



HMCPSI

HM Crown Prosecution
Service Inspectorate

An inspection of early advice and pre-charge decision making in adult rape cases

**A thematic inspection of the
quality of the Crown Prosecution
Service's early advice and pre-
charge decision-making
following implementation of the
national operating model for
prosecuting adult rape cases.**

July 2025

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Who we are

HMCPsi inspects prosecution services, providing evidence to make the prosecution process better and more accountable.

We have a statutory duty to inspect the work of the Crown Prosecution Service and Serious Fraud Office. By special arrangement, we also share our expertise with other prosecution services in the UK and overseas.

We are independent of the organisations we inspect, and our methods of gathering evidence and reporting are open and transparent. We do not judge or enforce; we inform prosecution services' strategies and activities by presenting evidence of good practice and issues to address. Independent inspections like these help to maintain trust in the prosecution process.

Our vision

We are part of the solution to improving the Criminal Justice System through high quality inspection.

We have four priorities to enable us to deliver this vision:

- We hold the CPS and SFO to account for what they deliver (we make recommendations that drive improvement)
- Victims will be at the heart of inspection (where we can, we will use victim experience in our inspection)
- Using our 25 years of experience we will help public prosecutors improve (their legal casework)
- Inspection will identify and spread best practice

Our values

We act with **integrity**, creating a culture of **respect**, drive **innovation**, pursue **ambition**, and commit to **inclusivity** in everything we do.

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1. Chief Inspector's foreword

Rape is an abhorrent and devastating crime, often leading to victims suffering long-term trauma that understandably affects every aspect of their lives. Victims of rape therefore must be properly supported; the criminal justice system plays a vital role in this support.

Successive governments have made commitments to improve the way that the criminal justice system handles rape cases. In 2019, the government commissioned an end-to-end review of the prosecution of rape cases and made a significant investment of £176 million. The aim of the end-to-end review was to improve the way rape cases were handled by the criminal justice system, and to increase charging rates in rape cases.

The Crown Prosecution Service (CPS) performs a key role in the criminal justice system and in the prosecution of cases involving rape. Since 2019 we have conducted three inspections examining how the CPS were prosecuting rape cases and improving their service to rape victims. This included assessing how the CPS were working with the police to increase the volume of rape cases that were charged. Evidence from this inspection shows that case volumes are increasing. The collaborative work the CPS has driven with criminal justice partners, especially the police, is making a real difference in increasing the volume of rape cases that now result in a charge.

It is encouraging to see the number of rape cases entering the system increasing, although the delays in rape cases coming to trial at court remains of real concern.

We conducted this inspection to assess whether implementation of the national operational model had made a difference at the pre-charge stage. Changes were as a result of academic research. Operation Soteria was developed to help the police and CPS deal with adult rape cases, promoting greater and earlier collaborative work to build strong cases from the outset. As part of this development the CPS tested and evaluated different ways of working to identify good practice which then formed the CPS national operating model. This operating model was launched in July 2023.

We focussed on three specific aspects: Did prosecutors analyse a suspect's behaviour and actions before, during and after the alleged assault - the suspect-centric approach? Was early collaboration with the police effective – did it make a difference? Had the quality of early advice and pre-charge decision casework in rape cases improved – did the changes brought about by the national operating model result in an improvement in quality?

Given the considerable work and focus that the CPS has put in to develop the national operating model, our findings from the inspection are generally disappointing.

The inspection highlights that although there is greater collaboration between the police and the prosecutor in the early stages of the case, we could not find evidence of this consistently leading to better quality decision making or an improvement in the approach to how cases could be built and strengthened to support victims.

Case conversations between prosecutors and investigating officers improved collaborative working but they happened too infrequently. In over a quarter of cases we examined in which the police had not submitted for early advice, our view was that the case would have benefitted from it.

The aim of the national operating model is to provide a consistent approach to how the CPS handles rape cases, but we found Area variation. This resulted in some unhelpful inconsistencies in how the early advice process operated, which had an impact on the effectiveness of the early advice and, in some cases, on the overall progress of the case. This caused considerable confusion in some places and meant that police forces did not consistently understand the rationale for early engagement with prosecutors or bring cases that could benefit from an early conversation.

Three quarters of the cases submitted by the police for early advice did not comply with the content requirements set out by the Director's Guidance (6th edition) or the jointly agreed CPS National Police Chiefs' Council (NPCC) rape and serious sexual offences service standards. These standards are in place to ensure prosecutors have the necessary information to be able to make good quality prosecutorial decisions at the earliest stage. The inevitable impact of cases not meeting this standard is re-work and delay. This is something that the CPS and police will want to address urgently.

Given the real focus and investment in improving rape cases, it is disappointing that our findings found that the quality of prosecutors' case analysis and strategy still needs significant improvement. The suspect-centric approach is at the core of the new approach, but we found that this is not embedded. We did, however, find a greater volume of cases where the suspect-centric approach had been applied in Areas that had been part of the early pilots. This has a consequent impact on how the case is approached and the ability to identify reasonable lines of enquiry to properly progress and strengthen the case. In fewer than two in ten cases where it was relevant did the prosecutor address how bad character relating to the suspect could have strengthened the case. This must be addressed immediately.

The most concerning of our findings is that prosecutors were not proactively addressing aspects to support victims at the earliest stage in the case. While in two thirds of cases special measures were addressed, other aspects of how the prosecutor dealt with the case which directly affected the victim's experience were handled poorly. There was poor consideration of bail, prosecutors did not ensure they requested victim personal statements and did not consider sexual harm prevention orders. Given that rape cases are being prosecuted in specialist units, this is not acceptable and requires urgent improvement.

Our findings are stark, but I do not want the findings of this inspection to deter victims from reporting rape. We looked at pre-charge cases and the weaknesses we have identified are not fatal to the case at that early stage. With more proactive work further into the prosecution and the development of the case post-charge, there is the capacity for the cases we examined to progress to trial and be successful.

There is much the CPS can do to improve their thinking and proactive handling of cases to ensure that the right decisions and support for victims are in place at the pre-charge stage to avoid re-work and delay post-charge, and the findings of this report make that clear. That is why we make eight recommendations aimed at improving the quality of the service offered at this crucial stage, and why we will follow up progress in further inspection activity.

A handwritten signature in black ink, appearing to read 'Anthony Rogers', with a stylized, cursive script.

Anthony Rogers
HM Chief Inspector

2. Summary

2.1. HM Crown Prosecution Service Inspectorate (HMCPsi) last inspected the quality and standard of legal decision making in Rape and Serious Sexual Offences (RASSO) casework in 2021-22 when conducting our baseline Area inspection programme. A composite report, summarising the themes, was published in September 2023¹ which found that pre-charge reviews in RASSO cases required improvement as our file examination showed that Crown Prosecution Service (CPS) Areas met the standard for the quality of case analysis in their pre-charge decision reviews in just over half.

2.2. Prior to that we had conducted a joint inspection with His Majesty's Inspectorate of Constabulary Fire and Rescue Services (HMICFRS), considering the response, decision-making and effectiveness of the police and CPS at every stage of a rape case². Before that, we published a report in 2019 that specifically focused on rape cases³.

2.3. There has been a long-standing concern regarding rape prosecutions and convictions. A stark drop in the number of rape cases referred by the police to the CPS and the volume of rape cases being charged led to recognition that significant work was needed to radically change and reverse this decline.

2.4. The CPS and police have made the investigation and prosecution of rape cases a strategic priority and there is an ongoing drive to improve the handling of this important and sensitive area of casework. Adult rape flagged⁴ caseloads have continued to increase nationally. The volume of live adult rape caseloads (charged cases) in the second quarter of 2024-25 (July to September 2024) was 3,813, compared to 3,263 for the second quarter of 2023-24 (July to September 2023). This is a 16.8% increase.

¹ *HMCPsi Area Inspection Programme composite report*; HMCPsi; September 2023. www.hmcpsi.justiceinspectorates.gov.uk/report/area-inspection-programme-composite-report-of-the-baseline-assessments-of-the-14-crown-prosecution-service-areas-in-england-and-wales/

² *A joint thematic inspection of the police and Crown Prosecution Service's response to rape*; CJII; July 2021 and February 2022

[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 - His Majesty's Inspectorate of Constabulary and Fire & Rescue Services](#)

[A joint thematic inspection of the police and Crown Prosecution Service's response to rape - Phase two: Post-charge - His Majesty's Inspectorate of Constabulary and Fire & Rescue Services](#)

³ *2019 rape inspection*; HMCPsi; December 2019.

[Rape Inspection 2019](#)

⁴ CPS adult rape flagged data is derived from cases that have a rape monitoring flag applied on the CPS Case Management System (CMS) and that are also not flagged as child abuse.

2.5. Our business plan for 1 April 2024 to 31 March 2025 included a thematic inspection of the CPS to assess the quality of legal decision making in rape cases and compliance with casework standards and expectations following the roll out of the national operating model (NOM) for the prosecution of adult rape cases.

2.6. We focused this inspection on the quality of early advice and pre-charge decision casework in adult rape cases following implementation of elements of the CPS adult rape NOM designed to improve the consistency and quality of decision making at this early stage of the prosecution process.

2.7. We intend to carry out further inspections of other aspects of rape casework following implementation of the NOM. These inspections are included in our 2025-26 Business Plan⁵ and will include an examination and assessment of the service and support provided by the CPS to victims of rape, and an assessment of casework quality, progression and trial readiness for rape cases that have proceeded beyond the pre-charge decision stage.

2.8. We recognise the importance of capturing the voice of rape victims when considering and assessing the CPS's approach and handling of rape prosecutions. However, because we have focused this inspection on the early advice and pre-charge stage, it is difficult to assess this aspect of victim experience in isolation. Given our proposed approach to carrying out a series of inspections focused on specific aspects of the prosecution process, we intend to engage with victims and third sector groups in our planned inspection around the quality of service and support offered to victims of rape so that we can explore their experiences of the impact of the NOM in more detail throughout the prosecution process.

2.9. The CPS, at both a national strategic level and at an Area level, is working hard to drive improvement in the quality of rape casework. It has committed, and continues to commit, to this sensitive area of work by strengthening its partnership with the police to improve communication, by providing ongoing training and new guidance for its prosecutors to reflect changes in the law and assist them in understanding the complexities of rape and by increasing the scrutiny of decision-making in rape cases.

⁵ [HMCPSI Business Plan 2025-26 – HM Crown Prosecution Service Inspectorate](#)

2.10. We found Area staff working on adult rape cases (and other serious sexual offences) are committed, passionate and enthusiastic about improving performance and are striving to build strong cases to achieve the best possible outcome for victims. However, there was an acceptance amongst many we spoke to that a degree of inexperience across the cadre of prosecutors within RASSO units, and the competing demands and high caseloads, sometimes meant that the quality of work at the early advice and pre-charge decision stage suffered as prosecutors struggled to devote the time required to each case.

2.11. We found that the closer working relationships that have formed and developed between local RASSO prosecutors and police investigators following implementation of the NOM has been positive, with some encouraging aspects to the quality of decision making in the early stages of adult rape casework. However, we also found aspects that require further work to ensure that strong cases are being built from the outset and that these sensitive and often evidentially challenging cases are given the best possible chance of achieving a successful outcome.

Key findings

Early advice

2.12. We found that the standardised memorandum of understanding (MoU) and joint guidance on early advice (EA), that was developed to promote joint working during the investigation process, had been adopted by 13 out of 14 CPS Areas, and signed up to by their local police forces. The one Area that had not agreed it with their police forces at the time of our visit in January was working hard to do this. Our findings note some variations to the MoU in a couple of Areas.

2.13. EA referral numbers are variable across Areas. Whilst the size of police forces may dictate and affect to a certain extent the variation in EA referral volumes, we found the variance was also due in part to police misunderstanding across some forces of the purpose and benefit of EA and in part to the approach some Areas have taken in not applying the MoU and joint guidance as strictly as others. Some Areas have had networking days with forces that submit the fewest EA referrals to help embed the value of EA, including the lines of enquiry it can assist with and what is required for an EA file submission. We heard from the CPS and the police in these Areas that this has helped to break down barriers.

2.14. Some Areas told us they were adopting a more relaxed approach to accepting EA referrals so as not to discourage referrals. This included accepting cases that the police should have made the decision to take no further action on

or cases where the CPS could add no value to the investigation through EA as they were at or nearly at full Code test stage. We did not see any such EA referrals within our file examination but this lack of a consistent approach across Areas risks undermining the provision of EA and what it exists to achieve. It also increases prosecutor caseloads and impacts them focussing on those cases that require it.

2.15. We found that police file quality was poor at the EA stage with non-compliance assessed at 75%. CPS operational delivery staff identified and rejected a third (33.3%) of the non-compliant files but accepted just under a third of cases that should have been rejected. We found limited evidence of a legal manager triage then taking place and rejecting non-compliant EA referrals that had passed an operational delivery triage.

2.16. The MoU and joint guidance set out that the CPS will offer an early advice discussion to the investigating officer. This is to encourage and promote an earlier partnership working approach to improve the quality and pace of investigations. We found that the CPS were offering early advice meetings in most cases. Meetings were offered in 85.7% of the relevant cases in our file sample with 83.3% of these being offered within 21 days of allocation of the case to the prosecutor, in line with the timescales set out in the MoU. We identify this as a strength. An EA meeting then took place in 77.1% of the relevant cases, with just under 60.0% taking place within 21 days of the case being allocated to the prosecutor. We noted that Areas have adopted different approaches for how EA meetings are offered and diarised.

2.17. The CPS provided timely EA in most cases with many prosecutors completing their advice on the same date as their meeting with the officer. In just under eight in ten cases advice was given to the police within the required timescale. We also found that early advice had a positive impact on later progress and efficiency in the case. In cases with EA there were less action plans set later in the case compared to those cases that had not been referred for early advice.

2.18. One of the aims of early advice is ensuring that evidential requirements are considered from the outset by the prosecutor and officer. This change also should embed a more conscious consideration of building the case with a suspect-centric approach. A suspect-centric approach requires prosecutors to analyse a suspect's behaviour and actions before, during and after the alleged assault. This approach should reduce the time taken to reach a charging decision by ensuring that only reasonable and necessary lines of enquiry are pursued.

2.19. While we note that early advice was positively impacting on case management, our findings highlight that there is much room for improvement in the quality of legal reviews at early advice stage. The quality of action plans set must also be improved. We assessed only one third of cases as fully meeting the standard for providing advice that added value and was relevant and meaningful to the investigation. While we assessed half of the cases as partially meeting the standard, two out of ten cases did not meet the standard.

2.20. Those cases that met the standard included good early advice reviews that added value by prosecutors providing a sound initial assessment of the case and then seeking to strengthen investigations through the adoption of a suspect-centric approach. This included advising on reasonable lines of enquiries relating to potential associated offences that could either provide essential background or evidence of additional offences, to support the alleged rape.

2.21. In the weaker cases, many of which we assessed as partially meeting the standard, the reviews were superficial and overlooked important aspects impacting on reasonable lines of enquiry, not addressing all questions asked by the police and failing to apply fully a suspect-centric approach to a case building strategy. Unsurprisingly there was a correlation in our assessment of the quality of action plans at EA stage. We identify performance on this aspect as a compliance issue and make two recommendations to drive improved performance at both the early advice and pre-charge decision stage.

2.22. We considered that all 36 early advice cases we assessed had been correctly referred by the police for early advice. We also considered, in the wider file sample, that a quarter of the cases (14 cases) would have benefitted from having had early advice to expedite the investigation prior to being submitted for a full Code test decision. This is a missed opportunity and may be related to the finding that some forces do not see the full benefits or understand fully the EA process.

Pre-charge decision making

2.23. Again, we found poor police file quality at the pre-charge decision stage with only three in ten cases complying with the requirements. There was a better standard of file quality in those forces that had a police gatekeeper⁶. We also found that the CPS too often did not feedback adequately to the police on poor performance. In just under three in ten cases where the police file did not comply, the CPS did not identify all issues or provide sufficient detail about the issues back to the police and in a quarter of cases there was no feedback at all.

⁶ A gatekeeper is someone in a police force who checks the documents prepared by the case officer and makes sure they are all there and meet the standard required for them to be submitted to the CPS. Not all police forces have gatekeepers.

Both operational delivery staff at triage stage and prosecutors feedback through the Director's Guidance Charging Assessment feedback mechanism must improve.

2.24. The CPS and police have regular meetings known as Joint Operational Improvement Meetings (JOIMs) to discuss performance data and key aspects that impact on RASSO casework quality. We were told that police file quality is a standard agenda item at these meetings, but we saw little evidence that volumes or themes for poor police file quality were discussed in any detail or specific actions set to drive improvements.

2.25. Arriving at the correct charging decision, building a strong case and the efficiency and effectiveness of later stages are all driven by a clear analysis of the material and a thoughtful case strategy at pre-charge decision stage.

2.26. We found that the quality of case analysis and strategy was weak in many cases at the pre-charge review stage, and we identify this as a compliance issue. Less than two in ten cases fully met the standard for a proper case analysis and strategy. Just under half partially met the standard, and we assessed just under two fifths of cases as not meeting the standard. Those cases that met the standard had clear and proportionate case strategies that were supported by admissible and cogent evidence, adopted a suspect-centric approach and added value to the case. Defences raised, or likely defences, together with strengths and weaknesses were addressed and countered. There were no legal errors or failures to grasp elements of the prosecution case.

2.27. In those cases not fully meeting the standard, we found lengthy recitations of facts without an analysis of what was needed or what evidence was available to prove the offences under consideration. There was often a lack of a proper thinking approach demonstrated by reference to statute or caselaw which was not relevant to the facts of the allegation, and a misunderstanding of information as a consequence of not carefully considering material which then impacted on not pursuing reasonable lines of enquiry or requesting items that were not needed. Many of the poorer cases also failed to adequately demonstrate a suspect-centric approach to case strategy. We make a recommendation regarding development of skills and confidence to ensure prosecutors are equipped to add greater value at this and the early advice stage of a case.

2.28. Adopting a suspect-centric approach is important as whilst focused on the suspect, it ensures all reasonable lines of enquiry are considered. We assessed how well prosecutors had demonstrated the adoption of a suspect-centric approach within their case analysis and strategy at the pre-charge review stage. Prosecutors fully met the standard in about a quarter of cases. More

concerning is that in just under four in ten cases we assessed the case as not meeting the standard. In many cases we found a continued focus on investigating victim credibility, and we also noted that prosecutors found it harder to adopt a suspect-centric approach in domestic abuse scenarios compared to the stranger-type scenarios.

2.29. We were told in interviews with CPS legal managers that the suspect-centric approach is about culture and not something that can be changed overnight. To be embedded and understood it will require ongoing and regular casework conversations. We noted that in those cases we examined from one of the early Soteria⁷ pathfinder Areas, there was a better application of the suspect-centric approach by prosecutors. During our on-site interviews with prosecutors, it was clear that many understood why there is a need to adopt a suspect-centric approach within their pre-charge reviews, however the reality of our findings highlights that there is still a long way to go between understanding why and ensuring it forms part of their thinking during case review.

2.30. The CPS's own legal assurance supports our file examination findings regarding the quality of case analysis and strategy and the lack of a sufficient suspect-centric approach. It is of concern that we heard in many Areas that managers do not have the time to conduct the required number of legal assurance checks. We make a recommendation in relation to the legal assurance process for adult rape cases.

2.31. Prosecutors need to take greater care when selecting appropriate charges to reflect additional offending to give the court adequate sentencing powers.

2.32. We found that at pre-charge review stage there needs to be better identification and consideration of the potential for a bad character application to strengthen cases. We assessed less than two in ten cases as fully meeting the standard for an appropriate application of bad character being considered, and just under half of cases as not meeting the standard. The weaker cases featured prosecutors not identifying how non-conviction bad character could be related to an important matter in issue and in demonstrating a suspect-centric trial strategy. We encourage the CPS to consider re-introducing the detailed CPS legal guidance on bad character provisions that had previously been available on the CPS intranet.

⁷ Soteria is also known as Operation Soteria and was a joint programme of work between the Home Office, National Police Chiefs' Council (NPCC), CPS and a team of academics. It was originally launched in five CPS Areas and five pathfinder police force areas before being expanded to a further four CPS Areas and 14 further police force areas.

2.33. The CPS made timely charging decisions, or the delay was minimal and had no material impact in 71.1% of the cases we examined. There is significant Area variation in pre-charge decision timeliness with some Areas finding it more difficult to meet agreed timescales than others. This variation is something that we have commented on in other reports and leads to an inconsistent service to victims and is not acceptable in a nationally run service.

2.34. We found little evidence of sexual harm prevention orders (SHPO)⁸ being addressed at pre-charge review stage. There is also room for improvement in how victim issues are considered and dealt with at the pre-charge review stage. Under three in ten cases fully met the standard for active consideration of applications and ancillary matters to support victims. This included early consideration of special measures, victim personal statements (VPS) and restraining orders.

2.35. Pre-charge reviews were poor in addressing the defendant's bail status and the prosecution's position on bail, regardless of whether the defendant had been released under investigation by the police or had been released on pre-charge conditional bail. We assessed two thirds of cases as not meeting the standard. Prosecutors should evidence their assessment of the situation and the victim's safety and provide instructions on an application for conditional bail if conditions are considered necessary to address any fears identified in the exceptions to bail. If conditions are not considered necessary, reasoning for this should be evidenced in the review. We identify this as a compliance issue and one the CPS will want to address urgently.

2.36. Improvement is required in the CPS's compliance with its duties of disclosure at the pre-charge review stage. Only 12.3% of cases fully met the standard and 26.2% of cases did not meet the standard. The most significant failing was prosecutors not addressing the impact on the case of unused material. Disclosure management documents (DMDs) are also not being consistently started and prepared at the early advice and pre-charge decision stage. No DMD was prepared in three-quarters of cases.

2.37. In line with good practice the CPS are sending Victim Communication and Liaison Scheme (VCL) letters to victims when a decision has been made to take no further action (NFA). In charged cases there was an understandable inconsistency seen in whether letters were sent given that the sending of letters has recently been piloted, and no final decision has been made as to whether

⁸ A sexual harm prevention order can be made upon conviction for certain offences (which includes rape and attempted rape) and is an order that protects the public from sexual harm by restricting a defendant's behaviour or requiring a defendant to do certain things.

this will be an expectation for all charged cases. We make a recommendation on this aspect given our findings.

2.38. There is room for improvement in the quality of letters sent. The sending of introductory letters to rape victims has also been piloted and is being evaluated before the CPS determines whether these are to be rolled out across all Areas. It is notable that 21 out of 22 introductory letters either fully or partially met a high standard.

Action plans and action plan monitoring

2.39. Whilst the police are responsible for criminal investigations, prosecutors are required to identify and, where possible, seek to rectify evidential weaknesses and advise the police on reasonable lines of enquiry. We saw many good examples of initial and subsequent action plans, however, just under two fifths of first action plans and just over two fifths of subsequent action plans fully met the standard. There remains significant room for improvement to ensure that more action plans are being used effectively to build strong cases. Following on from failures in many cases to think through the trial strategy or consider cases properly, necessary actions to request items that were needed were being missed.

