners	Outcome	Timing
<b>19. Provide additional, jointly delivered RASSO-specific learning and development to help investigators and prosecutors balance the needs of an investigation with the right to privacy (connected with action 23)</b>	Victim groups	Design learning and development materials  Rollout learning and development	March 2022  December 2022
<b>20. Take further steps to help victims understand when and why digital evidence and third-party material is necessary and proportionate to investigations and casework, how we decide what data to collect, how we collect it as part of a criminal investigation and prosecution, and how it might be used (connected with action 7)</b>	Victim groups ISVAs	Publication of online and offline information products	June 2021

## 4. OUR PEOPLE AND EXPERTISE

Exploring different models, locally and nationally, for delivering specialist investigation and prosecution in RASSO cases. Following the publication of the cross-Government review, hosting a joint national conference and regional workshops to deliver specialist learning and development to our investigators and prosecutors, including on the offender-centric approach and the impact of trauma.

### We will:

Action	External Partners	Outcome	Timing
<b>21. Identify, share and promote adoption of best practice in respect of the structure of investigative teams and CPS units handling RASSO cases</b>	Academics Victim groups	Completion of joint evaluation	June 2021
<b>22. Update the joint police and CPS National Protocol on the investigation and prosecution of rape cases and test it aligns with the relevant file standard guidance in order to promote consistency of approach to RASSO investigations and prosecutions across England and Wales</b> <i>(connected with 2019 HMCPSI recommendation)</i>		Publication of updated protocol	December 2021
<b>23. Develop and deliver joint RASSO learning and development in key areas including the impact of trauma, decision-making, the offender-centric approach, reasonable lines of enquiry, and the changing nature of sexual behaviours and encounters to promote consistency of approach and effective joint working</b> <i>(connected with action 19)</i>	Clinical psychologists Victim groups Academics	Design learning and development materials  Rollout learning and development	December 2021  March 2022
<b>24. Develop an online RASSO platform “Knowledge Hub” for both police and CPS to share learning, training, discussion forums and best practice</b>	Academics Victim groups	Launch of the knowledge hub	March 2022

<p><b>25. Improve understanding and use of forensic evidence in RASSO cases including through the development of a forensic evidence toolkit and increased prosecution team engagement with forensic medical examiners</b></p>	<p>Experts in forensic evidence</p>	<p>Publication of updated interim legal guidance for prosecutors</p> <p>Publication of RASSO forensic evidence toolkit</p>	<p>October 2021</p> <p>June 2021</p>
<p><b>26. Pilot an offender-centric investigation model, commencing with a pathfinder in Avon and Somerset working with CPS South West, and pilot extending to a further four police forces and CPS areas</b></p>	<p>Academics</p>	<p>Commencement of pathfinder</p> <p>Completion of pathfinder</p>	<p>January 2021</p> <p>March 2022</p>
<p><b>27. Convene a RASSO advocacy round table meeting to discuss best practice and ensure good practice is captured and reflected in relevant learning and development products</b></p>	<p>External Bar</p>	<p>Hosting round table to share best practice on trial strategy in RASSO cases</p> <p>Disseminate best practice recommendations</p>	<p>July 2021</p> <p>October 2021</p>

## 5. STAKEHOLDER ENGAGEMENT

Drawing on the collective expertise of the police’s national VAWG working group and the CPS’s external consultation group through workshops to help shape joint areas of work and our respective long-term plans. To draw on the experience of legal professionals within the criminal justice system to inform relevant areas of our work.

**We will:**

Action	External Partners	Outcome	Timing
<b>28. Consult with the police’s National Rape Working Group and the CPS’s external consultation group at key stages of the development process</b>	CPS External Consultation group NRWG	Working openly, ensuring that stakeholder insight informs delivery of our work	Two virtual workshops hosted in 2020; ongoing
<b>29. Convene an annual joint national RASSO conference to showcase best practice</b>	External Bar	Hosting conference to share best practice across agencies	December 2021 and ongoing
<b>30. Convene a joint parliamentary roundtable to launch the Joint National Action Plan</b>	Parliamentarians	Host roundtable to improve transparency and understanding of our work	March 2021
<b>31. Hold quarterly meetings with members of the Joint National Action Plan Senior Steering Group – including the Victims’ Commissioner, Domestic Abuse Victims’ Commissioner and London Victims’ Commissioner – so that senior stakeholders can inform and scrutinise our work</b>	Victims’ Commissioner DA Victim’s Commissioner London Victims’	Working openly, ensuring that stakeholder insight inform activities	First meeting September 2020; ongoing

<p><b>32. Convene a roundtable of legal professionals to learn from their experience and to inform our work, particularly within the Digital Capability and Disclosure and Casework Quality and Progression sections of this Plan</b></p>	<p>Legal professionals</p>	<p>Working collaboratively to share best practice and ensure our work benefits from expertise from the legal profession</p>	<p>Completed December 2020</p>
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## ACRONYMS

ABE	Achieving Best Evidence
CJS	Criminal Justice System
CPS	Crown Prosecution Service
DA	Domestic Abuse
DG6	Director's Guidance on Charging, 6 <sup>th</sup> edition
HO	Home Office
ISVA	Independent Sexual Violence Advisor / Advocate
JOIB	Joint Operational Improvement Board
MOJ	Ministry of Justice
MOU	Memorandum of Understanding
NPCC	National Police Chiefs' Council
PF	Police Force
PMIU	Prime Minister's Implementation Unit
PTPM	Prosecution Team Performance Management
RASSO	Rape and Serious Sexual Offences
YJCEA	Youth Justice and Criminal Evidence Act