

Scoping Document

Rape Inspection 2024

A. Introduction

We set out in the HMCPsi business plan 2024-25¹ that we aimed to carry out a thematic inspection of the Crown Prosecution Service (CPS) regarding their legal decision making and handling of RASSO (rape and serious sexual offences) cases following the roll out of the CPS national operating model (NOM) for the prosecution of adult rape cases.

HMCPsi last inspected any CPS RASSO related work in 2021-22 when we published 14 Area reports following the first phase of our Area Inspection Programme (AIP). A composite report, summarising the themes, was published in September 2023². The AIP framework was designed to focus on the CPS's delivery of casework quality in all aspects of volume casework and included an assessment of 20 RASSO cases from each of the 14 CPS Area RASSO units. We found the overall quality of the pre-charge reviews in these cases required improvement with Areas not meeting the standard for the quality of case analysis in their pre-charge decision reviews. While a follow up inspection has been conducted throughout 2024 of all 14 CPS Areas, this follow-up inspection focussed on casework quality in the magistrates' court and Crown Court units only. We did not include an assessment of casework quality for any RASSO cases. This was partly due to investigation lengths and court backlogs which would make it difficult to find a file sample of RASSO cases that had been reported, investigated, advised upon and finalised since publication of the AIP baseline reports, and also that as the CPS NOM for the prosecution of adult rape cases was not due to be implemented until July 2023, it would not have had time to embed.

We therefore took the decision to await the roll out of the CPS NOM giving it time to become established before carrying out a focussed thematic inspection of the impact of the NOM on the prosecution of adult rape cases. This inspection will concentrate specifically on adult rape cases as this has been the focus of the initial implementation of the NOM and aligns with the roll out of the CPS's victim transformation programme, providing an enhanced service to adult victims of rape. Therefore, this will provide the best evidence of the impact of the NOM.

Some of the aspects introduced by the NOM have not yet been fully implemented or embedded in all Areas. In addition, issues around the listing of rape trials given the backlogs that remain in the Crown Court and availability of counsel, makes it likely that there will be insufficient cases available for HMCPsi to examine that have been through the full end-to-end process post NOM implementation.

Therefore, we have decided that this thematic inspection will focus only on adult rape early advice and pre-charge decisions. The inspection will assess the implementation of the elements of the NOM aimed at improving the provision and quality of early advice and pre-charge decisions in adult rape cases.

¹ [Business plan 2021-22 \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/business-plan-2021-22/)

² [2023-08-09-AIP-composite-final-002.pdf \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/2023-08-09-AIP-composite-final-002.pdf)

Development of the NOM

It has been recognised for some time that the investigation and prosecution of rape offences needed greater collaborative work and improvement from both a police and CPS perspective. In 2019, HMCPSP undertook a thematic review of rape cases³ and recommended the development of better procedures for communication and partnership working, including around early advice, and escalation between police and CPS in rape cases. In 2021 and 2022 HMICFRS and HMCPSP published joint inspection of the police and CPS's response to rape⁴. These reports highlighted the need for improved partnership working between the police and CPS, a need for a victim-centred approach and a commitment to build strong cases through targeted and rigorous investigative strategies and consistent decision-making.

In June 2021, Project Bluestone was launched in Avon and Somerset police. This project involved deep dive research into rape and serious sexual offence data and cases in collaboration with academics to provide recommendations on how to increase charge rates and improve the support and engagement of victims of rape and sexual assault.

It was the Government's End to End Rape Review published in 2021⁵, which set out an ambition to increase the volumes of rape cases being referred to the police, and subsequently charged by the CPS, that saw Operation Soteria Bluestone launched to a further 18 police forces. The ultimate product from this programme was the development of the police NOM for the investigation of rape and serious sexual offences to be used by all 43 Home Office police forces.

Operation Soteria was launched in the CPS in September 2021, initially in five CPS Areas but activities were soon extended to a total of nine CPS Areas. The objective of Operation Soteria was to provide a standardised approach to ensure greater consistency to rape investigations and prosecutions, that placed focus on the suspects behaviour and offending patterns rather than a victim's credibility.