2.40. The CPS's relationship with its police counterparts can impact casework quality. An aim of the CPS national operating model (NOM) is to ensure that the CPS is enhancing its engagement and communication with the police at the pre-charge advice stage. The NOM therefore requires prosecutors to offer the investigating officer a discussion at first pre-charge consultation stage to capture those cases that have not been referred for early advice. It is envisaged that this will avoid unnecessary action plans being set and any action plan that is required, to be focused on reasonable lines of enquiry and clearly communicated and understood.

2.41. We found the CPS' offer of a discussion at the pre-charge stage inconsistent. We heard that there is a desire and enthusiasm from many prosecutors to have greater communication with investigating officers and that discussions are taking place on an ad-hoc basis, but this was still not routinely happening and certainly not if a prosecutor considered their action plan would be easily understood by the officer and uncontentious. We also heard and saw that there remains an issue with the consistent provision of contact details by prosecutors.

2.42. To tackle repeat and potentially inappropriate action plans, most Areas have introduced the requirement for legal manager approval before sending a second or further action plan. Managers were not confident that approval was being sought in all appropriate cases and in our file examination where just

under four in ten cases had two or more action plans, we saw little evidence to support that approval was being sought.

2.43. We found that the most common reason for multiple action plans was the police failing to respond fully or adequately to all actions set. We found that prosecutors had not escalated these failings in line with escalation policies⁹ and were instead setting a further action plan. A failure to utilise escalation at this stage means opportunities are being missed to further reduce the number of action plans and that outstanding matters are not resolved as quickly and effectively as they should be.

2.44. RASSO joint operational improvement meetings (JOIMs) have been reaffirmed as mandatory under the CPS NOM. Whilst we saw that these meetings are regularly taking place across the six CPS Areas we visited, the expected scrutiny of action plans at these meetings was less clear. We found an inconsistent approach to how and what action plans are selected to be scrutinised at the meetings to then drive improvements. We make a recommendation to ensure that there is a consistent approach to CPS Areas working with police partners in scrutinising repeat action plans and setting specific actions to address the issues.

2.45. We consider that there is scope to improve the recording at local and strategic JOIMs of what issues are being discussed, what actions are being agreed and what the impact of the actions are. Better recording would mean best practice can be more readily identified and fed back to RASSO teams. At present this is not consistent or regular.

2.46. The standardised national process and guidance for cases marked as 'PRFI'¹⁰ (pending response further investigation) that was introduced from September 2023 and that established a new process for early advice cases, had been implemented in all but one of the six CPS Areas we visited. Whilst we were told and saw from some of the RASSO JOIM agendas provided to us, that PRFI volumes appeared as a standard agenda item, it was difficult to assess the extent to which PRFI volumes were being discussed and scrutinised to drive progression on cases. One Area had sent a prosecutor to one of its local police

⁹ All Areas have processes in place whereby if an investigating officer fails to comply with an action by an agreed date, then this failure can be escalated to a more senior police officer. Escalation processes ensure that senior officers and senior CPS personnel are sighted on particular failings and blockages in cases and can liaise with one another to get the issues resolved quickly.

¹⁰ PRFI is a term used by the CPS for finalising cases on their case management system. From September 2023, the process is now that when a case has been returned to the police, and engagement has taken place through the setting of case action plans, and no update has been provided from the police within three months of the date of consultation, or within one month in early advice cases, the case is finalised in CMS as PRFI. It prevents unnecessary chasing by the CPS when the police are still investigating offences and more accurately reflects the status of a case.

stations to specifically tackle the older EA PFRI cases ensuring they were still subject to some level of scrutiny. We identify this as good practice.

2.47. National guidance for rape scrutiny panels (RSP) was published in April 2024 and we found that Areas were committed to holding these regularly, albeit Areas were operating them differently with some holding a joint rape and domestic abuse scrutiny panel rather than a specific rape panel because of challenges with representative membership. Some Areas were also holding regional force-wide RSPs whilst others were holding individual police force-based panels. We found a disparity in the quality of the minutes and notes of meetings such that it was difficult to determine what had been identified in many panel discussions and any clear findings of good work or lessons learnt. The quality of the notes undoubtedly had an impact on the consistency of feedback to individual prosecutors and the wider teams which we heard was variable and not happening in many instances. Opportunities to ensure that learning and feedback is captured and cascaded are therefore being missed.

Recommendations, compliance issues, good practice and strengths

Recommendations
1. By September 2025, on every adult rape case, in accordance with the national operating model, the CPS will offer a face-to-face or virtual meeting in every case referred for early advice before the early advice is finalised. The offer of the meeting and the detail of the meeting, (or confirmation that it was declined) is to be consistently recorded in the case. This approach to be embedded by November 2025. [Paragraph 5.26]
2. By September 2025, on every adult rape case, in accordance with the national operating model, where no meeting took place at early advice stage (either because it was declined or early advice was not required), the CPS will offer a face-to-face meeting or virtual meeting in every case before the pre-charge decision is finalised. The offer of the meeting and the detail of the meeting, (or confirmation that it was declined) is to be consistently recorded in the case. This approach to be embedded by November 2025. [Paragraph 6.21]
3. By July 2026, the CPS to have invested in the ongoing development of skills and confidence to equip Rape and Serious Sexual Offences (RASSO) prosecutors to improve casework quality by adding value through good quality prosecutorial decision-making demonstrating sound evidence-based suspect-centric case strategies when providing early advice or making charging decisions in adult rape cases. [Paragraph 7.36]
4. By July 2026, the CPS to have significantly improved the quality of early advice and pre-charge decision reviews. [Paragraph 7.79]

5. By October 2025, the CPS to have decided and communicated internally whether a victim communication letter explaining a decision to charge is to be compulsory in all adult rape cases. [Paragraph 7.88]

6. From October 2025, the CPS to ensure that, as a minimum, pre-charge advice cases with three or more substantive action plans are on the agenda to be scrutinised at Rape and Serious Sexual Offences local joint operational improvement meetings to identify and address themes and issues. [Paragraph 8.13]

7. By October 2025, at local and strategic joint operational improvement meetings (JOIMs), the CPS to ensure that there is a clear, consistent and detailed recording of issues being raised at those meetings, detailing actions agreed and assessment of impact of those actions to strengthen casework quality and to identify and disseminate best practice. [Paragraph 8.15]

8. By December 2025, the CPS to have developed and implemented a quality assurance regime in rape cases, that assesses and improves casework quality. [Paragraph 10.16]

Compliance issues

Prosecutors are not consistently providing early advice that is relevant and meaningful to the investigation in accordance with the standard as set out in the standardised memorandum of understanding (MoU). [Paragraph 5.37]

Prosecutors are not consistently including their contact telephone number and email address on pre-charge advice reviews. Area managers should remind staff of the need to include these details when completing an early advice or pre-charge review. [Paragraph 6.15]

Prosecutors need to set out a clear and cogent analysis of the material, or a clear case strategy in their pre-charge review. [Paragraph 7.13]

Area managers should make sure there is a proper focus on the consideration of a suspect's bail status in pre-charge reviews. This should include whether applications for conditional bail have been adequately considered where a suspect has been on police unconditional bail or has been released under investigation and is to appear for first hearing on a postal requisition. [Paragraph 7.53]

Prosecutors are not consistently starting a disclosure management document (DMD) at early advice or pre-charge decision stage. Managers should make sure there is a renewed focus on prosecutors' compliance to start a DMD at this early stage to encourage adoption of a 'thinking approach' to disclosure issues. [Paragraph 7.69]

Prosecutors are not regularly or effectively using escalation procedures at the pre-charge review stage. Area managers should make sure that staff are

familiar with the escalation procedures and that they are being used where necessary. [Paragraph 8.6]

Areas are not consistently following national guidance that sets out the minimum standards to be followed for rape scrutiny panels. Areas should make sure that clear findings of good work and lessons to be learnt are identified in panel discussions, are recorded clearly in meeting notes and identify a consistent way that these can be fed back to casework teams. [Paragraph 9.13]

2.48. The CPS will want to address these compliance issues to improve their adult rape early advice and pre-charge casework.

2.49. We define good practice as an aspect of performance or activity that demonstrates an innovative or creative approach and that leads to a positive change, improved quality or better performance, or represents value for money. Strengths are aspects where the CPS performs particularly well.

Good practice

In some Areas, legal managers have set up networking days with those police forces which submit fewer cases for early advice. These events help to support and embed the benefit of early advice by allowing investigators to hear real-life case examples, breaking down some of the barriers to officers seeking early advice. [Paragraph 5.18]

In one Area, a prosecutor attends the police station once a month to review cases that have received early advice and been sent back to the police with an action plan three or more months previously. This measure is likely to result in more timely full Code test submissions from the police, with less delay for victims. [Paragraph 8.28]

One Area conducts reflective Individual Quality Assessments (IQAs). This model of prosecutors and legal managers jointly quality assessing casework and having joint reflective casework discussions has the potential to significantly improve the quality of early advice and pre-charge decision casework. [Paragraph 10.14]

Strengths

Prosecutors are maintaining a committed and professional focus while struggling with heavier and more complex workloads. Together with their managers they have built supportive, cohesive and dedicated teams. [Paragraph 3.27]

Prosecutors are offering early advice meetings that are timely in most cases (83.3%). [Paragraph 5.23]

3. Context and background

Background to the inspection

3.1. In March 2019 the Government commissioned the End-to-End Rape Review to understand why rape prosecutions had rapidly declined since 2016. In December 2019, HM Crown Prosecution Service Inspectorate (HMCPSI) published a report setting out our insights and findings to help contextualise some of the debate at that time about why the number of rape cases being charged was decreasing. Our report recommended the development of better procedures for communication and partnership working, including around early advice, and escalation between the police and Crown Prosecution Service (CPS) in rape cases.

3.2. The Government's End-to-End Rape Review Report¹¹ was then published in June 2021. It set out the Government's ambition to increase the volume of rape cases being referred by the police to the CPS and subsequently charged by the CPS, back to 2016 levels.

3.3. Despite the Government announcing in June 2021 that it was investing an additional £176m to increase support for rape and domestic abuse victims, and operational partners having already started to implement actions to improve the way rape cases were dealt with, there had been no significant increase in the number of cases being charged at the point of publication of the End-to-End Review. The Government's Review recognised actions were required that would represent a significant change in their approach.

3.4. The Government set actions for achieving their clear ambitions for rape cases. The Review had heard that many victims lacked confidence in the CPS and so the ambition for the CPS was to improve the way rape cases were dealt with, increase prosecution numbers and restore victims' confidence through actions, including a better process for early investigatory advice and updating legal guidance on addressing rape myths and stereotypes. The Review also set out a joint police and CPS ambition to establish a culture of effective joint working so that they could better support victims and build better cases to drive more guilty pleas.

¹¹ [The end-to-end rape review report on findings and actions](#)

3.5. One further ambition was for the police to ensure that there is an early and robust assessment of suspect behaviour and offending patterns to help ensure decision-making is based on evidence, rather than subjective judgements of victim credibility. During the period of the Government's Review, pioneering work was already being conducted in Avon and Somerset Police to look at how improvements could be made to the investigation of rape and serious sexual offences. This work was called Project Bluestone¹². Within their Review, the Government committed to launching a pathfinder programme called 'Operation Soteria' which would build on the foundations of Project Bluestone. Operation Soteria aimed to provide a greater balance to investigations by changing the focus to be much more on the active and effective investigation of suspects and less emphasis in the investigation on the victim's credibility, while at the same time ensuring all reasonable lines of inquiry are explored. This is now more commonly referred to as the 'suspect-centric approach' (SCA).

Legal landscape before the national operating model (NOM)

Joint national CPS and police protocol for the investigation and prosecution of rape ("The Rape Protocol")

3.6. The Rape Protocol was published in 2015 and was the second edition to the first joint protocol for investigating and prosecuting rape signed in 2008. It set out a framework for the police and CPS to work in partnership to build effective cases and to improve the service to victims of rape. It covered the obligations of police investigators and prosecutors setting out best practice and the approach to be adopted in rape and other penetrative offences.

3.7. Whilst it referred to early advice (or rather early investigative advice), it stated that the early consultation "may be in writing, by telephone, digitally or face to face". Therefore, unlike the current memorandum of understanding (MoU) and joint guidance¹³ which states that the offer of a face-to-face or virtual meeting must always be made, it was not as definitive in the encouragement and expectation that investigators and prosecutors meet and have early advice conversations. This meant corresponding simply by writing or via digital means was the more common occurrence.

¹² [Operation Bluestone, our specialist approach to rape and sexual offence investigations, to help shape new national operating model | Avon and Somerset Police](#)

¹³ The memorandum of understanding and joint guidance on early advice was refreshed as part of the NOM. It sets out that the OIC and the supervisor **must** supply their direct telephone numbers and email addresses, and availability for the next 21 days to allow the prosecutor to arrange a face-to-face or virtual meeting. The prosecutor **must ensure that the offer of this consultation is made.**

CPS's RASSO 2025 strategy

3.8. In July 2020 the CPS launched its Rape and Serious Sexual Offences (RASSO) 2025 strategy¹⁴ which outlined a suite of products to help reduce the gap between the number of rape reports and criminal justice outcomes. This five-year strategy was developed within the CPS's overall five-year strategy and provided a five-year vision, recognising that at the time the cross-Government Review was underway and recommendations from the joint inspection of the police and CPS response were also awaited.

Joint National Action Plan (JNAP) for rape and serious sexual offences

3.9. In January 2021, the police and CPS launched their Joint National Action Plan (JNAP)¹⁵ which set out a clear joint commitment by the police and CPS to work together to address the fall in rape cases getting to court and to deliver improvements in how rape cases were investigated and prosecuted. The JNAP was an important foundation in the police and CPS getting to their new national operating models for investigating and prosecuting rape offences delivered under Operation Soteria.

3.10. Since the launch of the JNAP in January 2021, the CPS have seen a 152% increase in adult rape referrals from the police (this includes referrals for early advice or for a charging decision) from 590 in the third quarter of 2020-21 to 1,488 in the first quarter of 2024-25 and an increase of 168% in charge volumes (total volume of suspects charged by the CPS) for adult rape from 254 in the third quarter of 2020-21 to 681 in the first quarter of 2024-25.

Operation Soteria

3.11. As outlined above, Operation Soteria was an ambitious programme of work created to transform the way that rape investigations and prosecutions are handled and progressed, with a focus on the suspect rather than the victim.

3.12. It was a joint programme of work between the Home Office, National Police Chiefs' Council (NPCC), CPS and a team of academics. It was originally launched in five CPS Areas and five pathfinder police force areas before being expanded to a further four CPS Areas and 14 further police force areas.

Legal guidance

3.13. The CPS has published legal guidance¹⁶ which was updated in May 2021 following public consultation and was further revised in January 2024 due

¹⁴ www.cps.gov.uk/sites/default/files/documents/publications/RASSO-2025-strategy.pdf

¹⁵ www.cps.gov.uk/sites/default/files/documents/publications/RASSO-JNAP-2021-v1-0.pdf

¹⁶ www.cps.gov.uk/legal-guidance/rape-and-sexual-offences-overview-and-index-2021-updated-guidance

to commencement of the Online Safety Act 2023. It was designed to assist and guide RASSO prosecutors through every stage of a rape prosecution from pre-charge early advice consultation to sentencing. It sets out that prosecutors must comply with the two-stage test laid down in the Code for Crown Prosecutors¹⁷ when deciding whether to prosecute. This means that a case should only proceed where there is a realistic prospect of conviction, and it is in the public interest to do so.

3.14. The refreshed guidance included several key changes. One was providing guidance on the impact of trauma, in particular how the memory of a victim can be affected. It recognised that it is crucial for prosecutors to understand the impact so that case strategies challenging assumptions on such matters can be robustly developed and for the prosecution case to be presented at trial in a way that contextualises and explains this for a jury. It focused on obtaining early advice and the need for police and prosecutors to work together from the earliest stage in order to build strong cases.

3.15. The refreshed guidance promotes the adoption of a suspect-centric approach to case building and directs prosecutors to consult the vulnerable victims toolkit which highlights common types of offender tactics and behaviours. It also tackles the need to identify and address rape myths and stereotypes (now more commonly referred to as assumptions and misconceptions). Identifying and addressing these ensures that a proper case strategy is developed, and strong cases are built without assumptions which attempt to predefine what rape is or where and when it occurs, or which attempt to remove the responsibility of rape from the defendant or which attempt to blame the victim for rape because, for example, of how they look or behave.

3.16. We were told that the legal guidance will soon be updated further to reflect the preferred terminology of rape assumptions and misconceptions to that of rape myths and stereotypes with the content around this aspect to be centred around the Equally Ours¹⁸ research into the public understanding of RASSO and consent.

¹⁷ *The Code for crown prosecutors*; CPS; October 2018

www.cps.gov.uk/publication/code-crown-prosecutors

¹⁸ www.cps.gov.uk/publication/cps-and-equally-ours-research-public-understanding-rape-and-serious-sexual-offences

CPS National operating model (NOM)

3.17. In July 2022, the CPS engaged an independent academic team from the University of Warwick to undertake research in the original five Operation Soteria pathfinder CPS Areas to inform the development of the national operating model (NOM) for prosecuting adult rape.

3.18. The academic team published an interim report of its evaluation in 2023 which was followed by the publication of a final report in March 2024¹⁹. The purpose of the academic research was to ensure that the CPS understood the reality of how it was dealing with rape cases. The research findings would also assist in identifying gaps and areas for improvement.

3.19. The CPS's own internal evaluation, conducted in parallel with the academic research, led the CPS to identify six workstreams as being central to the effectiveness of rape prosecutions and of having the potential to embed the suspect-centric approach. These six workstreams were:

- early partnership working on investigations
- action plan monitoring
- no further action (NFA) scrutiny
- case progression and trial readiness
- supporting victims
- our people.

3.20. Various innovative approaches had been tested and evaluated in these six workstreams across the nine CPS Areas that participated in the Operation Soteria programme. The NOM framework sets a new standard for CPS staff to follow with the aim of achieving greater consistency across the service whilst transforming how they prosecute adult rape and bring more offenders to justice, building victims' trust. The CPS launched the NOM for prosecuting adult rape in July 2023. Whilst implementation of many baseline elements started shortly after the launch, local implementation plans were developed within national timescales to enable local delivery across Areas following on from the initial launch date. This included working with local police forces to agree the memorandum of understanding and guidance on early advice in adult rape cases.

¹⁹https://wrap.warwick.ac.uk/id/eprint/183258/7/Operataion%20Soteria_Full%20Report%202024.pdf

Caseloads and resourcing

3.21. CPS adult rape caseloads have continued to rise since 2019. In the second quarter of 2019-20, the live adult rape flagged caseload (which includes charged cases only) was 756 compared to 3,813 for the same quarter period of 2024-25. This represents an increase in live adult rape caseloads of 402.3%.

Quarter 2 period	Live adult rape flagged caseloads	RASSO senior crown prosecutors (Full time equivalent)
2019-20	759	201
2020-21	1,269	204
2021-22	1,637	242
2022-23	2,260	266
2023-24	3,263	293
2024-25	3,813	284

3.22. Adult rape casework only accounts for a proportion of a RASSO specialist prosecutors' caseload. Their caseloads also include child rape, child sexual abuse offences and other serious sexual offences.

3.23. Although the number of prosecutors in RASSO units has increased over the last five years, this has not matched the increase in volume of work coming into the units. Prosecutors in RASSO units told us they are stretched and carrying larger, more complex caseloads than ever before. Some prosecutors told us that whilst their caseloads were heavy, they were manageable, yet a greater number told us their caseloads were unmanageable. Managers echoed prosecutors' concerns that caseloads were often too high, and they worried about the impact on quality of work together with staff well-being. Managers told us they redistribute work when prosecutors are particularly under pressure, but in a unit where so many are overwhelmed with high caseloads and there are varying levels of experience, the ability to move the load around is limited.

3.24. Having the right number of prosecutors in a RASSO unit with the right expertise, mindset, specialist training and support is crucial to making sure cases are advised on and progressed effectively. Although there has been an increase in the number of RASSO prosecutors over the last five years this was after starting from a low baseline and fails to account for the shift in the levels of experience of RASSO prosecutors.

3.25. Many of the prosecutors we spoke to in our focus groups had no more than two years' experience working in a RASSO unit. Some of those we spoke to had been recruited directly into a RASSO unit so had to learn the CPS processes to review and progress Crown Court cases and use the case management system as well as the skills and expertise to handle these most sensitive of cases. Effective support is required when prosecutors move into a RASSO unit to develop the skills and confidence to deal with these sensitive cases, and we did hear examples of good buddying and mentoring processes together with managers gradually building up prosecutors' caseloads and the complexity of the cases they handled as their experience developed.

3.26. Whilst experience brings many advantages, it is not to say that lesser experience necessarily equates to poorer casework quality. We were told by some managers that they felt more recent developments, for example, the suspect-centric approach, have been adopted and embedded more successfully by newer prosecutors coming into RASSO units because they have not had years working and dealing with cases in a particular way that did not necessarily align to this approach and the unpicking that is then required to change that mindset and way of working.

3.27. Notwithstanding the heavy and more complex caseload pressures, prosecutors and managers in our focus groups and interviews were without exception committed, enthusiastic and determined to do the best they could in this important area of work and had maintained a professional focus. They had built cohesive, supportive and dedicated teams.

Strength

Prosecutors are maintaining a committed and professional focus while struggling with heavier and more complex workloads. Together with their managers they have built supportive, cohesive and dedicated teams.

4. Framework and methodology

The inspection framework

4.1. The inspection framework was designed to assess the quality of Crown Prosecution Service (CPS) early advice (EA) and pre-charge casework in adult rape cases. As well as the quality of legal decision making, the inspection also assessed the consistency and effectiveness of the CPS' implementation of the elements of the national operating model (NOM) relating to the consistency and quality of decision making at this early stage of a rape case.

4.2. Our inspection question had included an assessment of whether the quality of early advice and pre-charge casework in adult rape cases had improved. Our thought was that we could compare performance within our 2021-22 Area inspection programme baseline²⁰. However, as we developed the inspection it became obvious that due to significant changes in approach between cases examined in 2021-22 and this inspection that any direct comparison of performance would be unfair. We therefore have not set out any judgements comparing current performance with what we found and reported in 2021-22.

4.3. The inspection framework is set out in full in Annex A.

Methodology

Terminology

4.4. There are various terms used to describe someone who has experienced and/or reported rape and other serious sexual offences. They are often called a complainant, victim, or a survivor. We have used the term "victim" throughout this report for consistency. Those who are alleged to have perpetrated an offence are often called the suspect, perpetrator or the defendant. This report uses "suspect" to clarify that the person was either not charged with or not convicted of an offence. We use "defendant" in all other instances. We mean no disrespect by the choice of terminology.

CPS Areas selected

4.5. We selected six CPS Areas to inspect. Our selection was based on ensuring a spread of Areas to reflect those that had been involved in Operation Soteria from the beginning, those that became involved following the later

²⁰ *HMCPsi Area Inspection Programme composite report*; HMCPsi; September 2023. www.hmcpsi.justiceinspectorates.gov.uk/report/area-inspection-programme-composite-report-of-the-baseline-assessments-of-the-14-crown-prosecution-service-areas-in-england-and-wales/

expansion of it and those that had not been pilot Areas and followed the national roll out of the CPS NOM in July 2023 onwards.

File examination

4.6. Inspectors examined 90 pre-charge advice files flagged on the CPS' case management system as rape cases, 15 cases from each of the six CPS Areas visited. In all 90 cases, both the victim and suspect were over 18 years of age to reflect that the NOM framework sets out an agreed approach for adult rape prosecutions. The file sample included 36 files that had received early advice followed by a full Code test charging decision and 54 files that had not received early advice prior to a full Code test charging decision being made. All early advice and pre-charge decisions had been completed by Area prosecutors and because national roll out of the NOM was in July 2023, we examined cases submitted for early advice or a pre-charge decision as recently as possible and after August 2023.

Interviews and focus groups

4.7. Interviews were held in each of the six CPS Areas with CPS staff and police personnel. Interviews took place with CPS staff including Chief and Deputy Chief Crown Prosecutors and Senior District Crown Prosecutors with responsibility for Rape and Serious Sexual offences (RASSO) casework. We also held focus groups of District Crown Prosecutors and Senior Crown Prosecutors working in the RASSO units. Interviews with the police included one police force within each of the six CPS Areas that either referred the fewest or most early advice files to the CPS. In these six police forces, inspectors interviewed senior officers leading the public protection division, evidence review and/or gatekeeping officers and a focus group of investigating officers.

4.8. Interviews were also held at a national level with senior staff including the Chief Crown Prosecutor national lead for rape and serious sexual offence prosecutions, the Deputy Director of Strategy and Policy Directorate and the Deputy Director of Operational Change. We also interviewed the National Police Chiefs' Council (NPCC) national lead for RASSO. We are grateful to all for their participation and assistance.

Document review

4.9. Inspectors examined documents requested from the six CPS Areas visited and CPS Headquarters. We examined documents relating to Areas' implementation of the NOM elements, including Memoranda of Understanding (MoU) and joint guidance on early advice agreed with their police forces, copies of meeting minutes from RASSO unit heads meetings, joint operational improvement meetings (JOIMs) and rape scrutiny panels, together with documents relating to performance monitoring.

4.10. This inspection was led by legal inspector Joanne Milner and supervised by senior legal inspector Colin Darroch. Joanne was assisted by legal inspectors Giles Bridge, Gavin Hernandez and Andrew Hodgson and by associate legal inspectors Bernard Byrne and Sue Gallon.

5. Early advice and partnership working

Early advice

5.1. There has long been an encouragement that the police refer to the Crown Prosecution Service (CPS) for early advice all cases involving rape and serious sexual offences. The fifth edition of the Director's Guidance on Charging in 2013 required such an approach and the 2015 revised joint protocol between the Association of Chief Police Officers (ACPO)²¹ and the CPS for the investigation and prosecution of rape again stipulated that this was the approach to be taken. The most recent Director's Guidance on Charging²² (DG6) recommends the police should always consider seeking early advice (EA) from the CPS in cases involving RASSO offences "particularly once a suspect has been identified and it appears that continuing the investigation will provide evidence upon which a charging decision may be made."

5.2. DG6 also reinforces that early advice "will allow aspects of the inquiry to be more focused." Identification at this early stage of the strengths and weaknesses of the case, and of reasonable lines of enquiry for the police to pursue, can build stronger cases but also avoids unnecessary work on cases that are not going to satisfy the test for prosecution.

5.3. Previous inspections by HM Crown Prosecution Service Inspectorate (HMCPSI) in 2016 and 2019 found, at that time, that early advice was under-used and not effective. We recommended better guidance on its use.

Memorandum of understanding and EA referrals

5.4. Following the interim findings from the independent academic evaluation of Operation Soteria that contributed to the development of the national operating model (NOM), the CPS and National Police Chiefs' Council (NPCC) produced an updated memorandum of understanding (MoU) for EA together with joint guidance. This sets out the approach to obtaining and providing EA in rape and serious sexual offence cases with the aim of improving the consistency and quality of the provision of EA.

5.5. The MoU promotes joint working during the investigation process, with the offer of a meeting to be made by the prosecutor to the officer in the case (OIC), to discuss the case and agree on reasonable lines of enquiry that are proportionate and necessary to build the case. The offer of a meeting and provision of the early advice is to be within 21 days of allocation of the case to a prosecutor.

²¹ The predecessor to the National Police Chiefs' Council.

²² *Charging (the Director's guidance) 2020 – sixth edition*; December 2020
www.cps.gov.uk/legal-guidance/directors-guidance-charging-sixth-edition-december-2020-incorporating-national-file

5.6. Although the NPCC is a national body that enables Chief Constables and their forces to work together to improve policing for the public, it does not have the power to make decisions that bind individual police forces or Chief Constables.

5.7. Areas have worked hard to agree an MoU and joint guidance with their local police forces. Thirteen Areas had achieved this at the point of our fieldwork with one Area we visited still in the process of agreeing the MoU with the last of their police forces. In the other Areas we visited, the national standardised MoU had largely been adopted with some local variations noted. This included one Area having removed the requirement in the standardised MoU for a legal manager triage due to resourcing issues.

5.8. While the MoU is designed to ensure a standardised and consistent approach to EA, the fact that some Areas have made some variations to it when agreeing it with their police forces, has inevitably led to some inconsistencies. The inconsistencies include the quality of police EA referrals. Some Areas told us that to encourage the police to engage at an early stage they had accepted EA submissions where the police could and should have made the decision to take no further action (NFA), or where the case was so old and at, or almost at, the full Code test stage EA could add no value to the investigation.

5.9. In the Areas we visited, legal managers had good awareness and understanding of the contents of their MoU and joint guidance. Whilst many prosecutors had not seen it and were unaware of where to find a copy, most were clear on the general principles of it.

5.10. The number of EA referrals from the police is variable across the CPS. The volume of EA receipts²³ for adult rape nationally had been steadily increasing from the second quarter (July to September) of 2022-23 to the same quarter period of 2023-24, following which there has been a steady decline. In the second quarter of 2023-24 the national number of EA adult rape receipts was 554 compared to 448 for the same quarter period of 2024-25, representing a 19.1% decline. The decline coincides with the national roll out of the NOM in July 2023 and whilst some Areas have experienced an increase in adult rape EA referrals, it remains variable across the organisation.

²³ This refers to the total number of suspects referred by the police to the CPS for early advice.

5.11. To demonstrate the variation across Areas we set out EA adult rape referral numbers for the six Areas we inspected in the table below:

Area	EA Volumes Q2 2023-24	EA volumes Q2 2024-25
Area 1	11	29
Area 2 ²⁴	25	9
Area 3 ²⁵	79	58
Area 4	60	65
Area 5	54	91
Area 6	43	58

5.12. Some variations in this table can be explained by the different stages and approaches in different Areas during the development and roll out of the NOM and MoU.

5.13. We also found that the variance was in part due to police misunderstanding across some forces of the purpose and benefit of EA in suitable adult rape cases and in part the approach Areas were taking in encouraging and accepting EA referrals, with some not adopting and applying the MoU and joint guidance as strictly as others.

5.14. Some Areas, for example, were not conducting a legal triage of EA referrals despite their agreed MoU and joint guidance stating that a district crown prosecutor (DCP), the CPS' front line legal managers, would conduct one. Areas told us this was because they did not want to discourage EA submissions by potentially rejecting them at legal triage stage, frustrating officers who may then decide against referring future cases for EA. By contrast, other Areas were more strictly adhering to a legal triage of EA referrals. We were told, however, that legal managers do not often record their triage and rationale if an EA referral is accepted, only rationale for a rejection is recorded because a rejection and reason need to be sent via the case management system (CMS) to the police. This would explain our finding that in 11 out of 35 applicable cases (31.4%) there was some evidence that a DCP had assessed the case as they had allocated the EA to a prosecutor but there had been no recording of their legal triage rationale.

²⁴ Area 2 was the Area that was still in the process of agreeing an MoU and joint guidance with the last of their police forces.

²⁵ Area 3 was one of the early Soteria pathfinder Areas and after initially testing different models and accepting a wider range of cases, then started to scale back once the MoU for EA was settled on.

5.15. In our file examination of 36 early advice cases, we assessed police file submission compliance in accordance with DG6 and the RASSO Service Standards (as outlined in CPS RASSO legal guidance and the MoU and CPS NPCC joint guidance). We assessed police compliance as fully meeting the standard in nine cases (25.0%) and not meeting the standard in 27 cases (75.0%). In a number of cases the police referral had not included detail on the specific matters upon which advice was being sought. There were also referrals where key evidential material needed for prosecutors to provide meaningful advice was missing, such as the video recorded account of the victim, note of suspects interview or any potentially disclosable material. Failings in the provision of these items and material all impact on the ability of the CPS and police to build strong cases at this early stage. Missing information also results in unnecessary delays whilst missing items are chased.

5.16. We found that in each of the 27 non-compliant file submissions in our file sample, operational delivery staff had conducted a triage. Some of the non-compliant aspects, such as failing to provide officer contact details are ones that operational delivery triage should identify. There were 17 cases where the operational delivery triage should have identified deficiencies. In just over half of those cases (nine out of 17) operational delivery triage identified the deficiencies and fed back. In four of the 18 cases that were non-compliant but had passed an operational delivery triage, there was evidence of a legal manager feeding back file deficiencies to the police. This meant that in just under a half of the cases (14 out of 27) police deficiencies were not identified and fed back.

5.17. We recognise that it is a difficult balance for Areas to encourage more EA referrals whilst ensuring they are being referred appropriate cases on which they can add value. However, the lack of a consistent approach to EA triage leads to inappropriate cases being referred and accepted and undermines the provision of EA generally. If inappropriate EA referrals are not being filtered out and managed by appropriate administrative and legal triage, valuable lawyer time and resource is being wasted. It also has the effect of the police not providing files with the right material.

5.18. Some Areas have had targeted networking days with their police colleagues where legal managers and prosecutors discussed effective joint working and the benefits of early advice. A police colleague at one of the local force events presented a rape case they had obtained EA on, sharing the voluminous work a prosecutor had been able to save them from doing by focusing and narrowing down parameters of third-party material and telecommunication enquiries necessary as part of the investigation. We heard that these events had helped to embed with some officers the value of EA, including the types of reasonable lines of enquiry it can assist with and what is required for an appropriate EA file submission. We consider the CPS engaging

with their local police forces to promote working in this way is good practice which should continue.

Good practice

In some Areas, legal managers have set up networking days with those police forces which submit fewer cases for early advice. These events help to support and embed the benefit of early advice by allowing investigators to hear real-life case examples, breaking down some of the barriers to officers seeking early advice.

5.19. We assessed whether, in the 54 cases we examined that had not been referred for early advice, the case would have benefitted if early advice had been provided. We found that in 32 cases (59.3%) it would not have provided any benefit and in eight cases (14.7%) inspectors were unable to say whether early advice would have been of benefit or not. In several of these cases there was no explanation for what the delay in the police referral for a full Code test decision had been and so it was difficult for inspectors to adequately assess whether the prosecutor could have added value at an earlier stage. We found that in the remaining 14 cases (25.9%) the case would have benefitted from having had early advice. This shows that there are a quarter of cases where the police have not sought EA where they would have materially benefitted from it. It is important therefore that the CPS continue to encourage EA referrals from the police on all appropriate cases.

Partnership working

5.20. One of the principle aims of the NOM in encouraging a more consistent use of EA is to improve early partnership working between the CPS and police, removing tensions to ensure a positive impact on the pace, scope and quality of police investigations and CPS legal decision-making. Mandating that the CPS offer the police a meeting – either virtual or in person – when an adult rape case is submitted for early advice, is critical to embedding the early partnership working approach.

5.21. We were told by police and prosecutors we interviewed that it is the casework conversations that are useful in driving progress on cases and in enhancing and promoting better working relationships. In our judgement, building a team approach will help the progress of a case even in those cases where it might seem limited conversation is needed. This was reflected in the views we heard from CPS staff and police stakeholders where we were consistently told that the direct communication (whether at early advice or full Code test submission stage) helps to remove barriers, avoids misunderstandings and promotes a better understanding around proportionate reasonable lines of enquiry. This was also reflected to a limited extent in our file

examination. Whilst the number of cases in our file sample that had not had an early advice meeting was small, we did find a marginally better quality of early advice in those cases where an early advice meeting was held compared to those where one had not been held, and instead only written advice was provided. We discuss the quality of early advice casework in paragraphs 5.29 to 5.37.

5.22. One Area we visited had recently started trialling an EA and action plan clinic for one of its police forces with a prosecutor attending the police station and having real time conversations with the police. The Area reported to us that although it was early days, the clinics had been successful in progressing cases, agreeing proportionate and necessary action plans and helping to support the police improve file quality. Positive feedback had been received from officers and the prosecutor, and the Area were looking to roll out these clinics across their whole Area.

5.23. We examined 36 cases that had been submitted for and received early advice. One of these cases pre-dated the NOM national roll out and so we did not include it in our assessment of whether the mandatory offer of a meeting was made by the CPS to the officer. Of the remaining 35 early advice cases, we found that the CPS offered meetings to the police in most of these (30 cases or 85.7%). We also found in a high proportion of those cases where an early advice meeting was offered, that the offer to meet was made within 21 days of allocation of the case to a prosecutor (25 out of 30 cases or 83.3%).

Strength

Prosecutors are offering early advice meetings that are timely in 83.3% of cases.

5.24. We assessed that a meeting took place in three quarters of relevant cases (27 out of 35 cases or 77.1%). In 20 cases (57.1%), a meeting took place between the prosecutor and officer within 21 days. In a further seven cases (20.0%) although a meeting did take place, it was beyond 21 days of the file having been allocated to a prosecutor. In most of these cases there had been difficulty in securing mutual availability to meet within the 21 days with the delay in meeting being minimal and not considered to have adversely impacted the case. In the remaining three cases where the CPS had offered the police a meeting, the police had declined the offer.

5.25. Most early advice meetings are being conducted virtually via Microsoft Teams. We found an inconsistent approach across Areas as to how early advice meetings are offered, arranged and diarised. In some Areas it was left to the allocated prosecutor to contact the officer to arrange a meeting date and time. In other Areas it was operational delivery staff or a case progression manager that

diarised the meeting at the time they were allocating the early advice file to the prosecutor. In one Area we visited, they had an electronic diary system for their largest police force whereby that force is allocated an EA appointment slot at the same time five days a week. We were told by some officers in that force that they felt pressure to fill all five weekly slots such that they had referred some cases they knew did not strictly fit EA criteria. This is an unintended consequence of the system and something that the Area will want to address with the police.

5.26. We were told that the expectation is for prosecutors to record their meeting offer and whether a meeting took place within their early advice. Currently this is the only national mechanism the CPS has to record compliance with this element of the NOM. We heard from some prosecutors however that they had on occasion forgotten to record this within their advice. One Area we visited maintained an early advice spreadsheet. This was a good way of recording and monitoring the offer and occurrence of EA meetings in one place and in giving a snapshot overview of compliance with this element of the NOM but again is reliant on staff remembering to complete it. We understand from speaking with senior CPS personnel that a more robust method of recording early advice meetings is being worked on so that assurance work can accurately access compliance with this key aspect of the NOM. Our view is that if the CPS are going to fully understand the level of resource needed and compliance with the NOM, this work to produce a more robust method of collection should be expedited. We make a recommendation to ensure that the offer of a discussion is made for all adult rape cases referred for early advice in line with the NOM and for the consistency of recording of such meetings.

Recommendation
By September 2025, on every adult rape case, in accordance with the national operating model, the CPS will offer a face-to-face or virtual meeting in every case referred for early advice before the early advice is finalised. The offer of the meeting and the detail of the meeting, (or confirmation that it was declined) is to be consistently recorded in the case. This approach to be embedded by November 2025.

5.27. We found that timeliness in providing early advice was generally good as most prosecutors were completing their advice on the same day as their meeting with the officer. If no meeting had been offered and/or no meeting took place, we found those cases were also generally being advised on (without a meeting and advice given in writing) within 21 days of allocation to a prosecutor. We assessed 28 out of 36 early advice cases (77.8%) as timely in accordance with the MoU. Three of the eight cases that were not timely were one to three days late. Whilst we found no negative impact arising from any of the eight cases where the early advice had been provided beyond the 21 days, this target is necessary to ensure that the CPS are dealing with rape cases as expeditiously

as possible so that reasonable lines of enquiry are not lost through delays and so as not to impact negatively on victims or suspects who are awaiting progress and a decision on the case.

5.28. Our file examination did provide evidence that early advice improved case management. In those cases that had early advice, the number of pre-charge action plans set on cases were fewer than in cases that did not have early advice. Our findings are represented in the table below. It shows that in those cases where early advice was provided it was more likely to result in an immediate charging decision and less likely to result in two or more action plans when the case was submitted for a final charging decision. What we heard from prosecutors and police stakeholders during interviews was that they felt early advice had reduced the number of full Code test action plans. Our findings support this view.

	Immediate charging decision	One action plan before FCT applied	Two or more action plans before FCT applied
Early Advice	47.2%	30.5%	22.5%
No Early Advice	22.2%	27.8%	50.0%

Quality of early advice casework

5.29. The CPS is responsible for providing relevant and meaningful early advice in accordance with the Code and DG6. It is also responsible for creating shared action plans that are necessary and proportionate for further investigative enquiry.

5.30. Despite the positive aspects outlined at paragraph 5.21 of improved working relationships at the early advice stage, and at paragraph 5.28 of improved case management, we found room for improving the quality of legal reviews at the early advice stage.

5.31. In our file sample, we assessed 12 of the 36 early advice cases (33.3%) as fully meeting the standard for providing advice that added value and was relevant and meaningful to the investigation. We assessed a further 18 cases (50.0%) as partially meeting the standard and six cases (16.7%) as not meeting the standard.

5.32. We identified a number of themes in the cases that we assessed as partially or not meeting the required standard. Themes include:

- superficial reviews lacking sufficient evidential analysis and overlooking important aspects resulting in reasonable lines of enquiry being missed or lines of enquiry that were unrelated to the issue or how the prosecution proposed to build the case
- failure to apply a suspect-centric approach to a case strategy
- not addressing all questions posed by the police
- failure to provide an initial assessment of the case resulting in little or no explanation why some lines of enquiry were required or the dependency between actions and possible further work on the case

5.33. We assessed 27 cases where a meeting was held at early advice stage and eight cases where a meeting was not held. We set out in the table below a comparison of our findings for the quality of early advice.

Quality of early advice	Answers	Early advice meeting was held (27 cases)	Early advice meeting was not held (8 cases)
The EA answered all specific questions asked and provided other appropriate advice and an action plan where applicable.	Fully Meeting	10 (37.0%)	2 (25.0%)
	Partially Meeting	13 (48.1%)	4 (50.0%)
	Not Meeting	4 (14.8%)	2 (25.0%)

5.34. Although comparative numbers for a meeting not being held are small, it provides some support that a meeting marginally improved the quality of the early advice. However, with just over a third of such cases fully meeting the standard, the benefits of an early, collaborative approach had not consistently translated into a better quality of early advice. These collegiate conversations must now work to impact to a greater degree and with a greater level of consistency, the quality of early advice. We make a recommendation at paragraph 7.78 in Chapter 7 regarding improving quality.

5.35. We assessed eight of the 36 early advice cases (22.2%) as fully meeting the standard for having an action plan that was proportionate and met a satisfactory standard, 22 cases (61.1%) as partially meeting the standard and six cases (16.7%) as not meeting the standard. Four of the six cases that were assessed as not meeting the standard we also assessed as not meeting the standard for quality of early advice review. The weaker action plans did not include requests for the police to explore reasonable lines of enquiry that were identifiable at this early stage of the investigation, did not set required or appropriate parameters for lines of enquiry, or did not set actions to obtain further evidence to counter weaknesses in the defendant's account. In several cases we also noted that actions were included in the body of the advice,

concealed amongst text rather than being set out in the separate action plan section which creates the likely risk of actions to the officer being overlooked.

Case Study

In one case, the victim alleged coercive and controlling behaviour, and vaginal rape by her husband. The police submitted a request for early advice, asking whether the case was capable of being built for prosecution. The prosecutor and officer had a discussion over Microsoft Teams.

The early advice contained no analysis of the evidence that was available at that stage and was little more than an action plan list.

As there was no analysis of the evidence or case strategy identified as to how to build, progress and prosecute the case, there was no rationale provided for several of the actions in the action plan or clarity about what was required. In particular:

- given the length of the marriage, the request for digital download and review of communications material between the couple was too widely drafted
- reasonable lines of enquiry connected to the victim's finances and a previous report made to the police by a connected third party regarding the suspect's controlling behaviour were missed that may have supported and strengthened the evidence in respect of the allegation of coercive and controlling behaviour
- actions were listed in the body of the advice and not in the action plan section which could give rise to actions and target dates being missed by the police.

5.36. In the stronger cases, we saw careful consideration given to an initial assessment of the case, with prosecutors adding value by seeking to strengthen investigations through adoption of the suspect-centric approach. This included advising on reasonable lines of enquiry relating to potential associated offences that could either provide essential background or evidence of additional offences, to support the alleged rape. Proportionate and well explained actions were set in the stronger cases which, because of a clear analysis, were meaningful and necessary.

Case Study

A male victim alleged he had been raped after a night out and the police submitted a request for early advice. Following a considered analysis of the available evidence, the prosecutor provided an initial assessment of the case, which included identifying additional potential charges to the allegation of rape including disclosure of private sexual images and voyeurism.

The advice demonstrated a clear and cogent suspect-centric approach in analysing the suspect's behaviour before, during and after the offence. The early advice added value by setting out a proportionate action plan to address reasonable lines of enquiry that would strengthen the case including:

- obtaining witness statements from those mentioned in the victim's video recorded interview
- clarifying an inconsistency in one part of the evidence
- a toxicology examination of the victim's sample to show his level of intoxication
- and a further interrogation of the suspect's phone with proportionate parameters and search terms advised.

5.37. From our focus groups and interviews with prosecutors and legal managers in the Areas, we found there was a variation in expectation across Areas of what prosecutors included in an early advice and the time they spend on such referrals. We were told by some prosecutors that legal managers had instructed that their early advice should be a "light touch", but we have not seen any written evidence to indicate that this is the expected or suggested approach to be taken to providing early advice. This could, however, explain why some advices we examined provided only a superficial review and why some obvious and reasonable lines of enquiry were being missed. We understand time pressures brought about by heavy caseloads, but opportunities to add value at the early advice stage are being missed in a significant number of cases which has an impact on time and resource later in those cases.