In 2022 independent academic external evaluation involving research of the five pathfinder CPS Areas and internal CPS evaluation informed and led to the development of a CPS national operating model for the prosecution of adult rape that was launched in tandem with the police NOM.

The two models, police and CPS, are complementary and aligned.

The intention is for the NOM to drive cultural and operational change across the CPS by setting an improved and standardised approach for how adult rape cases are handled. The desired outcomes include to increase the number and quality of rape referrals and charging decisions, improve the timeliness of police and CPS interactions and decision making and improve the victim overall experience. The new model includes commitments around six workstreams that have been identified as central to the effectiveness of rape prosecutions and having the potential to embed a suspect-centric approach. These six workstreams are:

- early partnership working,
- action plan monitoring,
- no further action scrutiny,

³ [Rape-inspection-2019-1.pdf \(justiceinspectorates.gov.uk\)](#)

⁴ [A joint thematic inspection of the police and Crown Prosecution Service's response to rape: Phase one: From report to police or CPS decision to take no further action \(justiceinspectorates.gov.uk\)](#)
[A joint thematic inspection of the police and Crown Prosecution Service's response to rape – Phase 2: Post-charge \(justiceinspectorates.gov.uk\)](#)

⁵ [The end-to-end rape review report on findings and actions \(publishing.service.gov.uk\)](#)

- case progression and trial readiness,
- supporting victims and,
- our people.

National implementation of the NOM began in July 2023, but not all baseline elements have been delivered consistently at this stage across the CPS business and the CPS has operated flexible scheduling plans for implementation of other baseline products. To this end we will be inspecting elements of the NOM that relate to the first three workstreams being early partnership working, action plan monitoring and no further action scrutiny in assessing how successful implementation has been across CPS Areas and what impact these elements are having on casework quality at the early advice and pre-charge decision stage for adult rape cases.

B. Inspection Question

Has implementation of the National Operating Model (NOM) for prosecuting rape improved the consistency and quality of the CPS's approach to providing early advice and pre-charge decisions in adult rape cases? Has the quality of early advice and pre-charge casework in adult rape cases improved?

C. Objective

To assess the quality of early advice and pre-charge casework in adult rape cases and the consistency and effectiveness of the CPS's implementation of the elements of the NOM framework designed to improve the consistency and quality of decision making, identifying areas of good practice and making recommendations where further work may be needed.

D. Inspection Criteria

The aim of the inspection is to answer the following questions:

1. Early Advice

- Is the CPS ensuring early partnership working with the police on investigations and providing quality early advices to build stronger and more timely rape prosecutions?
- Has the quality of early advice improved as a result of the implementation of the national operating model?

2. Pre-charge decisions

- Is the CPS consistently enhancing its engagement with the police at the pre-charge decision stage to progress adult rape complaints in a more efficient manner and to ensure effective and quality decisions are reached?
- Are adult rape cases receiving proper care and consideration when the CPS is reviewing the case pre-charge?
- Has the quality of adult rape casework at the pre-charge stage improved as a result of the implementation of the national operating model?

3. Action plan monitoring

- Is action plan monitoring consistently, in line with the requirements in the national operating model, taking place and is this improving the quality and timeliness of action plans?

4. Rape Scrutiny

- Are rape scrutiny panels consistently taking place as envisaged by the NOM and how is learning from such panels being maximised to improve the quality of decision making at early advice and pre-charge decision stage?

5. Assurance

- Does the CPS have sufficient and appropriate assurance mechanisms in place nationally and within Areas to monitor and ensure that Areas are effectively implementing and embedding elements of the NOM that impact on the provision and quality of early advice and pre-charge decisions?

E. Methodology

Modes of Inspection

The inspection will comprise of an examination of 90 adult rape cases up to pre-charge decision stage only (15 files from each of six CPS Areas), a review of relevant documentation, observation of EA/pre-charge decision meetings, and a number of interviews. Some interviews will be conducted face to face, and some will be conducted remotely. The interviews will include relevant CPS staff and police personnel.