Compliance issue

Prosecutors are not consistently providing early advice that is relevant and meaningful to the investigation in accordance with the standard as set out in the standardised memorandum of understanding (MoU).

5.38. We make two recommendations at paragraph 7.36 and paragraph 7.79 in Chapter 7 regarding the CPS investing in the ongoing development of prosecutors' skills and confidence to equip them to add greater value at this early stage of the case and to ensure improvements are made in the quality of early advice.

6. CPS engagement with police at pre-charge decision stage

Police file quality

6.1. The National File Standard (NFS), contained in the sixth edition of the Director's Guidance on Charging (DG6), is a document that sets out the material and information that the police must send to the Crown Prosecution Service (CPS) at different stages of criminal cases and for different case types. It lists what is required when a case is submitted for a pre-charge decision and seeks to achieve consistency and proportionality across all CPS Areas and police forces throughout England and Wales.

6.2. Joint CPS and NPCC guidance²⁶ on file submission for full Code test charging decisions in Rape and Serious Sexual Offences (RASSO) cases has also been developed to provide additional practical assistance to investigators in applying DG6 to RASSO cases.

6.3. During our interviews with CPS staff, we heard frequent concerns about the quality of case files provided by the police. The concerns related to missing items that were required under the agreed file standard. CPS highlighted regular deficiencies, including missing evidential material and material relating to disclosure.

6.4. These concerns are supported by our file examination where we assessed 63 of the 90 police file submissions (70.0%), as not complying with the NFS and DG6 guidance.

6.5. The most common failings were missing key statements (25.4%) and missing information that should have been provided under Annex 4 of DG6 (22.2%). Annex 4 of DG6 sets out the information that the police are required to send to the CPS when they are requesting a charging decision. It includes, where appropriate, information in relation to the suspect, the offence(s), the investigation, material that has, or may be, subject to examination, outstanding evidence, victims and witnesses, compliance and assurance and contact details of the officer in the case. In many cases, the missing information under Annex 4 was an explanation for the delay between the offence date, commencement of the investigation and the referral to the CPS. Other failings included missing copies of relevant potentially disclosable material (14.3%) and missing rebuttable presumption material (12.7%).

6.6. We found that the standard of police file quality was no better for those cases that had previously been submitted for early advice with 27.8% of early

²⁶ www.cps.gov.uk/publication/guidance-file-submissions-full-code-test-charging-decisions-rape-and-serious-sexual

advice files being NFS compliant compared to 31.5% of cases that had not been referred for early advice.

6.7. From the CPS's perspective, we were told that poor police file quality leads to delays in prosecutors making decisions and wastes time and resources in rectifying deficiencies. Poor file quality increases the likelihood that an action plan will be required. Police supervisors should be responsible for assuring that the digital file being sent to the CPS meets the NFS and DG6 requirements, but we were told by both some police and some CPS personnel that there is no clear or consistent approach across forces as to police supervision of police file quality.

6.8. Some police forces have a gatekeeper. A gatekeeper officer is usually at Detective Sergeant or Inspector level and checks the documents prepared by the investigating officer to make sure that all material and information that is required for the CPS to make a charging decision is present and meets the standard required to be submitted to the CPS. They also act as a point of contact for prosecutors. In those forces where there was a police gatekeeper, we found a better standard of police file quality with 38.9% being assessed as fully met compared to 24.1% of file submissions being assessed as fully met when there is no gatekeeper in post. CPS staff in those Areas that had a police force or forces with a gatekeeper, also spoke positively about the impact that gatekeepers had in quickly resolving minor file quality issues. In one Area visited, the gatekeeper for their biggest police force was due to start working from within the CPS RASSO unit office. Whilst we cannot comment on the impact this will have on police file quality, it was widely welcomed by the CPS staff we spoke to and is a demonstration of closer police and CPS joint working.

CPS feedback on police file quality

6.9. The CPS should be providing feedback to the police where there are failings in the pre-charge file submission to help identify issues and improve future file submissions. The feedback should be via a triage rejection or if the case has got through administrative triage, then feedback should be via the reviewing prosecutor. The CPS case management system includes a facility to report on whether the police file submission complied with the National File Standard (NFS). This is referred to as the Director's Guidance Assessment (DGA). The system only allows for one DGA assessment of compliance with DG6 on a file. It should be completed at the time that the full Code test is applied.

6.10. We assessed the quality of CPS feedback to police on the quality of pre-charge file submissions and found that the standard for identifying and feeding back file deficiencies was fully met in 30 of the 63 cases (47.6%). The standard

was partially met in a further 17 cases (27.0%) as although some feedback was provided to the police, insufficient detail was provided, or not all issues had been fully identified. In the remaining 16 cases (25.4%) the standard was not met. Both operational delivery and prosecutors feedback on police file deficiencies require improvement.

6.11. DGA data is collated and should be an agenda item and considered at joint operational improvement meetings (JOIMs) held between CPS local legal managers and their police counterparts as a method to improve police file quality. Managers and police counterparts told us that police file quality is a standard agenda item at their JOIMs. However, the notes of meetings we were provided with were not always sufficient for us to determine that DGA volumes and themes for poor police file quality are discussed in any detail to drive improvements and despite these meetings, the file examination data reveals that police file quality remains a challenge across Areas. We discuss JOIMs in more detail in Chapter 8.

Offer of a discussion

6.12. The action plan monitoring workstream under the CPS national operating model (NOM) for prosecuting rape, includes an aim to ensure that the CPS is enhancing its engagement and communication with the police at the pre-charge advice stage. It is envisaged that by encouraging the prosecutor and officer in the case (OIC) to discuss the case at pre-charge review stage, unnecessary action plans will be avoided, and action plans that are required will be focused on reasonable lines of enquiry, clearly communicated and understood. This, it is envisaged, should reduce delays in investigation and prosecution times due to preventing the churn of unnecessary action plans and in turn improve victim engagement.

6.13. An element of the NOM is therefore for prosecutors to offer the OIC a discussion at first pre-charge consultation stage. This is to capture those cases which have not been referred for early advice and so have not already had the benefit of prior communication. As the current Service Level Agreement between the police and CPS for the timely provision of charging advice is set at 28 days, the expectation is that the offer of discussion and the discussion itself will take place within this timeframe. Even though it is understood that not all cases will necessitate a discussion, the offer should always be made as it is the encouragement of casework discussions that is important in encouraging closer collaboration generally.

6.14. Implementation dates for this element of the NOM have been fluid and varied across CPS Areas. There were 54 cases in our file examination where the case had not been referred for early advice and so a meeting fell to be

offered. In 35 of those 54 cases (64.5%), although no offer had been made, the Area had not implemented this element of the NOM at that time. However, in the remaining 19 cases that element of the NOM had been implemented. In these cases, we found that the offer of a discussion was inconsistent. We found in six cases (31.6%) the prosecutor had offered to have a discussion with the OIC at the first pre-charge consultation stage and in ten cases (52.6%) they had not, despite the officer's details having been provided. In the remaining three cases (15.8%) we found no discussion had been offered.

6.15. We were told by focus groups of prosecutors, legal managers and police staff that there is an inconsistency in prosecutors providing their direct contact information. This was supported by what we saw in our file examination. Prosecutors' details are not automatically prepopulated on a Manual of Guidance (MG3) form during pre-charge advice and prosecutors were not always then adding them.

Compliance issue
Prosecutors are not consistently including their contact telephone number and email address on pre-charge advice reviews. Area managers should remind staff of the need to include these details when completing an early advice or pre-charge review.

6.16. A failure by prosecutors and police investigators to provide their direct contact information frustrates contact and the ability to speak. Sharing contact details is essential if meaningful casework discussion is to take place.

6.17. Evidence from our interviews in Areas identified that there was a lack of knowledge amongst both prosecutors and police that the offer of a discussion in adult rape cases that had not been referred for early advice was in fact an element of the NOM.

6.18. Many prosecutors - whether they were aware of the requirement to offer a discussion at first pre-charge consultation stage or not - told us they were having discussions with officers on an ad-hoc basis but only if they thought it would serve a purpose. If they considered that an action plan was going to be relatively straight forward or uncontentious, they did not offer the officer a discussion and did not contact them to discuss the case or proposed action plan before sending it. One Area operated a "chat not CAP²⁷" process that expected its prosecutors to have a chat with the officer prior to the sending of an action plan on a pre-charge decision case. However, this did not always operate as expected and action plans were still being sent on cases where the prosecutor had not had a 'chat' with the OIC first.

²⁷ Case action plan (CAP)

6.19. In all Areas, we consistently heard that there was a determined drive and encouragement from legal managers for prosecutors to pick up the phone and speak to officers before sending an action plan to see if any issues or requests for items could be resolved there and then. Whilst some prosecutors told us they were doing this, they were not always recording that they had the discussion. We were also told by some legal managers that an unwillingness by some prosecutors and a variance in the confidence and experience of others impacted on their appetite to have, what may sometimes be, difficult discussions. It will require managers to do more to encourage, support and build prosecutors' confidence to have these conversations.

6.20. In the 54 cases that had not been referred for EA, a meeting took place at the first pre-charge consultation stage in eight (14.9%). Two of these meetings were timely in that they took place within 28-days. The remaining six were not timely with the discussion taking place beyond 28-days. The fact that the only mechanism prosecutors currently have is to record that a discussion has taken place in the body of their charging advice may mean that more meetings were held but were unrecorded.

6.21. Our file examination findings could not demonstrate that these discussions impacted on the quality of the pre-charge review or upon the number and quality of action plans set. However, it must be recognised that a discussion is about generating better working relationships and having casework conversations to drive higher quality and timelier investigations and charging decisions. Closer collaboration between the police and prosecutors at pre-charge decision stage is critical to building cases that provide a persuasive suspect-centric narrative and to the efficient progression of rape cases. There needs to be a greater consistency in the collaborative approach, the quality of discussion and recording that these meetings are taking place. We make a recommendation covering this aspect.

Recommendation
By September 2025, on every adult rape case, in accordance with the national operating model, where no meeting took place at early advice stage (either because it was declined or early advice was not required), the CPS will offer a face-to-face meeting or virtual meeting in every case before the pre-charge decision is finalised. The offer of the meeting and the detail of the meeting, (or confirmation that it was declined) is to be consistently recorded in the case. This approach to be embedded by November 2025.

6.22. The CPS needs to ensure that focused, collaborative conversations impact on the quality of pre-charge decision casework, and we make two recommendations to drive an improvement in quality at paragraphs 7.36 and 7.79 in Chapter 7.

7. Pre-charge decision-making

7.1. Guidance for the police and Crown Prosecution Service (CPS) recommends and expects that early advice is requested and provided for rape or other serious sexual offences. Therefore, as set out above, in a number of adult rape cases referred to the CPS for a charging decision, a prosecutor may already have provided early advice in the case.

7.2. While it is the police who investigate criminal allegations, it is the CPS, in the most serious cases, who decides whether a suspect should be charged, and with what offence(s). The police have powers to charge some offences without consulting the CPS, but if the allegation is rape or attempted rape, the police are not authorised to charge the suspect. That is a decision for the CPS. In all cases, including rape or attempted rape, the police should decide not to charge (also known as taking no further action or NFA) where the evidence does not pass the threshold for referral to the CPS.

7.3. If a case does pass the threshold for referral to the CPS, (that there is sufficient evidence to meet the appropriate Code Test), then once the case is with the CPS, they review the evidence and other material sent by the police, and make the decision based on the Code for Crown Prosecutors (the Code)²⁸. This is a public document, issued by the Director of Public Prosecutions (DPP), that sets out the general principles prosecutors should follow when they make decisions on cases.

7.4. Upon receipt of an adult rape case for charging advice, prosecutors will apply a two-stage test, as they would for any offence under consideration. The first stage is deciding whether there is sufficient evidence for a realistic prospect of conviction and the second is whether a prosecution is required in the public interest.

7.5. The first, or evidential stage, is an objective test that the prosecutor must consider. It means that an objective, impartial and reasonable jury, properly directed and acting in accordance with the law, is more likely than not to convict the defendant of the charge alleged. This is a different test to the one that the criminal courts must apply which is that they should only convict if they are sure that the defendant is guilty.

²⁸ *The Code for Crown Prosecutors*; CPS; October 2018
www.cps.gov.uk/publication/code-crown-prosecutors

7.6. The second, or public interest stage, will only be considered if the prosecutor concludes that the evidential test has been met. If there is insufficient evidence for a realistic prospect of conviction, irrespective of the seriousness of the offence or the impact on an alleged victim or the public, the prosecutor cannot go on to consider the public interest. Where there is sufficient evidence for a realistic prospect of conviction, a prosecution will usually occur unless the prosecutor is satisfied that there are public interest factors against prosecution which outweigh those tending in favour. In reaching this decision, prosecutors must have regard to the paragraphs set out in the Code for Crown Prosecutors at 4.14(a) to 4.14(g).

7.7. We assessed 90 pre-charge decisions, consisting of 65 cases where charges were authorised and 25 cases where the decision by CPS was to take no further action. In the 25 cases that no further action was advised, 13 (52.0%) had previously received early advice. We considered that further work on these 13 cases was justified at early advice stage and the later decision to NFA was appropriately made at the full Code test stage.

Quality of pre-charge decision casework

Quality standards

7.8. Getting the charging decision correct is essential but a clear analysis of the material and setting out a cogent case strategy are equally fundamental. Ensuring that there is a proper and well thought out case strategy will support the initial application of the Code, selection of the correct charges and the efficiency and effectiveness of subsequent stages. The prosecutor's review should therefore set out, clearly and concisely, the factual basis upon which the decision has been made. It should demonstrate a 'thinking approach' and 'tell the story'. A good review that meets the standard will include the following critical aspects:

- a clear trial strategy setting out the legal requirements required to prove rape or attempted rape and explaining how this will be achieved at trial. This should include consideration of an evidence-led prosecution, particularly in domestic abuse rape scenarios, whether or not the victim was supportive at that point
- rape assumptions and misconceptions being identified and addressed as part of the case strategy
- reasonable lines of enquiry identified, such as the need for examination of communications, scientific evidence or speaking to potential witnesses which would include any lines of enquiry that could point away from prosecution. Action plans being proportionate and set realistic target dates
- issues or defences that could reasonably arise were addressed and the prosecutor articulated how they could be countered

- the suspect-centric approach being adopted with the prosecutor demonstrating an understanding of offender tactics and behaviours in assessing the credibility of the overall allegation
- the impact of unused material which could undermine the prosecution or assist the defence being properly considered
- strengths and weaknesses and any impact they may have rationally assessed with a strategy identified for how to address any weaknesses
- the credibility and/or reliability of the victim and any key witnesses was considered. Where a video interview of the victim took place, it was properly assessed. In particular, the potential impact of trauma was understood in the assessment of victim credibility and/or reliability
- relevant issues of admissibility were addressed and the significance of any hard media, such as CCTV or police officers' body-worn video footage was identified
- there was consideration of ancillary applications that may strengthen the case, such as bad character evidence of the suspect
- relevant CPS policies and guidance were followed, for example, Rape and Serious Sexual Offences (RASSO) and domestic abuse legal guidance and policy.

Our findings

Case analysis and strategy

7.9. We found a clear need for improvement in the quality of case analysis and strategy within adult rape pre-charge reviews. In our file sample, we assessed 14 of the 90 cases (15.6%) as fully meeting the standard for a proper case analysis and strategy, 43 cases (47.8%) as partially meeting the standard and 33 cases (36.7%) as not meeting the standard.

7.10. The quality of case analysis and strategy at pre-charge decision stage was inconsistent across Areas. The table below shows our ratings for all 90 cases across the six CPS Areas, together with the strongest and weakest performing Areas on this aspect.

Case analysis and strategy	Answers	All cases	Strongest performance among six Areas	Weakest performance among six Areas
The CPS Manual of Guidance (MG3) form included proper case analysis and case strategy	Fully Meeting	14 (15.6%)	4 (26.7%)	0 (0.0%)
	Partially Meeting	43 (47.8%)	7 (46.7%)	9 (60.0%)
	Not Meeting	33 (36.7%)	4 (26.7%)	6 (40.0%)

7.11. In the stronger cases assessed as fully meeting the expected standard, the case analysis and strategy reflected and carefully weighed the material that could prove undermining with a rational assessment of the impact of strengths and weaknesses and a strategy identified for how to deal with the undermining material and/or other weaknesses. They also set out a clear narrative for a trial strategy challenging rape assumptions and misconceptions and articulated how defences could be countered or rebutted.

7.12. There was evidence seen of robust and sound decision-making, such as in one case where the police were seeking a charge of attempted rape. In authorising this charge, the prosecutor carefully analysed the available evidence, including evidence from several witnesses and the neutral forensic evidence that could have been perceived as a potential weakness in the case. The advice covered important aspects such as rightly ruling out mobile phone examination, request for third-party material and statements from other potential peripheral witnesses. It provided a careful review of the elements required to prove an attempted rape and how the prosecution could prove the suspect's acts were more than merely preparatory. Assumptions and misconceptions in terms of the victims intoxicated state and her earlier friendly behaviour towards the suspect were appropriately challenged and set against a suspect-centric strategy concentrating on the suspect's behaviour which included his reaction immediately after the alleged offence pointing towards his overpowering demeanour and a guilty conscience.

Case Study

The victim made an historic complaint of rape and assault to the police. On the day of the attack, the victim was working as a sex worker when the suspect sought to engage her services. Once the victim was in the rear of his vehicle, the defendant repeatedly punched her, causing her tooth to be knocked out, and then raped her. The victim memorised the vehicle registration and made a report several weeks later to a sex workers support network charity. The victim did not make a formal complaint to the police at that time. Following a trigger event 20 years later, the victim reported the assault and rape to the police.

Enquiries led to the suspect being arrested. He provided a pre-prepared statement denying responsibility for the attack before exercising his right to silence. The victim attended an identification procedure. The police pre-charge submission to the CPS stated the victim had made a positive identification.

The charging advice across the two consultations included a good analysis of the evidence. It identified a potential weakness in the purported positive identification as the victim had qualified her identification of the suspect saying she was 70% certain it was him. The prosecutor requested that the police

pursued further reasonable lines of enquiry to obtain admissible evidence to link the suspect to the vehicle in which the rape occurred to strengthen the potential weakness in the identification evidence.

There was appropriate challenge to assumptions and misconceptions relating to sex workers and the delay in reporting with the impact of trauma sensitively addressed in the reviews. A suspect-centric approach was adopted with a focus on the defendant's sexual predatory behaviour and the preparation of a bad character application concentrating on the details of the suspects' previous conviction for rape, in strikingly similar circumstances.

In authorising charges of rape and assault occasioning actual bodily harm the prosecutor set out a clear trial strategy that the case was to be presented by focusing on the violence used by the suspect and the fact this demonstrated that the victim's consent was not freely given rather than one of conditional consent being breached.

The suspect was charged, and the case went to trial. He was convicted after trial and awaiting sentence at the time of writing.

7.13. In the weaker cases assessed as partially or not meeting the required standard, we identified a number of themes. These included:

- lengthy recitations of the facts that repeated the contents of the police summary or witness statements without any application of relevant law or analysis of what was needed or what evidence was available to prove the offence(s) under consideration
- overreliance on templates and the copying and pasting of statute and caselaw which were not relevant to the facts of the allegation and got in the way of a proper 'thinking approach'. For example, recitals of evidential presumptions about consent²⁹ when it was clear that none of the circumstances existed giving rise to the evidential presumption about consent; or intoxication addressed when there was no suggestion either party was affected by drugs or alcohol
- lack of careful consideration of material leading to a misunderstanding of information and impacting on a failure to pursue reasonable lines of enquiry or items being requested that were not needed
- a suspect-centric approach not being sufficiently adopted with a lack of critical scrutiny of the suspects actions and behaviour
- failure to adapt and revise case strategies upon receipt of responses to action plans. In some cases, opportunities were missed to address the

²⁹ Section 75 of the Sexual Offences Act 2003.

impact, whether by strengthening or weakening the prosecution case, of the result of the further enquiries

- failure to identify the need for an application to admit bad character or hearsay evidence, or where it was identified, the grounds for application or route to admissibility were not explained.

Compliance issue

Prosecutors need to set out a clear and cogent analysis of the material, or a clear case strategy in their pre-charge review.

Suspect-centric approach (SCA)

7.14. Prosecutors should be adopting and demonstrating a suspect-centric approach (SCA) when advising on a rape case. The CPS guidance on Rape and Sexual Offences states: “An effective strategy for investigating and prosecuting rape requires focus on the action of, and tactics used by suspects. Prosecutors must therefore encourage investigators to take an offender-centric approach to case building which involves looking closely at the actions of the suspect both before, during and after the alleged assault. This approach to case building is aimed at building the strongest case possible whilst ensuring the investigation is fair.”

7.15. Analysis of a suspect’s behaviour before, during and after the alleged rape will assist the prosecutor to understand the circumstances and context of the alleged offending and to assess the credibility of the allegation. It is not about a biased investigation but rather aims to ensure the investigation is fair and not over-focused on the behaviour and actions of victims. Prosecutors should also challenge assumptions and misconceptions (previously known as ‘myths and stereotypes’) in demonstrating application of a SCA.

7.16. We assessed how well prosecutors had set out and developed a case strategy that focused on offender tactics and behaviours, demonstrating a cogent suspect-centric narrative that dispelled any assumptions and misconceptions of how a rape victim would or should behave. We found that despite the CPS working to embed the SCA amongst its RASSO prosecutors by updating the RASSO induction course with a focus on developing a more suspect-centric and trauma informed approach, developing a suspect-centric podcast and ensuring all RASSO prosecutors attend a refresher course every two years, there is room to improve the adoption and application of a SCA within the pre-charge review stage. Failure to adopt this approach was a significant contributor to our findings of inadequate pre-charge reviews. We assessed 21 cases (23.3%) as fully meeting the standard for demonstration of a suspect-centric approach, 35 cases (38.9%) as partially meeting the standard, and 34 cases (37.8%) as not meeting the standard.

7.17. The most common reason for cases not fully meeting the standard was that prosecutors were not subjecting the suspect's actions and account to sufficient critical scrutiny when analysing and evaluating the evidence with a continued focus on interrogating victim credibility over the suspect's behaviour. We also found a failure to recognise the wider context of coercive control and abusive behaviour within which the rape had occurred. In particular, we found prosecutors were finding it less easy to demonstrate a SCA in domestic-abuse situations compared to the more incidental relationship or stranger-type scenarios. For example, in a domestic abuse case where the victim reported that she had been raped on multiple occasions by her husband, the case analysis failed to rationally assess what could be described as grooming behaviour on the part of the suspect during the marriage. There was a greater focus on the credibility of the victim which led to a superficial application of the suspect-centric approach.