In relation to police personnel in the six CPS Areas, we do not propose to interview supervisors and officers from each police force within the CPS Area. Instead, to provide a point of contrast, we propose to select one police force from each CPS Area that has either a high or low EA referral rate to the CPS.

We will also be reviewing relevant CPS rape performance data.

Choice of Areas

We will examine files, request and consider documents, observe EA/Pre-charge decision meetings, interview relevant individuals/focus groups and consider rape performance data from the six selected CPS Areas.

Those Areas are as follows:

- CPS South-West – a pathfinder Area of Operation Soteria and the Chief Constable is the National Police Chiefs' Council national lead for RASSO. All elements of the MoU and joint EA guidance are said to be in place. EA referral volumes were high in 2023 and are also high so far in 2024. The rape conviction rate in 2024 to date is around the national average and the percentage of rape prosecutions dropped is currently below the national average.
- CPS West Midlands – the largest metropolitan Area outside of London. Another pathfinder Area of Operation Soteria. The Chief Crown Prosecutor is the CPS National lead on RASSO. It has all elements of the MoU and joint EA guidance in place. EA volumes have been consistently high in 2023 and 2024. The rape

conviction rate so far in 2024 is above the national average with the percentage of rape prosecutions dropped just above the national average.

- CPS Wessex – part of phase 2 with Operation Soteria being expanded to the Area in October 2022. It has all elements of the MoU and joint EA guidance in place. EA volumes were reasonably high in 2023 and continue to be in 2024 to date. The rape conviction rate so far in 2024 is above the national average and percentage of rape prosecutions dropped is above the national average.
- CPS North West – part of phase 2 with Operation Soteria being expanded to it in October 2022. The latest data highlights that the Area has a lower number of EA referrals than other Areas. The rape conviction rate in 2024 to date is below the national average and percentage of prosecutions dropped is above the national average.
- CPS East of England – followed the national NOM roll out in July 2023. It has all elements of the MoU and joint EA guidance in place. It is an Area with relatively high EA referral numbers. The rape conviction rate to date in 2024 is above the national average and percentage of rape prosecutions dropped is below the national average.
- CPS East Midlands – Followed the national NOM roll out in July 2023. It is an Area with relatively low EA referral numbers. The rape conviction rate to date in 2024 is lower than the national average and percentage of rape prosecutions dropped is above the national average.

File examination

The file examination will comprise of 15 advice files per Area, a total of 90 files.

The inspection will examine a selection of files that have received early advice (EA) followed by a charging decision and files that have not received EA but have received a charging decision. This will include decisions to authorise charge and decisions to take no further action (NFA). The inspection will examine a minimum number of files that received EA prior to a final charging decision being made (five from each Area) and a minimum number of CPS NFA charging decisions (four from each Area).

All charging decisions will have been made by Area prosecutors in the rape and serious sexual offence units applying the full code test⁶. The cases will have been flagged as rape and will involve only adult suspects and adult victims.

Given that the national roll out and implementation of the NOM was from July 2023, we will seek to examine cases submitted for early advice or a pre-charge decision as recently as possible and post August 2023 where possible.

We will require access to CMS and media sharing platforms such as egress, evidence.com and niche.

⁶ This inspection will not assess the provision and quality of CPS Direct (CPSD) advice in adult rape cases. CPSD charging decisions on such cases are likely to be decisions made on the threshold test and will not reflect the early partnership work on Areas in implementing the early advice Memorandum of Understanding (MoU) and joint guidance and/or the offer of discussion at pre-charge decision stage for cases that have not received early advice.

F. Interviews

In the six Areas selected for file examination and onsite work:

The following will be approached for an interview:

- Chief Crown Prosecutor (CCP) or Deputy Chief Crown Prosecutor (DCCP) with responsibility for RASSO casework.
- Senior District Crown Prosecutor (SDCP) with responsibility for RASSO casework.
- RASSO District Crown Prosecutor (DCP) NOM lead, if the Area has one.
- Chief officer or other senior police leader in charge of public protection (we will approach the largest police force for each CPS Area or that from which CPS get the most or least EA/PCD referrals from).
- Police RASSO Evidence Review Officer (ERO)/gatekeeper if the Area has one.

We will also hold focus group interviews with:

- Focus group of RASSO unit DCPs
- Focus group of RASSO unit lawyers
- Focus group of RASSO specialist police investigators/officers dealing with rape investigations (see above regarding one police force in each CPS Area)

National interviews:

The following will be approached for an interview:

- CPS RASSO lead
- CPS Policy leads for implementation of the NOM
- Deputy Director Operational Performance
- National Police Chiefs' Council lead for RASSO

G. Document request from Areas selected for the on-site visits

- Details of the dates that they rolled out the various NOM framework elements relating to early advice and partnership working, action plan monitoring and rape scrutiny panels.
- Copies of the last two monthly Area reporting returns regarding Area progress on NOM delivery.
- Any additional addendum/agreements to the RASSO Early Advice Memorandum of Understanding (MoU) with police forces in their CPS Area.
- Agenda, minutes and papers from the last two RASSO JOIMs (where EA and PCD on Rape cases were a specific agenda item)
- Agenda, minutes and papers for the last two Area Casework Quality Meetings (or equivalent) where EA and pre-charge decisions in RASSO cases was discussed.
- Agenda, minutes and papers from the last two Local Rape Scrutiny Panels (and Rape NFA Scrutiny Panels if the Area also holds these in addition to the Local Rape Scrutiny Panel).
- Individual quality assessment assurance records specifically on EA and pre-charge decisions made in adult rape cases (five maximum from September 2023 onwards) and any resultant management reports.

H. Document request from CPS Headquarters

- Access to NOM assurance implementation dashboard.
- Access to the new rape data dashboard.

- Agenda, minutes and papers from the last two national RASSO unit heads meetings where implementation of the NOM and update on EA/action plan monitoring/rape scrutiny were on the agenda.
- Evidence from CPS Policy on their assurance processes for Areas implementation of the NOM – including minutes for any check and challenge meetings with Areas following their NOM assurance implementation returns.
- Any evidence from the CPS Operational Assurance Team of their assurance processes around Areas implementation of the NOM.

I. Proposed timescales

- 17 October 2024 – Scope finalised and shared with CPS
- 24 October 2024 – Commissioning letters to CPS Areas and Headquarters
- 4 November 2024 – Inspection commences
- Spring 2025 – Publication of report

J. Any risks to the project

We appreciate the ongoing burdens on all CPS Areas at the present time and have specifically designed this inspection to be tight and focussed. We will endeavour to ensure the impact is mitigated as best as possible.

K. Well-being

This inspection will include the review of sensitive casework. All inspectors involved in this inspection are previously RASSO trained prosecutors and have previous prosecutorial and/or inspection experience dealing with cases of this nature. All inspectors will be supported throughout the inspection, and we will comply with the HMCPSI internal well-being programme.

L. Equality Impact Assessment

We have carried out an equality impact assessment in accordance with our methodology. Please see Annex A.

M. Future RASSO inspection activity

We intend to conduct further targeted RASSO specific inspections in the near future as an increasing number of cases proceed through the criminal justice system, and these will, for example, assess and examine the service and support provided by the CPS to victims of rape; the learning, development and wellbeing support provided to RASSO specialist prosecutors and an assessment of casework quality, progression and trial readiness for rape cases that have proceeded beyond the pre-charge decision stage. These inspections will feature in our future business plans.

We recognise the importance of capturing the voice of victims when considering any aspect of the CPS's approach to the prosecution of rape cases. However, as we are focussing this inspection on the pre-charge stage, it is difficult to assess this aspect of victim experience in isolation. Given our approach of carrying out a series of inspections focussed on specific aspects of the prosecution process, we intend to engage with victims and third sector groups so we can explore their experiences of the impact of the NOM throughout the prosecution process in our planned 2025 inspection around the quality of the service and support offered to victims of rape.