7.18. We did see some good examples of a robust approach to prosecuting difficult cases where prosecutors were clearly challenging assumptions and misconceptions and demonstrating a good understanding of offender tactics and behaviours. In one example, an allegation of rape and assaults by penetration, it was clear from the case analysis that the prosecutor had carefully looked at the actions of the defendant before, during and after the alleged offences. This included the defendant's predatory behaviour towards women generally but particularly towards his female colleague on this night out. The prosecutor considered how the defendant's conversations with others demonstrated a lack of understanding of consent which could assist in proving he did not have a reasonable belief in consent. The evidential analysis also demonstrated a good recognition of the assumptions and misconceptions likely to be relevant and provided a clear, cogent narrative for challenging them.

7.19. Our file examination did demonstrate a better application of the SCA by prosecutors from one of the early Soteria pathfinder Areas. This is demonstrated in the table below. Although the number of cases assessed as fully meeting the standard in this strongest performing Area still shows room for improvement, it is nevertheless reflective of the SCA having had a greater time to embed in this Area.

Suspect-centric approach	Answers	All cases	Strongest performance among six Areas	Weakest performance among six Areas
The CPS MG3 demonstrated a suspect-centric approach	Fully Meeting	21 (23.3%)	6 (40.0%)	1 (6.7%)
	Partially Meeting	35 (38.9%)	8 (53.3%)	6 (40.0%)
	Not Meeting	34 (37.8%)	1 (6.7%)	8 (53.3%)

7.20. The SCA does not obviate the requirement for prosecutors to apply the Code. Although prosecutors must apply the SCA, they must also continue to assess any undermining material, including unused material that relates to the credibility of the victim in making the decision as to whether there is a realistic prospect of conviction. In one Area, prosecutors told us they felt the police often adopted a more binary view and focused solely on the SCA which led them to feel uneasy at adopting an “academic” approach. This demonstrates a misunderstanding of the SCA and what it exists to achieve as whilst it is focused on the suspect it ensures that the investigation is fair and balanced which supports a proper application of the Code and the making of Code compliant decisions.

7.21. Many managers and prosecutors we spoke to acknowledged that despite some positive strides being made in adopting the SCA, further work was needed (across both the CPS and police) to support and embed the approach further. As a concept it requires ongoing casework conversations and embedded culture change. We also recognise that at the time of our file examination and interviews many longer-standing prosecutors had not yet completed the RASSO refresher training course, which is heavily focused on the SCA. However, feedback that we received from some prosecutors and managers that had been on the refresher course was that it could be improved, particularly by way of more nuanced casework examples. Having been presented with some of the refresher training course we support that view.

Selection of charges

7.22. In RASSO cases, the selection of charges can be complicated, with different offences being relevant depending on the date of the offence(s) and non-recent allegations can require particular care if they span the transitional provisions in, and the changes to, offences brought about by the Sexual Offences Act 2003³⁰.

7.23. When advising the police, prosecutors must also consider whether a suspect may have committed additional offences to the sexual allegations which can provide essential background to the alleged sexual offending. This is particularly relevant when considering sexual offending committed within a domestic setting when, for example, incidents of assault, stalking, harassment or controlling and coercive behaviour could demonstrate the abusive nature of the relationship and can provide the jury with a better understanding of the context and circumstances within which the alleged rape or attempted rape took place.

7.24. Prosecutors should select charges that reflect the seriousness and extent of offending, enable the case to be presented in a clear and simple way,

³⁰ [Sexual Offences Act 2003](#)

and give the court adequate powers to sentence and impose appropriate orders such as sexual harm prevention orders (SHPO), restraining orders or compensation.

7.25. We found that prosecutors are selecting the most appropriate charge(s) in most cases with 49 cases (75.4%) being assessed as fully meeting the expected standard. In a further ten cases (15.4%) we assessed the charges as partially meeting the standard, meaning that the main charge was correct and satisfied most or all the criteria for the choice of charge but that other charges should or should not have been included. In the remaining six cases (9.2%) we assessed the choice of charge(s) as not meeting the expected standard.

7.26. Where the standard was assessed as not fully met, it was often decisions on related offences, such as non-fatal strangulation, assault or controlling and coercive behaviour that impacted the overall assessment. For example, in one domestic abuse case the prosecutor authorised two charges of battery in addition to two charges of rape. This was done outside the expiry of the six-month statutory time limit available for these offences at the time. In another case, a charge of strangulation was not considered or authorised in addition to a charge of rape despite there being sufficient evidence to prove strangulation. Once charged it would have allowed the prosecution to engage a statutory evidential presumption that the victim is to be taken not to have consented to sexual intercourse. By contrast, in another case, a charge of strangulation was authorised in addition to a charge of rape, when there was insufficient evidence to prove the strangulation offence.

Bad character applications

7.27. A bad character application is a formal request made to the court to introduce in a trial evidence of a person's past misconduct or previous convictions. The evidence can be used to support the prosecution case by, for example, showing that the defendant has a propensity to commit similar offences. Prosecutors should consider bad character applications at the outset as they form a crucial part of building a strong case strategy and support the adoption of a SCA. Requesting additional information from the police at the early advice or pre-charge decision stage to support such an application can also prevent delays in making the applications.

7.28. In rape cases with a background of domestic abuse for example, consideration should be given to making a bad character application to adduce evidence of the violent nature of the relationship. In cases where the prosecution wants to admit evidence in relation to one count on an indictment in support of another, for example where the defendant faces an allegation of sexual abuse against two separate victims, the prosecution must make a bad character

application for ‘cross-admissibility’ before the jury can regard the evidence on one count as supporting the other.

7.29. In the post-charge joint thematic inspection of the police and CPS’s response to rape³¹, we recommended that “the police and CPS should work collaboratively to ensure that bad character is considered in all rape cases and progressed wherever it is applicable.” Despite this recommendation, and the CPS having developed a bad character podcast incorporating the practical application of bad character using case studies, our file examination shows that bad character evidence is still not being addressed sufficiently well or proactively at pre-charge decision stage.

7.30. We examined 30 cases where bad character was a relevant consideration, and of these, we assessed five (16.7%) as fully meeting the standard, 11 (36.7%) as partially meeting the standard, and 14 (46.7%) as not meeting the standard. We found that prosecutors were weak at identifying how non-conviction bad character could be related to an important matter in issue and in demonstrating a suspect-centric trial strategy. Examples included failing to identify

- a suspect’s dismissal from employment for inappropriate sexual behaviour towards female colleagues as supportive of his predatory sexual behaviour
- a suspect’s manipulative and abusive behaviour towards a previous partner as reprehensible behaviour that could support the charges of controlling and coercive behaviour and assault towards his current partner
- items recovered from a suspect’s bedroom as being important explanatory evidence of his casual attitude towards spiking of drinks and targeting of heavily intoxicated women in nightclubs
- in one case that a cross-admissibility application was required, the pre-charge advice had failed to identify the need to make an application.

7.31. We did, however, see some good examples of identification of bad character applications. In one such case the prosecutor identified that an application would be made to adduce the suspect’s previous conviction for assault on the victim, that had occurred immediately before the alleged rape, to rebut his defence of reasonable belief in consent; and that his arrest and remand into prison for new violent offences against the victim, was important explanatory

³¹ *A joint thematic inspection of the police and Crown Prosecution Service’s response to rape*; CJII; February 2022

[A joint thematic inspection of the police and Crown Prosecution Service’s response to rape - Phase two: Post-charge - His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services](#)

evidence as to why she had now come forward to report the rape when she had not reported it at the time she reported the assault.

7.32. Whilst bad character evidence is briefly referenced in Chapter 3 of the CPS's RASSO legal guidance, the more detailed CPS legal guidance on bad character provisions generally is no longer available on the CPS intranet. The CPS may want to consider re-introducing this guidance to assist and support prosecutors, particularly those less experienced and not as familiar with the general provisions or as familiar with making such applications.

Overall judgement on quality of case analysis and strategy

7.33. We have consistently reported over the last ten years, across several inspections, that in many cases prosecutors are not evidencing a cogent case strategy within their review of a case. The CPS has recognised that it needs to improve and has been structuring work around its ten case strategy principles. These principles outline the responsibilities of a prosecutor in developing a case strategy and are designed to support prosecutors to build strong cases from the start, to consistently apply the Code and to record their thinking. This case strategy approach underpins the skills required of prosecutors to set out a cogent case strategy, as does the recent RASSO practitioner toolkit. Greater investment and emphasis is needed to avoid a process or checklist approach to prosecutorial decision making and instead ensure that prosecutors consistently adopt a basic legal approach to decision making and casework. We are still finding too many cases where prosecutors struggle to demonstrate a clear analysis of the material and a sound, cogent case strategy. In particular, we found that in rape cases prosecutors did not sufficiently identify and formulate a plan addressing the SCA within their case strategies.

7.34. This is what we mean when we refer to a 'thinking approach' to each individual case. Prosecutors need to assess the case material, apply the Code, decide what is relevant material and, of that, what is evidential and what is unused. In considering the case, they should assess the strength of the evidence and select appropriate charges, recognise weaknesses, including undermining material, witness issues or any defences that might reasonably be expected to be raised, and decide if and how the weaknesses can be addressed such that there is a realistic prospect of conviction or indeed that no further action should be taken. In following through this approach, prosecutors will need to consider whether and how applications for special measures, bad character, hearsay and so on contribute to the overarching decision about whether to charge or proceed with the case.

7.35. Although training is obviously an essential component to providing the foundations of the approach, ongoing development of skills, experience and confidence through casework conversations with a coaching and mentoring approach setting clear standards and expectations of how prosecutors add value through good quality case analysis, strategy and decision making is fundamental to improvement.

7.36. More investment is required in the ongoing development of RASSO prosecutors' skills to equip them with the confidence and understanding in the application of the SCA, to add value and to improve the quality of their prosecutorial decision-making. This would be aided by more nuanced examples of case studies and practical suggestions for reasonable lines of enquiry together with provision of better insights into what can amount to bad character in such cases, especially around previous predatory behaviour and controlling conduct that can, for example, impact on consent. We make a recommendation here covering this aspect.

Recommendation
By July 2026, the CPS to have invested in the ongoing development of skills and confidence to equip Rape and Serious Sexual Offences (RASSO) prosecutors to add value through good quality prosecutorial decision-making demonstrating sound evidence-based suspect-centric case strategies when providing early advice or making charging decisions in adult rape cases.

Other aspects of pre-charge decision casework

7.37. In our file examination, we assessed the quality of other aspects of pre-charge casework, including the timeliness of pre-charge decisions, the consideration of other ancillary applications, pre-charge bail considerations, applications to support victims and witnesses, unused material and the standard of action plans.

Timeliness of charging decisions

7.38. In full Code test decision cases where the police are not seeking to keep a suspect in custody, the CPS are required to make a charging decision within 28 days of receiving a complete case file from the police. It is important that this timescale is adhered to in order to ensure the efficient progress of cases and that the best possible service is delivered to victims and witnesses by not delaying decisions. When assessing the timeliness of charging decisions, we assessed the timeliness of the final charging advice when the decision was made to either charge or take no further action.

7.39. We found that the CPS charging advice was timely (that is the advice was provided within 28 days of the police file submission being accepted by the CPS) in less than half of the cases we assessed. Of the 90 cases in our sample, we assessed 36 cases (40.0%) as fully meeting the expected standard. In a further 28 cases (31.1%) we assessed the timeliness as partially meeting the standard, meaning that there was a delay in providing the charging advice, but with no material impact on the case. The remaining 26 cases (28.9%) were assessed as not meeting the standard, either because there was a substantial delay or because a shorter delay had a material impact on the case. Our findings on charging decision timeliness is broadly in line with CPS data where the national percentage for the proportion of adult rape flagged cases completed within 28 days was 39.9% in the first quarter of 2024-25 and 38.8% in the second quarter of 2024-25.

7.40. Both our file sample and the CPS's own performance data reflect that there is significant Area variation regarding pre-charge decision timeliness. The strongest performing Area in our file sample fully met the standard for PCD timeliness in 66.7% of cases and the weakest performing Area was timely in 13.3% of cases. In the weakest performing Area 13 of the 15 pre-charge decisions (86.7%) were assessed as not meeting the standard. We saw pre-charge decisions from this Area that were between eight and ten weeks late.

7.41. We also noted in several cases in our file sample that there was a substantial delay between the date of the alleged offence or reporting to the police and the police referring the case to the CPS for a charging decision. Evidence from our focus groups of prosecutors and legal managers also supported this. An example is in one case where the police did not refer the case to the CPS for over two years after the initial report. Whilst some time elapsed initially whilst the police obtained forensic evidence and re-interviewed the defendant once it was received, there was over a year then of inaction. No explanation had been provided by the police for the delay in submitting the case for a charging decision and the CPS did not request one. The delay was then compounded by the CPS not being timely and taking nine weeks to provide a charging advice. The delay from the police side is something that the CPS will want to address in partnership working with the police.

7.42. We heard from Areas that they are trying different measures to tackle their pre-charge decision backlogs. Some Areas are having a greater degree of success than others. Our evidence also suggests that escalation³² is underutilised by the CPS when pre-charge decisions are not timely.

³² There are escalation procedures that the CPS should use when prosecutors have not been timely in providing a charging advice. This includes referring the case after 28 days to the RASSO unit head for action. After 56 days the case should then be referred to a

Other ancillary applications

7.43. There were 42 cases in our file sample that required consideration of applications such as hearsay³³ or sexual harm prevention orders (SHPO)³⁴. Of those, we assessed ten cases (23.8%) as fully meeting the standard, six cases (14.3%) as partially meeting the standard and 26 cases (61.9%) as not meeting the standard.

7.44. The most common reason for cases being assessed as not meeting the standard was a failure to address the need or basis for making a SHPO following conviction. A SHPO is designed to protect the public from sexual harm by restricting the behaviour of the defendant. CPS legal guidance outlines the prosecutor's role at pre-charge review stage is to identify the offence as one to which the relevant provisions apply and highlight that an offence may attract a SHPO in the event of conviction. If the police have provided a draft SHPO this should be checked and amended where necessary. If they have not provided one, the prosecutor should ask the police to provide one.

7.45. We found in the few instances where the police had provided a draft SHPO at pre-charge review stage, prosecutors were not considering and addressing them in their advice. In those cases where the police had not provided a draft SHPO and the prosecution were clearly considering an offence(s) to which one would be merited, prosecutors were not setting an action for the police to provide one or providing guidance as to suitable proposed draft terms.

7.46. Failure to properly consider a SHPO at the pre-charge stage can lead to them being overlooked throughout the life of a case, and in the event of an early guilty plea, not being prepared at the point of sentence.

Pre-charge bail

7.47. The prosecution has a responsibility to ensure the safety of victims and witnesses as far as possible by making appropriate applications to remand defendants in custody, or by seeking bail with suitable conditions attached. As the CPS guidance on bail states "It is vital that prosecutors recommend the appropriate course of action to a Court in connection with bail."

Deputy Chief Crown Prosecutor for action and after 84 days it should be referred to the Chief Crown Prosecutor for action.

³³ Hearsay refers to a statement not made in oral evidence that is evidence of any matter stated. It is inadmissible in criminal proceedings except in certain circumstances. For more information, see the CPS guidance on hearsay.

www.cps.gov.uk/legal-guidance/hearsay.

³⁴ A sexual harm prevention order can be made upon conviction for certain offences (which includes rape and attempted rape) and is an order that protects the public from sexual harm by restricting a defendant's behaviour or requiring a defendant to do certain things.

7.48. When a suspect is arrested for an offence, unless they are not suitable to be bailed and are kept in custody, they can be bailed pending further enquiries and/or CPS charging advice, with or without conditions. The police also have the option to release a suspect under investigation pending further enquiries and/or the obtaining of CPS advice. If a suspect is released under investigation (RUI) there is no power for the police to attach conditions but once a decision is then made to charge and the defendant attends court, bail with or without conditions can then be imposed at that point.

7.49. The prosecutor should record in their pre-charge review which status applies to the defendant and the approach to be taken.

7.50. We examined 90 adult rape cases, of which 25 were decisions to take no further action. The remaining 65 cases should have had a record in the CPS pre-charge review of the defendant's remand or bail status and the prosecutor's decision as to the approach to be taken at court. We found that there was significant room to improve this aspect. In almost two-thirds of these cases (41 cases or 63.1%) we assessed this aspect as not meeting the standard. Prosecutors were not identifying the defendant's bail status in their review and were not evidencing any consideration of whether bail conditions would be appropriate. We assessed a further 20 cases (30.8%) as fully meeting the standard and the remaining four cases (6.2%) as partially meeting the standard.

7.51. The status of defendants in the 41 cases we assessed as not meeting the standard was almost evenly split, with 21 defendants having been released under investigation by the police and 20 defendants being subject to police pre-charge conditional bail at the point charging advice was provided.

7.52. The time limit for bail before charge is three months, but the police can seek extensions through internal authorisation - initially at inspector level and then superintendent level - up to nine months. Extensions beyond nine months require judicial approval from the magistrates' court. Several of the cases we examined had received an internal extension(s) to the initial three-month pre-charge bail period with just one case going on to be extended by the magistrates' court to 12 months.

7.53. Due to the length of time that rape investigations can take, many defendants are released under investigation by the police. Where a defendant has been released under investigation for what could be months or even years, and there have been no other offences committed or no attempts to intimidate or interfere with a victim or witness, prosecutors should still adopt a thinking approach to protecting victims and not just maintain the status quo. The charging advice should address what difference being charged with such a

serious offence could have on a defendant's behaviour towards a victim or witness and provide instructions on this point in their pre-charge review.

Compliance issue

Area managers should make sure there is a proper focus on the consideration of a suspect's bail status in pre-charge reviews. This should include whether applications for conditional bail have been adequately considered where a suspect has been on police unconditional bail or has been released under investigation and is to appear for first hearing on a postal requisition.
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Applications to support victims and witnesses

7.54. Support for victims and witnesses from the outset is crucial in rape cases. It should be a consideration at the pre-charge stage and addressed by the prosecutor, in order to reassure the victim or witness that support is in place as early as possible.

7.55. We examined whether, at the pre-charge stage, consideration was given to supporting victims and witnesses. Relevant considerations include special measures to support vulnerable or intimidated victims and witnesses to allow them to give their best evidence, whether the victim wanted to make a victim personal statement (VPS) about the impact the offence had on them; orders such as restraining orders (which prevent the defendant from doing things, such as contacting the victim or attending an area where the victim is likely to be) and compensation orders.

7.56. We found that prosecutors at the pre-charge review stage were not always being proactive in fully addressing relevant applications to support rape victims. We assessed 17 out of 65 relevant cases (26.2%) as fully meeting the standard, 39 cases (60.0%) as partially meeting the standard and nine cases (13.8%) as not meeting the standard. These responses reflected applications and ancillary matters that included special measures, restraining orders and the VPS.

7.57. However, in considering special measures in isolation, we assessed over two-thirds of the 65 relevant cases (67.7%) as having properly and proactively addressed special measures. This means that in a third of cases more needs to be done to ensure rape victims are appropriately supported by early consideration of special measures. Although rape victims are automatically eligible for special measures, in the 32.3% of cases that we assessed a failing to consider special measures, we found that the police had not supplied the correct form which contains all the details needed (MG2s – the form that sets out the measures that the police have discussed with the victim) and prosecutors had not requested it to ensure that the most appropriate measures could be secured and the views of the victim obtained. In some cases where the police had

provided an MG2, the prosecutor did not include it in their review or set out actions to progress special measures. In one example, a rape victim declined the assistance of any special measures and was adamant she wanted to face the defendant in court to give her evidence despite having provided her account via a video-recorded interview (VRI). The pre-charge review failed to consider the implication of the victim's stance and whether the VRI was to be relied upon, simply noting "no special measures". The police also indicated a restraining order was required and listed suggested conditions, but the pre-charge review wrongly noted "no restraining order requested".

Unused material

7.58. It is an important element of the prosecution's role to ensure that unused material is properly considered. The test as set out in Section 3 of the Criminal Procedure and Investigations Act (CPIA) 1996 is that any material that might reasonably be considered capable of undermining the case for the prosecution, or of assisting the case for the accused, is disclosed to the defence.

7.59. The police are required to accurately record all material which does not form part of the prosecution case ("unused material"), retain it and reveal it to the prosecutor. In cases where a not guilty plea is anticipated, the police must submit various items when seeking a charging decision, in accordance with the Director's Guidance on Charging, sixth edition (DG6). These include:

- schedules of unused material
- copies of any items of unused material which may need to be disclosed to the defence, with an explanation for reaching that decision
- copies of material presumed to be disclosable by virtue of paragraphs 86 to 92 of the Attorney General's Guidelines on Disclosure 2024³⁵ (which is known as "rebuttable presumption material") together with an explanation of whether or not it is considered to satisfy the test for disclosure and an explanation for the reasons for reaching that conclusion.

7.60. To deal with unused material and disclosure properly at this early stage, a prosecutor must understand what their case is. This includes being clear as to what evidence supports their case and what material undermines it, what the disputed issues are, and which lines of enquiry have and have not been pursued. Our findings on the quality of case analysis and strategy indicate that these issues are not consistently grasped which is impacting on prosecutors properly complying with their disclosure obligations.

³⁵ *Attorney General's guidelines on disclosure 2024*; Attorney General's Office; May 2024
www.gov.uk/government/publications/attorney-generals-guidelines-on-disclosure

7.61. In our file examination, we assessed CPS compliance with its duties of disclosure within the charging advice as fully meeting the standard in eight of the 65 applicable cases (12.3%), as partially meeting the standard in 40 cases (61.5%) and as not meeting the standard in 17 cases (26.2%). This shows clear room for improvement and is an aspect the CPS will want to improve upon to ensure that unused material features in a cohesive case strategy. This is particularly so to reflect where material exists that may undermine the strength of the prosecution case given the most significant failing as assessed in 15 out of the 57 applicable cases (26.3%) was prosecutors not addressing the impact on the case of unused material.

7.62. The other most prevalent themes where cases were assessed as partially or not meeting the standard were:

- the prosecutor did not address disclosure at all (six cases)
- the prosecutor did not identify material that was disclosable under common law or DG6 (six cases)
- the prosecutor wrongly identified that material was disclosable under common law or DG6 (six cases).

7.63. In one example, the victim and defendant had been in communication via Facebook prior to their first meeting, during which the alleged rape occurred. The messages from the victim to the defendant were overtly sexualised but there was no strategy devised when authorising the charge as to how this unused material would be handled and what impact it could have on the case and the defendant's defence of reasonable belief in consent.

7.64. Although we assessed that the most significant failing in two cases (3.5%) was that third-party material was not properly dealt with, we did see more cases where whilst not assessed as the most significant failing, the handling of third-party material required improvement. Examples included prosecutors commenting that they had reviewed the material but not identifying what the third-party material reviewed was or what exactly it contained and third-party material such as medical notes not being adequately described, reviewed nor endorsing any decisions about their disclosure.

7.65. In other cases, we found good consideration of the unused material schedules, with prosecutors setting actions for better descriptions of items of unused material where these were inadequate, and actions set requesting copies of items or further enquiries to be undertaken for the police to seek out items of possible unused material. In one case, an allegation of attempted rape, the prosecutor had carefully considered all 38 items listed on the non-sensitive unused material schedule, endorsing their decisions on each, carefully

considering the impact of disclosable unused material on the prosecution case and providing a thorough and comprehensive approach to third party material.

7.66. We noted that CPS feedback where the police have failed to comply with the requirements of DG6 relating to unused material is inconsistent. In 19 of the 63 cases (30.2%) assessed as not meeting the standard for the file submission complying with DG6 guidance and the national file standards, it was because of failings in unused material, namely missing copies of relevant potentially disclosable material, missing rebuttable presumption material or failings in the unused material schedules. Of those 19 cases, we assessed eight (42.1%) as fully meeting the expected standard for the failings being identified and fed back to the police, a further eight cases (42.1%) as partially meeting the standard and three cases (15.8%) as not meeting the standard.

Disclosure management documents (DMD)

7.67. Completion of a disclosure management document (DMD) is mandatory in all RASSO cases. It is a living document that should be started by a prosecutor at the very outset of a case, including where early advice is sought. The only situation where a DMD would not be expected to be prepared is in a case that has not been submitted for or received early advice, and the prosecutor advises no further action (NFA) at charging decision stage.

7.68. The DMD should clearly identify what has been considered to be a reasonable line of enquiry in the case and why, together with an explanation of how all seized electronic material has been dealt with. Transparency in the prosecutions approach to reasonable lines of enquiry and unused material is crucial. The prosecution must be able to explain to the defence and court what material it has in its possession and whether it intends to disclose it to the defence as well as what material it does not possess and whether it intends to obtain it. The DMD should feature contributions from both the police and CPS.

7.69. We found that improvement is required to ensure that DMDs are prepared at early advice and pre-charge decision stage. In three quarters of the 80 applicable cases (60 cases or 75.0%), we found that a DMD had not been started or prepared as is required under CPS guidance. If prosecutors set out their disclosure strategy at this early stage, they are more likely to take an appropriate and proportionate approach.

Compliance issue

Prosecutors are not consistently starting a disclosure management document (DMD) at early advice or pre-charge decision stage. Managers should make sure there is a renewed focus on prosecutors' compliance to start a DMD at this early stage to encourage adoption of a 'thinking approach' to disclosure issues.

7.70. The quality of the DMDs in the 20 cases where one had been prepared was variable, with inspectors rating nine (45.0%) as fully meeting the standard for accuracy and completeness, five cases (25.0%) as partially meeting the standard and the remaining six (30.0%) as not meeting the standard. In those cases rated as partially meeting or not meeting the standard the key failings were that aspects had been omitted from the DMD or that the DMD was not kept up to date.

7.71. We did see examples of well drafted DMDs. For example, in one case where the DMD had clearly set out the prosecution case, which lines of enquiry had been pursued, including witness, CCTV and telecom enquiries, the parameters and outcome of these, together with those lines of enquiry that had not been pursued and reasoning for it. It demonstrated a good exercise of judgement and a thinking approach to disclosure that set the case up well for the post-charge stage.

Action plans

7.72. Requests for police to conduct additional enquiries or provide further information or documents should be proportionate and be set out in an action plan with realistic target dates for completion. Good quality action plans allow the CPS to support the police to build stronger cases and promote effective case progression. Poor CPS action plans do not help the police understand what is needed in a case, and cases that are the subject of multiple action plans serve to delay charging decisions and can adversely affect rape victims and ultimately lead to victims disengaging from the process. This is why action plan monitoring was identified as one of the six Soteria workstreams considered central to the effectiveness of rape prosecutions. We discuss and consider action plan monitoring further in Chapter 8.

7.73. Rape cases, in line with all cases, must now be prepared by the police at the pre-charge stage which means that all possible sources of evidence and unused material should be followed up before a charging decision is taken. This means that reasonable lines of enquiry such as examination of phones and other digital devices, and exploration of third-party material such as education, medical, Social Service or counselling records, are investigated much sooner. If a prosecutor identifies enquiries that the police have not carried out and which could impact on the charging decision, they should set an action plan and not authorise a charge until those actions have been satisfactorily completed.

7.74. For an action plan to be assessed as fully meeting the standard, the actions would need to be necessary and flow logically from the case strategy and

demonstrate a suspect-centric approach. Where appropriate, explanations should be included to justify specific requests, and the actions should set realistic timescales. Action plans assessed as partially meeting the standard included cases where most necessary actions were identified, but some timescales were unrealistic, or some requests lacked clarity, or the actions were in the body of the charging advice rather than the specific separate action plan section. An action plan was assessed as not meeting the standard if it had no clear prioritisation where this would have been beneficial, timescales were unrealistic or common to all actions regardless of their importance and if actions were not suspect-centric or unrelated to the case strategy. Also, where items were requested that were not needed, or items were not requested that were needed.

7.75. Our file sample included 75 pre-charge decision cases with one or more action plans. Given our findings that over half of both first and subsequent action plans achieved either a partially met or not met assessment there was room for improving CPS performance on the setting of action plans. The below table sets out our findings.

Action plan rating	First action plan	Subsequent action plans
Fully meeting	36.8%	42.9%
Partially meeting	44.7%	42.9%
Not meeting	18.4%	14.3%

7.76. In the stronger cases, we found action plans identified gaps in the evidence and were proportionate about the tasks set to fill those gaps, demonstrating a suspect-centric approach and providing clear rationale why items were required, with realistic target dates set.

Case Study

The victim and suspect had been in a short-term sexual relationship that had ended a few days before the alleged rape. On the night of the incident the suspect invited the victim to his address and went as far as to arrange transport for her. The victim made it clear that there would be no sexual activity between them. She fell asleep and upon waking found the bottom-half of her clothing had been removed and felt semen on her leg. She confronted the suspect who said he believed she had been awake and consenting during the intercourse.

The victim made a report to the police several days later.

The suspect attended the police station as a volunteer and was interviewed. He stated he had no recollection of the victim attending his home address on the date alleged and denied raping her.

There was a good case analysis in the initial pre-charge review, with a clear and comprehensive action plan requesting evidence that would build a strong case. This included

- a request for police to obtain evidence that the suspect had booked a taxi for the victim
- mobile phone evidence which would show the suspect messaging and inviting her to his flat that night and his pursuit of her despite her telling him she wanted to just remain friends
- evidence from mobile phone masts that would show the location of both phones at the time of the alleged offence
- enquiries to be made of the friend that the victim made her first disclosure to
- a full chronology from the police regarding the considerable delay from the victim reporting the offence to the police then referring the case to the CPS for a charging decision so that the Judge could be provided with an explanation.

The timescale set of five weeks was proportionate and justified.

7.77. In other cases, we found that prosecutors did not request items that were needed, often due to prosecutors not thinking through the trial strategy or reading the case papers properly. Examples included failing to make enquiries into potential witnesses or not requesting evidence to support a potential bad character application and parameters for telecommunication enquiries being insufficient.

Case Study

The victim and suspect lived in a house of multiple occupancy. The victim had been put to bed by other residents after becoming drunk. She fell asleep but awoke to the suspect having vaginal intercourse with her. She had engaged in consensual sexual intercourse with him 10 to 14 days previously.

The suspect was arrested and interviewed. He agreed the victim was too intoxicated on the night in question to have been able to consent to sexual intercourse but denied, in any event, any sexual contact with the victim.

Forensic examination of the suspect's penile swab revealed a DNA profile that belonged to the victim. When the forensic evidence was presented to him in a further interview, he accounted for it as being from the previous occasion of consensual sexual intercourse and that he had not washed or changed underwear/clothing in the intervening period.

The charging review relied upon assertions made by the police that forensic evidence did not support that the victim's DNA could still be present on the suspect's penile swab, even if his account of lack of washing and changing

underwear was accepted. However, this was not supported by admissible forensic evidence as no forensic statement had been obtained. Obtaining a forensic statement to test the suspect's account was a reasonable line of enquiry that was missed by the prosecutor and no action was set to request it.

7.78. In seven cases (14.6%) we assessed the first action plan as not meeting a satisfactory standard because items were requested that were not needed. We found several instances where the prosecutor had actioned the police to obtain and review third party material, when there was no suggestion that such material existed or that it contained relevant material. The action was therefore assessed as speculative and not a reasonable line of enquiry.

7.79. Our findings demonstrate that significant improvement is required in the quality of early advice and pre-charge decision reviews to ensure all relevant issues are addressed to improve the quality of casework and ultimately the outcome for victims.

Recommendation

By July 2026, the CPS to have significantly improved the quality of early advice and pre-charge decision reviews.

Police compliance with action plans

7.80. In cases where more than one action plan was required, we found that the most common reason was the police had not responded fully or adequately to the initial actions set. This accounted for 14 out of 35 applicable cases (40.0%). This was supported by the evidence we heard in interviews where we were told that officers tended to send what they had to meet an action plan deadline rather than seeking an extension to enable them to respond in full, which is unhelpful. Where the police had failed to comply fully with a pre-charge action plan, we noted a lack of escalation by the CPS. We identify this as a compliance issue under action plan monitoring in Chapter 8.

7.81. The timeliness of police responses to pre-charge action plans would suggest that in the majority of cases, timescales allowed by prosecutors were reasonable. The police provided a timely response to a pre-charge action plan in 37 of the 60 applicable cases (61.7%). We assessed 17 cases (28.3%) as partially meeting the timeliness standard, meaning there was timely compliance with some but not all actions or there was minimal delay which had no material impact on the case or the victim. We assessed 6 cases (10.0%) as not meeting the standard. In these cases, the police did not comply with any of the time limits set in the action plan, or there were significant delays, with the potential for a material impact on the case or the victim.

Victim communication

7.82. The Victim Communication and Liaison (VCL) scheme reflects CPS obligations under the Code of Practice for Victims of Crime³⁶ (the Victims' Code). The Victims' Code provides that all victims are entitled to receive information about CPS decisions to end proceedings or substantially alter charges and be informed of their right to review where appropriate. The VCL scheme sets out qualifying cases for when the CPS is to inform a victim of a decision made.

7.83. In most cases, where the CPS decides not to prosecute at pre-charge decision stage, it is the police who are responsible for informing the victim of that decision and how they can seek a review under the CPS Victims' Right to Review (VRR) scheme if they are dissatisfied with the decision. However, notwithstanding the responsibilities of the police, it is considered good practice for the CPS to send victims a VCL letter communicating a decision not to authorise charge(s) in rape and serious sexual offence cases.

7.84. One of the six workstreams under the CPS NOM relates to supporting victims and envisages the CPS delivering on its wider Victim Transformation Programme (VTP) with a focus on increasing engagement and communications with victims.

7.85. The VTP was developed in direct response to independent research, commissioned to review the CPS's approach of communication with victims. It aims to deliver an improved service to all victims of crime who interact with the CPS (known as a 'universal' service) and to deliver an 'enhanced' service for victims with the greatest needs, currently focusing on adult victims of rape and serious sexual offences. The testing and progress for different strands of the programme remains ongoing.

7.86. Introductory letters were introduced in some Areas under Operation Soteria. They are sent to the victim when the CPS receives a pre-charge advice file from the police, to introduce the prosecutor who will be reviewing the case file and to explain next steps. As part of their VTP, the CPS has asked its independent evaluation partner to review the effectiveness of these letters to help inform them whether they will introduce them across all Areas as part of their enhanced service to RASSO victims.

7.87. In total we assessed 22 introductory letters. We assessed all but one introductory letter as fully or partially meeting the standard. In our judgement introductory letters did add value where they were sufficiently tailored to the

³⁶ *The Code of Practice for Victims of Crime in England and Wales and supporting public information materials*; Ministry of Justice; January 2025, www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime

victim. For example, in one letter the standard paragraph remained explaining the role of independent sexual violence advisors (ISVA) when it was clear that the victim already had the support of one as it was her ISVA that had reported the rape to the police on her behalf.

7.88. As part of Operation Soteria, some CPS Areas have been piloting the sending of letters to victims outlining decisions to charge. At the time of our inspection, these charge letters were still being tested and evaluated in pilot Areas. One of the six Areas we visited was a pilot Area, although we did see several charge letters sent by other Areas visited. In total we assessed 30 letters communicating a decision to charge. Of these 30 letters, we assessed two letters (6.7%) as fully meeting the standard for quality, 23 letters (76.7%) as partially meeting the standard and 5 letters (16.7%) as not meeting the standard. We found in the weaker letters that greater care is needed to clearly articulate the charges authorised. Again, there is also a need to tailor standard paragraphs explaining the role of ISVAs and the availability of special measures in those cases where these considerations are already known.

Recommendation
By October 2025, the CPS to have decided and communicated internally whether a victim communication letter explaining a decision to charge is to be compulsory in all adult rape cases.

7.89. A VCL was sent in all 25 cases where the decision at pre-charge review stage was to take no further action (NFA). We assessed six letters (24.0%) as fully meeting the standard for quality, five letters (20.0%) as partially meeting the standard and 14 letters (56.0%) as not meeting the standard. A better demonstration of empathy and clarity and accuracy of information was required in the letters that did not fully meet the standard. One example was a letter where the prosecutor stated they had been asked to consider a potential charge of sexual assault and went on to set out the legal position for what is required to prove a sexual assault and why the evidential stage was not met. It was clear however that the complaint was one of rape and the police had referred it for consideration of a rape charge.

7.90. Although we found the quality of letters communicating a decision to charge a higher standard than the quality of no further action (NFA) letters, there remains room for improvement in both. Where introductory letters have been sent to a rape victim, any later letter (whether it be a letter to communicate an NFA decision or a decision to charge) should reflect this and acknowledge the earlier introductory letter to provide some continuity in the correspondence. We consider this would improve the quality of the later letter.

8. Action plan monitoring

8.1. We discuss in Chapter 7 the importance of good quality action plans and in Chapter 6 how the offer of a meeting between the officer in the case and prosecutor at pre-charge review stage has been introduced under the NOM to try to reduce the churn of unnecessary action plans being sent by prosecutors to the police. We make a recommendation in respect of the offer of a discussion in Chapter 6.

8.2. Most Areas have some form of action plan monitoring in place for the sending of two or more action plans, which requires the approval of a District Crown Prosecutor (DCP), a legal manager. In some Areas we were told that the approval of the Senior District Crown Prosecutor (SDCP), a senior legal manager, is required for three or more action plans. These measures have been introduced by Areas to try to prevent repeat action plans or other unnecessary requests. We consider that if operated properly, this monitoring provides opportunities for useful casework conversations between prosecutors and senior managers and for Areas to get a better grip on the quality and consistency of action plans. However, not all managers we spoke to were confident that prosecutors were always seeking appropriate managerial approval prior to sending a second or further action plan. We also found an inconsistent approach to if and where prosecutors were expected to record the discussion and fact that approval had been given by a legal manager. In the 35 cases we examined that had two or more action plans, we saw little evidence that managerial approval had been sought and recorded before the sending of the action plan. The CPS needs to improve compliance and legal assurance processes should be used to support better monitoring.

8.3. One Area we visited had made repeat action plans the focus of joint work with one of its police forces. The work had focused upon cases that had three or more action plans. These cases were scrutinised to include a detailed assessment of whether the action plans were reasonable, proportionate and clearly set out together with an assessment of the responses. This Area had noted a reduction in the number of three or more action plans because of this targeted work.

8.4. Another Area we visited had recently started to trial an action plan clinic with one of its police forces (as well as an Early Advice clinic which we discussed in Chapter 5 at paragraph 5.20). In the action plan clinics, the focus was on their older action plan cases. The Area told us that early indications were that cases discussed in the clinic were being progressed successfully to a final charging decision and that the number of further action plans being generated had reduced. This Area was looking to roll out these clinics across all of its police forces.

8.5. In the 90 cases we examined, 55 cases (61.1%) had either no or one action plan. In 27 cases (30.0%) there had been two action plans and in eight cases (8.9%) there had been three or more action plans. This suggests that Areas are getting a grip on repeat action plans based on the work they are doing on cases with two or more action plans. However, where multiple action plans had been sent, we found the most common reason, (accounting for 14 out of the 35 cases or 40.0%) was because the police had failed to respond fully or adequately to the original actions set. In these cases, instead of escalating to a senior police officer, a failure by the officer to fully or adequately complete all actions set, prosecutors were sending a further action plan repeating outstanding actions.

8.6. All Areas have processes in place whereby if an investigating officer fails to comply with an action by an agreed date, then this failure can be escalated to a more senior police officer. Escalation processes ensure that senior officers and senior Crown Prosecution Service (CPS) personnel are aware of particular failings and blockages in cases and can liaise with one another to get the issues resolved quickly. Failures by prosecutors to utilise escalation are resulting in missed opportunities to further reduce the number of action plans and means that outstanding matters are not resolved as quickly and effectively as they should be.

Compliance issue
Prosecutors are not regularly or effectively using escalation procedures at the pre-charge review stage. Area managers should make sure that staff are familiar with the escalation procedures and that they are being used where necessary.

Joint operational improvement meetings (JOIMs)

8.7. Joint operational improvement meetings (JOIMs) were introduced in 2021 and replaced the previous joint performance management regime known as prosecution team performance meetings (PTPM). Rape and Serious Sexual Offence (RASSO) JOIMs (RJOIMs) are aimed at legal managers and their operational police counterparts forging positive working relationships to drive improvement by increasing efficiency and effectiveness of case building and progression in RASSO cases. Every CPS Area is expected to hold operational RJOIMs with each of its police forces, which has been reaffirmed as mandatory under the CPS national operating model (NOM). One Area we visited had legal manager staffing issues which had resulted in one if its three RJOIMs not consistently taking place. Several Areas also told us that securing regular attendance of police colleagues can be a challenge and this was supported within some of the minutes we saw.

8.8. Under the NOM, RJOIMS should meet on a monthly or bi-monthly basis. Regular meetings ensure that performance is kept under regular review. We found that Areas are mostly operating under this expectation. One Area is currently holding its RJOIMs quarterly, albeit we were told they were in the process of arranging the meetings for the expected frequency as set out in the JOIM guidance.

8.9. At Area wide level, the strategic oversight of RASSO work can be conducted either through a specific RASSO strategic JOIM (RSJOIM) or a more general strategic JOIM (SJOIM) that deals with all crime. Both are chaired by at least a Deputy Chief Crown Prosecutor (DCCP) and policing Assistant Chief Constable (ACC). The purpose of both these partnership groups is to provide governance and direction to the operational RJOIMs by agreeing priority areas of improvement at regional and local level.

8.10. We found the arrangements for strategic JOIMs varied across the Areas we visited and again we were told and noted from documents supplied that issues with securing consistent police attendance from all Area's police forces persisted at the strategic level. Some senior managers in Areas that were not operating a RSJOIM, told us there was a risk that RASSO cases received less attention when part of an overall SJOIM. They recognised however that those concerns could be reduced through ensuring that RASSO cases received separate consideration within the SJOIMs. One Area had adopted an approach ensuring that their operational RJOIMs fed into every second SJOIM. This Area had a template report they used to feed into their SJOIM although we noted that the same format was not being used consistently. The result was that key issues, such as assessing file quality, were not always being considered.

8.11. Standing agenda items for RJOIMs should include the provision of early advice, police case file quality, action plan proportionality, rape scrutiny panel reflections, volumes of cases that were pending a response to further investigation (PRFI), together with action plan scrutiny with the police to provide consistency and joined up working.

8.12. Whilst legal managers in Areas we visited told us that police file quality is a standard agenda item at their local RJOIMs, we saw little evidence that RJOIMs are effectively tackling police file quality themes or issues to lead to improvements. In one Area, they had no minutes from the JOIMs held with their individual police forces. Instead, there was just an action log from which it was not possible to discern what issues had been identified or the agreed steps to be taken to secure and measure improvement. In another Area we saw evidence that police file quality issues were considered, but no targets had been set or themes drawn out which would enable improvements in performance to be seen and measured.

8.13. The expected scrutiny of action plans at RJOIMs is a key part of efforts to improve file quality and reduce the number of action plans. We were told by many legal managers in the Areas we visited that action plans and their proportionality are scrutinised at their local RJOIMs. However, again, we saw limited evidence in meeting notes of this and did not see or hear evidence of a consistent approach across RJOIMs of how and which action plans are selected to be scrutinised to seek to drive improvements. The CPS needs to ensure a consistent approach to working with police partners in scrutinising pre-charge action plans.

Recommendation
From October 2025, the CPS to ensure that, as a minimum, pre-charge advice cases with three or more substantive action plans are on the agenda to be scrutinised at Rape and Serious Sexual Offences local joint operational improvement meetings to identify and address themes and issues.

8.14. We saw some evidence in some Areas that actions arising from RJOIMs or SJOIMs and possible best practice or risks to performance were being fed back and shared to the wider RASSO teams. This was via newsletters or emails and some legal managers told us that regular or whole RASSO unit meetings were a valuable means by which they could communicate messages from RJOIMs and SJOIMs.

8.15. However, we found a lack of consistency and regularity in the feedback and found the recording of decisions and agreed actions taken at local RJOIMs and SJOIMs was inconsistent across Areas. Many of the minutes we saw were brief and lacked sufficient detail, making it difficult for some Areas to provide clear and concise points to note. We consider that once Areas address the quality and consistency of recording of issues and actions arising from JOIMs, the means by which key messages can then be shared across RASSO teams will be better achieved.

Recommendation
By October 2025, at local and strategic joint operational improvement meetings (JOIMs), the CPS to ensure that there is a clear, consistent and detailed recording of issues being raised at those meetings, detailing actions agreed and assessment of impact of those actions to strengthen casework quality and to identify and disseminate best practice.

Pending response further investigation (PRFI)

8.16. Adult rape cases considered by the CPS will, with very few exceptions, result in a charge or a decision to take no further action (NFA). As outlined in Chapter 7, if additional investigation or enquiries are required before such a decision can be made, the CPS will set out an action plan outlining what is required from the police. Those investigations may take some time and result in a delay before either the police decide, as a result of those investigations, to take no further action as the evidence no longer meets the threshold for submission to the CPS or the case is resubmitted to the CPS for a decision to charge. In that intervening period the CPS will mark the case as a pending response-further investigation (PRFI) decision.

8.17. The term PRFI was formerly known as 'admin finalised'. The term admin finalised was misleading as it suggested the case had been concluded when in fact many such cases were still under investigation. We made a recommendation in our 2019 rape inspection that the 'admin finalised' case category was removed or changed. Cases marked by the CPS in their case management system (CMS) as PRFI more adequately reflects the position.

8.18. As part of the PRFI process cases that were outstanding for more than three months were automatically closed and finalised on the CPS case management system. This was changed in September 2023.

8.19. Prior to September 2023, the CPS standard operating practice (SOP) for finalising cases as PRFI was that the police would be chased after one month and then after a further two months. If after three months no response was forthcoming, the case would be finalised on CMS as PRFI. This finalisation process applied to both early advice (EA) and full Code test case submissions.

8.20. The purpose of finalising a case as PRFI is to provide confidence that the CPS is engaging appropriately with the police through the case action plan chasers within a three-month period and thus contributing to the effectiveness of case progression. However, due to the nature of early advice (EA) cases, police colleagues had indicated that three months did not provide them with enough investigative time and the SOP did not appropriately support effective case progression in early advice cases.

8.21. Under the Joint National Action Plan for Rape (JNAP) and as part of the development of the national operating models (NOM) for the investigation and prosecution of adult rape, the CPS and police publicly committed to reducing the number of rape cases finalised as PRFI. Work was undertaken across the CPS, including the setting up of a task and finish group as part of the JNAP sub-group

which noted variations in PRFI case numbers across CPS Areas indicating a lack of a consistent approach to PRFI categorisation. Additionally, it also identified that not all Areas were following the SOP for finalising cases as PRFI.

8.22. A recommendation from the JNAP sub-group was that because EA cases are within the responsibility of the police to investigate, they should not remain as live cases on the CPS case management system for three months impacting on legal and operational delivery staff workload. Instead, a different finalisation process for EA referrals should be introduced whereby EA cases are finalised one month after consultation.

8.23. This work led to the CPS taking the opportunity to introduce a standardised national process and guidance for cases marked as PRFI to ensure national consistency in both approach and practice and to reflect prosecutor caseload numbers more accurately.

8.24. From September 2023, the process is now that when a case has been returned to the police, and engagement has taken place through the setting of case action plans, and no update has been provided from the police within three months of the date of consultation, or within one month in early advice cases, the case is finalised in CMS as PRFI. For full Code test case submissions that are returned to the police with an action plan and no update has been provided within three months, operational delivery should finalise at the three months check stage as PRFI selecting the reason 'No response – with police'. In early advice cases where there have been no further submissions at the one month check stage, operational delivery should finalise the case as PRFI selecting the reason 'EIA concluded without charge or request for charging authority'. Destruction dates should be amended from the standard 12-month automated timeframes to accommodate longer periods of investigation by the police in EA cases.

8.25. To ensure appropriate scrutiny and assurance of police case progression, (particularly in EA cases that are now finalised as PRFI earlier), the NOM requires PRFI volumes to be a standing agenda item at RASSO JOIMs. Such monitoring is to ensure police forces continue to investigate and that closed cases do not drift but are returned to the CPS for charging decisions where appropriate and in as timely manner as possible.

8.26. All but one Area confirmed that they had implemented the updated PRFI process from September 2023. The one Area we visited that had not fully implemented the new process had been awaiting clarification on a point raised with headquarters around finalisation of EA cases. This Area is now one of three Areas that has recently started to pilot a system of closing EA cases immediately after EA has been provided.

8.27. Although we found that the standardised PRFI process is generally being followed by CPS Areas, from the documents we were supplied it is difficult to assess the extent to which PRFI volumes are being discussed and scrutinised at JOIMS to impact on volumes. Some police personnel told us that whilst PRFI volumes are discussed at JOIMs, it was more about what cases the CPS could remove from their numbers than a drilling down on what barriers existed in cases to progress them and which could potentially avoid delays for future cases.

8.28. Some Areas are proactively tackling older cases. For example, in one Area, we were told that a District Crown Prosecutor (DCP) and Detective Chief Inspector select their ten oldest PRFI cases each month to review whether they can proceed to a full Code test submission or whether no further action is to be taken on them. They have also recently started to send a prosecutor each month to their local police stations to go through EA cases that had been sent back to the police with an action plan three or more months earlier. We consider this to be an example of good practice as it sends out a collaborative message to all their police forces and should ensure that cases that have otherwise come off the CPS radar will still be subject to a level of scrutiny.

Good practice
In one Area, a prosecutor attends the police station once a month to review cases that have received early advice and been sent back to the police with an action plan three or more months previously. This measure is likely to result in more timely full Code test submissions from the police, with less delay for victims.

9. Rape Scrutiny Panels

Local rape scrutiny panels

9.1. As part of the national operating model (NOM), the Crown Prosecution Service (CPS) has introduced local rape scrutiny panels and produced standardised guidance which reflects findings from the independent academic evaluation of the CPS Operation Soteria. The panels should provide a constructive forum that ensures time and engagement of police and prosecutors for reflective practice that is also informed by community and voluntary sector partners. The objective of the panels is to identify lessons learnt, informed by the scrutiny of actions, decisions and communications taken in cases. If operated correctly, they can achieve a broad range of feedback from different perspectives.

9.2. Some CPS Areas also hold no further action (NFA) scrutiny panels. The NFA scrutiny panels will often include independent sexual violence advisor (ISVA) membership to provide external scrutiny. These panels usually take place at an individual police force level so there will be separate NFA scrutiny panels for each of the police forces within a CPS Area. The national guidance on rape scrutiny panels provides CPS Areas with the discretion to keep NFA scrutiny panels as a separate meeting. Most of the Areas we inspected decided to incorporate the NFA scrutiny panel into their rape scrutiny panel.

9.3. Internal national guidance for rape scrutiny panels was issued in April 2024. As with other aspects of the NOM, we found variation amongst CPS Areas in implementing and embedding this element of the NOM. The national guidance stipulates that rape scrutiny panels are to take place quarterly. At the time of our inspection, at least one rape scrutiny panel meeting had taken place in all the six CPS Areas we visited with some Areas having held up to three panels.

9.4. Of the six CPS Areas we visited, the last Area to introduce this element of the NOM had held their first local rape scrutiny panel in December 2024, with dates diarised for future meetings. We were told by CPS personnel in this Area that they had encountered issues finding members from third sector organisations to attend the various meetings and panels across their Area. There remained a recognition that there were difficulties in ensuring that membership of the scrutiny panel represented the full range of diverse communities within the Area.

9.5. It was positive that many Areas had representatives from wider third sector organisations, which included sexual assault referral centres (SARCs). One Area had representation from His Majesty's Courts and Tribunals Service (HMCTS) at meetings. Although not on the list of suggested members, this Area found HMCTS attendance was beneficial in considering and resolving concerns raised by victims and witnesses and improving communication with victims and witnesses.

9.6. Some Areas were still holding joint domestic abuse and rape scrutiny panels. One Area told us they would find it difficult to get sufficient members from third sector organisations to run two separate scrutiny panels. This Area had a system in place to ensure that the panel considered domestic abuse and rape cases on a rotational basis. In another Area where they were considering two domestic abuse and two rape cases at their panel meetings, we were told they found it useful to have a joint panel because of the cross-cutting themes for rape with other offences of violence against women or girls, particularly those committed within a domestic abuse context.

9.7. We found that CPS Areas are also adopting different formats for their rape scrutiny panels with most Areas holding one for all police forces and representatives across the region but some holding separate rape scrutiny panels aligning with their individual police forces. Organising the scrutiny panels in different formats is sensible to a degree. Some CPS Areas cover a large geographical area with diverse demographics and so individual rape scrutiny panels based on police force areas should target diverse communities better. However, having several separate rape scrutiny panels to prepare for and attend is resource intensive for a Rape and Serious Sexual Offences (RASSO) Unit Head and can mean that valuable learning from one panel is not as readily shared with other forces in the Area. Where there are individual force scrutiny panels, consideration therefore needs to be given as to how points of general importance and learning can be shared across police forces for the Area.

9.8. We found that membership numbers of scrutiny panels varied in size across Areas due to the different arrangements for their set up. One Area that held individual police force rape scrutiny panels had ten members at a scrutiny panel meeting compared to over 35 members in an Area which held an Area wide joint rape and domestic abuse scrutiny panel. In one Area that holds Area wide scrutiny panels, we were told of issues with police colleague attendance, as if cases selected for a panel meeting did not come from a particular police force, the member(s) from that police force tended to not attend. Again, this can impact on lessons learnt being shared.

9.9. Rape scrutiny panel papers are often extensive. This is necessary for sufficient detail to be provided and the facts and issues in each case to be set out. The setting of questions for panel members is important in framing consideration of the cases. It was clear that those panel meetings where a series of focused questions had been drafted for consideration, provided the best chance for the discussion to be constructive and address key themes of the NOM, for example in scrutinising whether the suspect-centric approach had been adopted.

9.10. In some Areas we visited it was a District Crown Prosecutor (DCP) who presented the cases to panel members. We were told that this helps facilitate the discussion because the DCP has greater knowledge of the cases than a more senior level of manager and can therefore deal better with queries that arise during the discussion. It also meant they were in a good position to feedback the learning points to the individual lawyer and the wider team, although as we comment below, we found feedback from panel discussions was inconsistent.

9.11. Those we spoke to were confident that the scrutiny panels are operating to analyse the quality of early advice, pre-charge advice, proportionality of action plans and adoption of the suspect-centric approach and that discussions were robust and challenging where necessary. However, the notes of meetings we were provided with did not always reflect this view. The minutes and notes of meetings varied in quality and detail. Some were brief bullet points of matters discussed whilst others were more detailed, setting out full action points that ensured consistency between meetings and actions and learning points that would more likely be followed up, completed and fed back on.

Feedback from scrutiny panels

9.12. We found a mixed picture from those we spoke to as to whether learning from rape scrutiny and NFA panels were fed back to individual lawyers and/or the wider RASSO teams. Some prosecutors told us they had not received any feedback on what had been discussed in the meetings and were unclear of exactly who attended the panels and any lessons, good or bad, learnt from them. In some Areas we did see evidence of learning being fed back through team meetings, RASSO newsletters and in some Area Casework Quality Board meeting notes. However, given the lack of detail in some documents and meeting notes and the consequent difficulty in identifying clear learning points, it was not surprising that feedback was variable across Areas.

9.13. In those cases where the panel meeting notes were of a higher quality and identified parts of the NOM to be considered, it was evident that learning was being fed back to seek to improve the quality of decision making at early advice and pre-charge decision stage. A good example of this was minutes from a rape scrutiny panel which linked the discussion of a rape case within a coercive and controlling relationship to specific questions asked of the panel. The panel had been asked to consider whether there had been sufficient focus on linking the coercion element to other sexual and non-sexual incidents in the police and prosecution building of the case and the prosecution then presenting the case at court. The panel had also been asked to consider if sufficient account of risk posed to the victim had been taken when assessing the case. The panel identified good practice but also provided constructive feedback

relating to the importance of setting abuse within a wider and long-term context of a relationship. The quality of the meeting notes assisted with clear and direct feedback being provided to the reviewing lawyer and wider team.

Compliance issue

Areas are not consistently following national guidance that sets out the minimum standards to be followed for rape scrutiny panels. Areas should make sure that clear findings of good work and lessons to be learnt are identified in panel discussions, are recorded clearly in meeting notes and identify a consistent way that these can be fed back to casework teams.

9.14. The national guidance for rape scrutiny panels suggests that secretariat support should be provided by victim liaison officers (VLO), who were in the process of being appointed and trained during the summer of 2024. VLOs are well placed to provide secretariat support for rape scrutiny panels because they interact regularly with victims and ISVAs. Such interactions can assist in providing a knowledge and understanding of the perspective of the victim.

9.15. We expect that as the secretariat function provided by VLOs to rape scrutiny panels becomes established, the quality of the documentation and notes produced should improve. This is needed as we have not seen any evidence at this stage of learning from rape scrutiny panels having improved early advice and pre-charge decision casework quality.

9.16. The CPS Chief Crown Prosecutor national lead for RASSO chairs the quarterly RASSO Unit Head meeting. A standard agenda item for these meetings now includes outcomes from Areas' local rape scrutiny panels. The expectation is that Areas will provide a local rape scrutiny panel report to the CCP national lead in advance of the meeting. The CCP national lead will consider the Area's reports and draw out recurring themes, best practice and identified learning ready for discussion at the Unit Heads meeting. The national discussion and scrutiny will provide an opportunity for sharing and feedback across all CPS RASSO units and should also assist in encouraging and ensuring that local rape scrutiny panels consider the application of the principles set out in the NOM.

National rape scrutiny panel

9.17. The CPS NOM stated that the CPS would ensure they hold periodic national rape scrutiny panels (NRSP) to share learning more widely, involve external experts and include regular engagement with CPS RASSO Unit Heads who will champion the sharing of local insights on a national scale. During the period of our inspection, the CPS was in the process of convening its first NRSP which was due to be held towards the end of February 2025. It is anticipated that

the NRSP will be held annually and will focus on specific themes linked to local and/or national priorities, for example, specific case types such as male victims of rape or domestic rapes or specific themes such as victim disengagement.

9.18. In addition to a NRSP, the CPS NOM also stated that the CPS would commit to evaluating and publishing its rape scrutiny insights annually to ensure transparency and public trust in its decision-making. At the time of drafting this report, the CPS was preparing the annual rape scrutiny report following its first NRSP, with publication expected during the summer of 2025.

10. Governance and assurance

Operational Change Unit

10.1. The Operational Change Unit within Crown Prosecution Service (CPS) Headquarter Operational Directorate are involved in overseeing the governance of implementation and embedding of the CPS national operating model (NOM). We heard from those in the Operational Change team and from CPS Area senior managers that there has been regular engagement between them, both prior to, and since, national roll out of the NOM in July 2023. Senior managers in the Areas we visited spoke highly of the support they had received from CPS Headquarters.

10.2. Areas had been completing NOM assurance implementation questionnaires that provide the Areas responses to key questions around NOM elements. Areas had also been having quarterly one-to-one check and challenge meetings with CPS Headquarters to discuss where they were with the implementation and embedding of certain elements together with any issues they had or were encountering. We were concerned to find that some responses on the NOM assurance implementation questionnaires did not always accurately reflect the position for some of the elements of the NOM in some Areas we visited. It is equally concerning that the level of assurance through the check and challenge meetings did not always identify aspects of non-compliance or variation from the NOM. An example was Areas responding positively to the question of whether an offer of discussion with each police force was made at the pre-charge stage where early advice (EA) had not already been sought. The positive responses did not accord with the evidence we found. A more robust approach to the check and challenge meetings would assist CPS Headquarters in identifying where gaps remain for implementation and embedment of the NOM elements which they could then drive forward.

10.3. We also heard that there is good sharing of information on a fortnightly basis between CPS Headquarters and their National Police Chiefs' Council (NPCC) counterparts for continued governance. However, we were told by CPS Headquarters that resources in Area Rape and Serious Sexual Offences (RASSO) units continue to be an issue impacting on the pace and quality at which they would like to deliver under the NOM.

Joint rape improvement group (JRIG)

10.4. The NPCC and CPS have agreed that as the Joint National Action Plan (JNAP) has now reached the end of its timeframe, robust governance is still required to ensure continuous improvement on the approach and handling of rape cases. A new Joint Rape Improvement Group (JRIG) which will have

oversight of the continued alignment of the police and CPS national operating models (NOMs) has therefore been established.

10.5. The JRIG has both a steering and a delivery group. The steering group provides strategic oversight and is to meet quarterly. It is jointly chaired by the NPCC national lead for RASSO and the CPS Director of Strategy and Policy. Standing agenda items for the steering group are NOM implementation updates and performance data. The delivery group is to meet every six weeks and is to drive the activity of the JRIG project. It is jointly chaired by the CPS head of violence against women and girls (VAWG) policy and an NPCC staff officer.

10.6. We recognise that the JRIG is a new governance mechanism and so had not had an opportunity to make an impact by the time of our inspection activity, but given our findings around police file quality, poor action plans and legal decision-making, particularly in terms of case analysis and strategy, this group must operate effectively in ensuring improvements are made.

Rape insights

10.7. The CPS enhances its understanding of operational performance and delivery on priority topics with thematic insights. The CPS launched its rape insights mechanism in October 2023. The rape insights group, which is co-led by a CPS lead performance analyst and a CPS senior policy advisor, cross-references Area feedback with the latest operational performance and assurance data. Quarterly highlight reports are then produced for review through formal governance and by senior CPS leads.

10.8. This insights model is designed to:

- enable improved reporting and analysis through corporate governance, to facilitate evidence-based decision-making and to drive improvement
- enhance feedback loops to Areas, in particular around best practice
- support the ongoing development of media and stakeholder communications.

10.9. Given the concerns we had regarding the accuracy of some Areas' NOM assurance implementation questionnaires and the assurance checks not always identifying aspects of non-compliance, there is a danger that the accuracy of the rape thematic insights could be affected.

Individual quality assessments (IQAs)

10.10. The Individual Quality Assessment (IQA) system is the CPS's own internal first line assurance mechanism to assess the quality of its own casework. It is the primary tool for front line managers and prosecutors in CPS Areas to assure and improve the quality of its casework and the service it provides to the public.

10.11. From 1 July 2023, RASSO legal managers must ensure that at least one IQA per prosecutor each year relates to a rape case. However, we were routinely told in the Areas we visited, that due to workload pressures and demands of legal managers, often resulting from temporary vacancies, the required number of IQAs were not being regularly achieved. This is disappointing as it limits the opportunity to have coaching conversations to help develop prosecutors' skills and experience and increase their confidence. Our inspection findings on the quality of legal decision making highlight the need for better legal assurance and therefore it is concerning that managers are unable to undertake regular assurance due to what we were told were resource pressures. Better quality will improve efficiency and remove rework. Put simply, investing early will in the long run save time later.

10.12. We saw from documents provided and heard from many legal managers that we spoke to, that issues around the need for better case analysis and better adoption of a suspect-centric approach had been identified from IQAs conducted. Some managers had noted from their Areas IQAs and action plan monitoring that less experienced prosecutors seemed averse to applying paragraph 4.3b of the Code³⁷ at a time when it was appropriate to do so. Those Areas had used these IQA findings and case studies identified from IQAs to support targeted training on more appropriate timing for application of the Code. They reported an improvement in timelier decisions as a result.

10.13. The results of an IQA are fed back to the individual prosecutor concerned. We were told by some managers however that IQAs they are conducting are not as robust as they should be as they find it difficult to have challenging conversations with prosecutors in a unit where many are struggling with a mix of heavy workload, inexperience and confidence levels. Managers were mindful that they wanted to retain the workforce they had in their RASSO teams and as one manager told us, "not tip them over the edge."

³⁷ The Code stipulates at paragraph 4.3 that prosecutors should apply the Full Code Test a) when all outstanding reasonable lines of inquiry have been pursued; or b) prior to the investigation being completed, if the prosecutor is satisfied that any further evidence or material is unlikely to affect the application of the Full Code Test, whether in favour of or against a prosecution.

10.14. One Area has been carrying out a reflective IQA process whereby the prosecutor assessed the selected RASSO case against the IQA criteria before meeting with their manager for them to discuss their markings together. Whilst these reflective IQA sessions are more time consuming, the prosecutors and legal managers we spoke to found they provided greater opportunities for learning, with more meaningful casework conversations taking place and prosecutors being more receptive to feedback. Given we noted from our file analysis that this Area showed a higher standard of performance than the other five Areas for including a proper case analysis and strategy, including the demonstration of a suspect-centric approach, this demonstrates good practice.

Good practice

One Area conducts reflective IQAs. This model of prosecutors and legal managers jointly quality assessing casework and having joint reflective casework discussions has the potential to significantly improve the quality of early advice and pre-charge decision casework.

10.15. Across most Areas, our assessment of the CPS performance on aspects of case analysis and trial strategy, including demonstration of the suspect-centric approach, suggests IQA in its present form is not currently an effective tool in driving up performance and improving casework quality. This echoes evidence we found in previous inspections when assessing a link between IQA and improvements in casework quality. It is on that basis that our recent inspection of the CPS's IQAs³⁸ recommended that the CPS review whether the current system and arrangements in place are the right ones to deliver improvements in casework quality. In that report we recommended that by 31 July 2025, the CPS are to have designed and planned a new approach and that by 31 March 2026 the CPS are to have implemented the new approach to first line assurance of its casework quality. We expect that any new approach, properly implemented, should lead to an improvement in casework quality in the prosecution of adult rape cases.

IQA guidance

10.16. The guidance issued for managers carrying out IQAs is generic for all types of casework. It does not therefore incorporate issues more specific to RASSO casework, such as the suspect-centric approach, or evaluation of previous incidents for evidence of bad character or other offences or the tackling of assumptions and misconceptions. We consider that specific expectations contained within the NOM and RASSO guidance should form part of any revised approach currently being developed by the CPS to improve front line assurance

³⁸ *Inspection of Crown Prosecution Service Individual Quality Assessments (IQAs)*; HMCPsi; February 2025.
www.hmcpsi.justiceinspectorates.gov.uk/report/individual-quality-assessment-iqa-an-inspection-of-how-the-cps-uses-iqa-to-monitor-and-improve-casework-quality

and improvement in RASSO casework. In the shorter term, we recommend that the current IQA guidance should be amended to reflect the specific aspects relevant to rape cases.

Recommendation
By December 2025, the CPS to have developed and implemented a quality assurance regime in rape cases that assesses and improves casework quality.

Annex A

Inspection framework

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?

Inspection criteria

1. Is the CPS ensuring early partnership working with the police to build stronger and more timely rape prosecutions?
 - a. Have CPS Areas an agreed Memorandum of Understanding (MoU) and joint guidance on early advice with its local police forces?
 - b. Is Early Advice (EA) being consistently utilised in appropriate adult rape cases?
 - c. Are the CPS consistently offering a meeting/early advice discussion for adult rape EA case referrals (whether virtual or in person) with the police and are the police consistently taking up the offer?
 - d. Is the offer/uptake/refusal of an EA meeting adequately and consistently recorded on CMS?
 - e. For adult rape cases referred for EA, are CPS Areas providing early advice on these cases within 21 working days?
 - f. If not, what are the barriers and what is being done/implemented to rectify any lack of referrals/delays in providing the early advice?
 - g. Is escalation used appropriately in line with the joint guidance and MoU on EA?
 - h. Is the EA robust and focussed on pursuing all reasonable lines of enquiry in a timely manner to better benefit victims?
 - i. Does the EA demonstrate a suspect-centred approach and application of the CPS rape policy and guidance?

2. Has the quality of early advice improved as a result of the implementation of the national operating model?
 - a. Is there evidence of earlier collaboration between the police and CPS?
 - b. Has that collaboration led to more informed decision making by the police and CPS in the pre-charge stage?
 - c. Do prosecutors obtain more of the relevant information and evidence prior to making a pre-charge decision?
3. Is the CPS consistently enhancing its engagement with the police at the pre-charge decision stage to progress adult rape reports in a more efficient manner and to ensure effective and quality decisions are reached?
 - a. For cases that have not had early advice, are the CPS consistently offering a discussion to the OIC at pre-charge advice stage?
 - b. Are pre-charge advice discussions and pre-charge decisions taking place within 28 working days?
 - c. If not, what are the barriers and what is being done to address the offer/uptake/timeliness of meetings?
 - d. If the offer of a pre-charge meeting is not taken up by the OIC is that decision and supporting rationale recorded by the prosecutor in the PCD review?
 - e. Are police file submissions consistent in accordance with national file standards?
 - f. Where police file quality falls below national file standards, is police file quality appropriately addressed – including the CPS working with its police partners to promote the joint benefits of having gatekeepers/evidence review officers?
4. Are adult rape cases receiving proper care and consideration when the CPS is reviewing the case pre-charge and is there evidence that the quality of adult rape casework has improved as a result of implementation of the NOM?
 - a. Do reviews include a clear prosecution case analysis and trial strategy, demonstrating a suspect-centred approach?
 - b. Are effective decisions being made on the selection of charges?

- c. Are action plans used effectively and proportionately to build strong cases?
 - d. Are actions relevant, proportionate (particularly in respect of appropriate parameters for third-party material and digital disclosure), clearly expressed and are target dates realistic?
 - e. Does the CPS effectively consider measures at pre-charge advice stage to assist rape victims in getting the right support and request further information from the police if required so that applications can be advanced at an early stage?
 - f. Does the CPS recognise at the pre-charge advice stage the need for appropriate applications in respect of protective orders, bail and remand so that victims of rape are being properly protected?
 - g. In Areas where “introduction” letters are sent to victims at pre-charge advice stage, are these giving victims the information they need and are they of good quality?
 - h. Are VCL letters communicating decisions taken to NFA or charge at pre-charge decision stage being consistently sent and are they of good quality?
5. 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?
- a. Are regular, specifically focussed RASSO Joint Operational Improvement Meetings (JOIMs) taking place in Areas?
 - b. Are RASSO JOIMs scrutinising the proportionality of action plans as the NOM framework envisaged?
 - c. Are themes identified in the setting of action plans and learning from these appropriately cascaded?
 - d. Is there evidence that the learning identified and cascaded from these themes is landing and improving the progression of cases?
 - e. Are Areas complying with the Pending Response Further Investigation (PRFI) process at the three-month stage for pre-charge and one month stage in early advice cases?
 - f. Are PRFI volumes being scrutinised and discussed at RASSO JOIMs to impact on volumes?

6. How successful has the implementation of local rape scrutiny panels been and how has the learning from such panels been maximised to improve the quality of decision making at early advice and pre-charge decision stage?
 - a. Are regular local rape scrutiny panels being held in CPS Areas in line with the national guidance?
 - b. Is there appropriate, multi-agency representation at the rape scrutiny panels?
 - c. Are the scrutiny panels operating to analyse the quality of early advice provided to police, the proportionality of action plans and the adoption of a suspect-centric approach?
 - d. Are there consistent and effective mechanisms for CPS to communicate learning/feedback from these panel discussions (on matters such as investigative strategy, partnership-working and victim communication) for continuous learning and to enhance the quality of pre-charge decision making?
7. 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?
 - a. Does the CPS set a minimum number of adult rape IQAs focussing on the provision and quality of EA and pre-charge advice?
 - b. How does the CPS use IQAs to embed elements of the NOM relating to early advice and pre-charge decisions and to improve the quality of adult rape advice?
 - c. How are any themes or lessons to be learnt (good or bad) from IQAs communicated to the wider RASSO prosecution team?
 - d. What assurance measures does the policy team undertake to ensure implementation and embedding of the NOM elements?
 - e. What assurance measures does the CPS Operation Assurance Team undertake to ensure implementation and embedding of the NOM elements?
 - f. How robust and effective are the assurance measures that are in place in supporting Areas to implement elements of the NOM?

Annex B

File examination data

This table excludes 'not applicable' results.

HMCPSP house style is to round figures to a single decimal point so where percentages are cited, they may not total 100%

No. Question	Answer	Result
Early advice		
1 The case was submitted by the police to CPS for early advice (EA).	Yes	40.0%
	No	60.0%
2 The case was administratively triaged within 24 hours of the EA request from police.	Yes	75.0%
	No	25.0%
3 The police file submission complied with the DG6 guidance and MoU and joint guidance for an EA case.	Fully meeting	25.0%
	Not meeting	75.0%
4 If Q3 is not meeting – what was the main material/information that was missing from the police submission.	Factual summary	3.7%
	The issues already identified in the case, including any explanation provided by the suspect	3.7%
	The specific matters upon which advice is sought	29.6%
	Any evidential material that is available that will facilitate the provision of the relevant advice	22.2%
	The OIC/supervisors contact details and/or availability for next 21 days	37.0%
	Other	3.7%

No. Question	Answer	Result
5 If Q3 is not meeting – the file was returned to the police with a request for the missing material or information within 5 days of receipt of the request.	Yes	33.3%
	No and it was something that OD would have been expected to have identified as missing	29.6%
	No but it was not something that OD would have been expected to have identified as missing	37.0%
6 Following an early advice file being triage accepted by OD, a DCP completed an assessment, recording their rationale of whether the case met EA criteria, within 2 working days.	Yes	11.4%
	No, there was no DCP assessment and rationale recorded at all	57.1%
	No, whilst there was some evidence that a DCP had assessed the case as they had allocated it to a lawyer, there was no recording of their rationale	31.4%
7 The CPS offered an EA meeting (virtual or in person) with the police within 21 days of allocation of the case to a prosecutor.	Yes	71.4%
	No – no meeting was offered yet the CPS had the officers contact details and availability	5.7%
	No - no meeting was offered but the CPS had not been provided with the officer's contact details and availability	8.6%
	No – a meeting was offered but beyond the 21 days	14.3%

No. Question	Answer	Result
8 An EA meeting took place between the prosecutor and police within 21 days of allocation of the case to the prosecutor.	Yes No – no EA meeting took place No – an EA meeting took place, but it was beyond the 21 days	57.1% 22.9% 20.0%
9 If an EA meeting was offered but declined by the police, the fact and reason for this refusal was noted on CMS.	Yes No	66.7% 33.3%
10 If an EA meeting did not take place (either due to the CPS failing to offer one or the police declining the offer) do you consider that this impacted negatively on the quality of the EA.	Yes No Unable to say	12.5% 62.5% 25.0%
11 The CPS were timely in providing EA in accordance with the MoU.	Yes No	77.8% 22.2%
12 If Q11 is No – how many days over the 21 days was the early advice provided.	1-3 days 4-6 days 10 days or over	37.5% 12.5% 50.0%
13 The EA answered all specific questions asked on the police MG3 and provided other appropriate advice and an action plan where applicable.	Fully meeting Partially meeting Not meeting	33.3% 50.0% 16.7%
14 Any initial action plan was proportionate and met a satisfactory standard.	Fully meeting Partially meeting Not meeting	22.2% 61.1% 16.7%
15 Escalation was used appropriately and in line with the MoU and joint guidance and early advice.	Fully meeting Partially meeting Not meeting	10.0% 10.0% 80.0%
16 How many early advices did the case receive.	One	100.0%

No. Question	Answer	Result
Police pre-charge file submission		
17 The police pre-charge file submission complied with the National File Standards and DG6.	Fully meeting	30.0%
	Not meeting	70.0%
18 If the answer to Q17 was not meeting, what was the main item missing:	Key statement(s)	25.4%
	Key exhibit(s)	11.1%
	Interview record (if not fully covered in summary)	1.6%
	Defendant previous convictions	1.6%
	In DA related RASSO cases: A DA checklist and/or risk assessment form	6.3%
	Unused material	3.2%
	Schedules	
	Copies of relevant potentially disclosable material	14.3%
	Rebuttable presumption material	12.7%
	Missing information that should have been provided under Annex 4 of DG6	22.2%
	Other	1.6%
19 If there were failings in the pre-charge submission, this was identified and fed back to the police.	Fully meeting	47.6%
	Partially meeting	27.0%
	Not meeting	25.4%
20 There was evidence on the file that a police gatekeeper or evidence review officer had conducted a review of the investigative strategy and case file quality.	Yes	80.0%
	No	20.0%

No. Question	Answer	Result
Pre-charge decisions		
21 In non-EA cases, the prosecutor offered to have a discussion with the OIC at the first pre-charge consultation stage (i.e. within 28 days).	Yes	11.1%
	No – despite officers and supervisor’s details having been provided	18.5%
	No – but officers and supervisor’s details had not been provided	5.6%
	No - but the Area had not implemented this element of the NOM by this time	64.8%
22 In non-EA cases where an offer to have a discussion had been made, a discussion took place at the first pre-charge consultation stage (i.e. within 28 days).	Yes	22.2%
	No – no discussion took place as the police had declined the offer to meet	11.1%
	No – a discussion took place, but this was beyond the 28 days	66.7%
23 If a meeting did not take place (either due to the CPS failing to offer one or the police declining the offer), do you consider that this impacted negatively on the quality of the charging advice provided.	Yes	28.2%
	No	64.1%
	Unable to say	7.7%
25 In non-EA cases the case would have benefitted from having had early advice by expediting the investigation and a charging decision having been reached sooner.	Yes	25.9%
	No	59.3%
	Unable to say	14.8%
26 The CPS decision to charge/NFA was timely.	Fully meeting	40.0%
	Partially meeting	31.1%
	Not meeting	28.9%
27 The related escalation procedure was used in cases that were not timely.	Partially meeting	1.9%
	Not meeting	98.1%

No. Question	Answer	Result
28 The CPS MG3 included proper case analysis and strategy.	Fully meeting	15.6%
	Partially meeting	47.8%
	Not meeting	36.7%
29 The CPS MG3 demonstrated a suspect-centric approach.	Fully meeting	23.3%
	Partially meeting	38.9%
	Not meeting	37.8%
30 The most appropriate charges were selected on the information available to prosecutor at the time.	Fully meeting	75.4%
	Partially meeting	15.4%
	Not meeting	9.2%
31 The CPS MG3 dealt appropriately with unused material.	Fully meeting	12.3%
	Partially meeting	61.5%
	Not meeting	26.2%
32 If Q31 is partially meeting or not meeting, the most significant failing was:	Did not address disclosure at all	10.5%
	Did not ask to see RP items or other items that ought to have been sent by the police	7.0%
	Failed to identify and tackle other failings in the police disclosure submission	5.3%
	Did not identify RLE relating to potential unused material	3.5%
	Did not identify material that was disclosable under common law or DG6	10.5%
	Did not address the impact on the case of unused material	26.3%
	Did not deal appropriately with third party material	3.5%
	Did not deal appropriately with sensitive material	1.8%
	Did not endorse and sign the disclosure schedules	7.0%
	Did not complete a DMD	7.0%
	Did not create unused material bundles at pre-charge decision stage where police had provided adequate schedules	3.5%
	Wrongly identified that material was disclosable under common law or DG6	10.5%
	Other	3.5%

No. Question	Answer	Result
33 There was a disclosure management document (DMD) prepared.	Yes No	25.0% 75.0%
34 If there was a DMD prepared, it was completed accurately.	Fully meeting Partially meeting Not meeting	45.0% 25.0% 30.0%
35 The CPS MG3 referred to a relevant bad character application.	Fully meeting Partially meeting Not meeting	16.7% 36.7% 46.7%
36 The CPS MG3 referred to other relevant applications and ancillary matters,	Fully meeting Partially meeting Not meeting	23.8% 14.3% 61.9%
37 The CPS MG3 actively considered relevant applications and ancillary matters to support victims and witnesses.	Fully meeting Partially meeting Not meeting	26.2% 60.0% 13.8%
38 The CPS MG3 actively considered the suspects bail status and the approach to be taken post-charge to bail and/or custody for the suspect.	Fully meeting Partially meeting Not meeting	30.8% 6.2% 63.1%
39 There were appropriate instructions and guidance to the court prosecutor contained in the MG3.	Fully meeting Partially meeting Not meeting	24.6% 64.6% 10.8%
40 How many pre-charge decision action plans (not including early advices) did the case receive.	None One Two Three or more	16.7% 44.4% 30.0% 8.9%

No. Question	Answer	Result
41 If Q40 is more than one, what was the main reason for the further action plans set.	The police had not responded fully or adequately to the initial actions set	40.0%
	Further information or evidence had come to light following the initial action plan that required additional actions then to be set	20.0%
	The prosecutor had missed or failed to identify obvious RLE in setting the initial action plan	20.0%
	Other	20.0%
42 The first action plan was proportionate, focused on reasonable lines of enquiry, was suspect-centred and met a satisfactory standard.	Fully meeting	36.8%
	Partially meeting	44.7%
	Not meeting	18.4%
43 If Q42 was partially meeting or not meeting, what was the most significant failing of the action plan.	Did not request items that were needed	54.2%
	Requested items that were not needed	14.6%
	Did not set proper parameters for the material requested	2.1%
	Did not set realistic timescales for actions	2.1%
	Actions set did not demonstrate a suspect-centric approach	6.3%
	Plan was located in the wrong place or body of the MG3	14.6%
	Did not set out rationale for actions requested where this would have assisted	2.1%
	Other	4.2%

No. Question	Answer	Result
44 Any action plans set after an initial action plan were proportionate, focused on reasonable lines of enquiry, were suspect-centric and met a satisfactory standard.	Fully meeting Partially meeting Not meeting	42.9% 42.9% 14.3%
45 If Q44 was partially meeting or not meeting, what was the most significant failing of the action plan.	Did not request items that were needed Did not set proper parameters for the material requested Requested at charge material that should have been requested pre-charge Did not set realistic timescales for actions Plan was located in the wrong place or body of the MG3	75.0%% 5.0% 10.0% 5.0% 5.0%
46 Police compliance with pre-charge action plans was timely.	Fully meeting Partially meeting Not meeting	61.7% 28.3% 10.0%
47 The CPS followed up a response to late action plan compliance.	Fully meeting Partially meeting Not meeting	36.4% 22.7% 40.9%
Victim communication		
48 If there was an introductory letter it was of a high standard.	Fully meeting Partially meeting Not meeting	36.4% 59.1% 4.5%
49 There was a VCL letter explaining the CPS decision at pre-charge decision stage to take no further action.	Yes	100.0%
50 If yes to Q49, the VCL letter explaining the decision to take no further action was of a high standard.	Fully meeting Partially meeting Not meeting	24.0% 20.0% 56.0%
51 There was a VCL letter explaining the CPS decision at pre-charge stage to authorise a charge.	Yes No	46.9% 53.1%

No. Question	Answer	Result
52 If yes to Q51, the VCL letter explaining the decision was of a high standard.	Fully meeting	6.7%
	Partially meeting	76.7%
	Not meeting	16.7%

Annex C

File examination questions

No	Question	Possible answers
Early advice		
1	The case was submitted by the police to CPS for early advice.	Yes No NA
2	The case was administratively triaged within 24 hours of the EA request from police.	Yes No NA
3	The police file submission complied with the DG6 guidance and MoU and joint guidance for an EA case.	Fully meeting Not meeting NA
4	If Q3 is not meeting – what was the main material/information that was missing from the police submission.	URN Factual summary The lines of inquiry completed, ongoing or contemplated The anticipated results of any ongoing and contemplated inquiries and their timescales The issues already identified in the case, including any explanation provided by the suspect The specific matters upon which advice is sought Any evidential material that is available that will facilitate the provision of the relevant advice Any potentially disclosable material An up-to-date investigation management document (IMD) The OIC/supervisors contact details and/or availability for next 21 days Other NA

5	If Q3 is not meeting – the file was returned to the police with a request for any missing material or information within 5 days of receipt of the request.	<p>Yes</p> <p>No and it was not something that OD would have been expected to have identified as missing</p> <p>No but it was something that OD would have been expected to have identified as missing</p> <p>NA</p>
6	Following an EA file being triage accepted by OD, a DCP completed an assessment, recording their rationale of whether the case met EA criteria, within 2 working days,	<p>Yes</p> <p>No - the DCP assessment and recording of their rationale was late</p> <p>No - there was no DCP assessment and rationale recorded at all</p> <p>No – whilst there was some evidence that a DCP had assessed the case as they had allocated it to a lawyer, there was no recording of their rationale</p> <p>NA</p>
7	The CPS offered an EA meeting (virtual or in person) with the police within 21 days of allocation of the case to a prosecutor.	<p>Yes</p> <p>No – no meeting offered yet the CPS had the officers contact details and availability</p> <p>No – no meeting was offered but the CPS had not been provided with the officer's contact details and availability</p> <p>No - a meeting was offered but beyond the 21 days</p> <p>NA</p>
8	An EA meeting took place between the prosecutor and police within 21 days of allocation of the case to the prosecutor.	<p>Yes</p> <p>No – no EA meeting took place</p> <p>No – an EA meeting took place, but it was beyond 21 days</p> <p>NA</p>

9	If an EA meeting was offered but declined by the police, the fact and reason for this refusal was noted on CMS.	Yes No NA
10	If an EA meeting did not take place (either due to the CPS failing to offer one or the police declining the offer), do you consider that this impacted negatively on the quality of EA.	Yes No Unable to say NA
11	The CPS were timely in providing EA in accordance with the MoU.	Yes No NA
12	If Q11 is No – how many days over the 21 days was the EA provided.	1-3 days 4-6 days 7-9 days 10 days or over NA
13	The EA answered all specific questions asked on the police MG3 and provided other appropriate advice and an action plan where appropriate.	Fully meeting Partially meeting Not meeting NA
14	Any initial action plan was proportionate and met a satisfactory standard.	Fully meeting Partially meeting Not meeting NA
15	Escalation was used appropriately and in line with the MoU and joint guidance on early advice.	Fully meeting Partially meeting Not meeting NA
16	How many early advices did the case receive.	One Two Three or more NA
Pre-charge file submission		
17	The police pre-charge file submission complied with the National File Standards and DG6.	Fully meeting Not meeting

18	If the answer to Q17 was not meeting, what was the main item missing.	<p>Key statement(s)</p> <p>Key exhibit(s)</p> <p>Crime report</p> <p>Interview record if not fully covered in factual summary</p> <p>Defendant previous convictions</p> <p>In domestic abuse related RASSO cases: A domestic abuse checklist and/or risk assessment form (such as a DASH)</p> <p>VPS where applicable</p> <p>UM schedules</p> <p>Copies of relevant potentially disclosable material</p> <p>Rebuttable presumption material</p> <p>Missing information that should have been provided under Annex 4 of DG6</p> <p>Other</p> <p>NA</p>
19	If there were failings in the pre-charge submission, this was identified and fed back to the police.	<p>Fully meeting</p> <p>Partially meeting</p> <p>Not meeting</p> <p>NA</p>
20	There was evidence on the file that a police gatekeeper or evidence review officer had conducted a review of the investigative strategy and case quality compliance.	<p>Yes</p> <p>No</p>

Pre-charge decisions		
21	In non-EA cases, the prosecutor offered to have a discussion with the OIC at the first pre-charge consultation stage (i.e. within 28 days).	<p>Yes</p> <p>No – despite officers and supervisor’s details having been provided</p> <p>No – but officers and supervisor’s details had not been provided</p> <p>No – but the Area had not implemented this element of the NOM by this time</p> <p>NA</p>
22	In non-EA cases where an offer to have a discussion had been made, a discussion took place at the first pre-charge consultation stage (i.e. within 28 days).	<p>Yes</p> <p>No – no discussion took place as the police declined the offer to meet</p> <p>No – a discussion took place but this was beyond the 28 days</p> <p>NA</p>
23	If a meeting did not take place (either due to the CPS failing to offer one or the police declining the offer), do you consider that this impacted negatively on the quality of the charging advice.	<p>Yes</p> <p>No</p> <p>Unable to say</p> <p>NA</p>
24	If a pre-charge consultation meeting was offered but declined by the police, the fact and reason for this refusal was recorded on CMS.	<p>Yes</p> <p>No</p> <p>NA</p>
25	In non-EA cases the case would have benefitted from having had early advice by expediting the investigation and a charging decision having been reached sooner.	<p>Yes</p> <p>No</p> <p>Unable to say</p> <p>NA</p>

26	The CPS decision to charge or NFA was timely.	Fully meeting Partially meeting Not meeting
27	The related escalation procedure was used in cases that were not timely.	Fully meeting Partially meeting Not meeting NA
28	The CPS MG3 included proper case analysis and case strategy.	Fully meeting Partially meeting Not meeting
29	The CPS MG3 demonstrated a suspect-centric approach.	Fully meeting Partially meeting Not meeting
30	The most appropriate charges were selected on the information available to the prosecutor at the time.	Fully meeting Partially meeting Not meeting NA
31	The CPS MG3 dealt appropriately with unused material.	Fully meeting Partially meeting Not meeting NA
32	If Q31 was partially meeting or not meeting, what was the most significant failing.	<p>Did not address disclosure at all</p> <p>Did not ask to see reputable presumption items or other items that ought to have been sent by the police</p> <p>Failed to identify and tackle other failings in the police disclosure submission</p> <p>Did not identify RLOE relating to potential unused material</p> <p>Did not identify material that was disclosable under common law or DG6</p> <p>Did not address the impact on case of unused material</p> <p>Did not deal appropriately with third party material</p> <p>Did not deal appropriately with sensitive material</p> <p>Did not endorse and sign the disclosure schedules</p> <p>Did not complete a DMD</p>

		<p>Used the wrong endorsements (CND, ND etc.)</p> <p>Did not create UM bundles at pre-charge decision stage where police had provided adequate schedules</p> <p>Other</p> <p>NA</p>
33	There was a Disclosure Management Document (DMD) prepared.	<p>Yes</p> <p>No</p> <p>NA</p>
34	If there was a DMD prepared, it was completed accurately.	<p>Fully meeting</p> <p>Partially meeting</p> <p>Not meeting</p> <p>NA</p>
35	The CPS MG3 referred to a relevant bad character application.	<p>Fully meeting</p> <p>Partially meeting</p> <p>Not meeting</p> <p>NA</p>
36	The CPS MG3 referred to other relevant applications and ancillary matters.	<p>Fully meeting</p> <p>Partially meeting</p> <p>Not meeting</p> <p>NA</p>
37	The CPS MG3 actively considered relevant applications and ancillary matters to support victims and witnesses.	<p>Fully meeting</p> <p>Partially meeting</p> <p>Not meeting</p> <p>NA</p>
38	The CPS MG3 actively considered the suspects bail status and the approach to be taken post-charge to bail and/or custody for the suspect.	<p>Fully meeting</p> <p>Partially meeting</p> <p>Not meeting</p> <p>NA</p>
39	There were appropriate instructions and guidance to the court prosecutor contained in the MG3.	<p>Fully meeting</p> <p>Partially meeting</p> <p>Not meeting</p> <p>NA</p>
40	How many pre-charge decision action plans (not including early advices) did the case receive.	<p>None</p> <p>One</p> <p>Two</p> <p>Three or more</p>

41	If Q40 is more than one – what was the main reason for the further action plans set?	<p>The police had not responded fully or adequately to the initial actions set</p> <p>Further information or evidence came to light following the initial action plan that required additional actions then to be set</p> <p>The prosecutor had missed or failed to identify RLE in setting the initial action plan</p> <p>Other</p> <p>NA</p>
42	The first action plan was proportionate, focused on reasonable lines of enquiry, was suspect-centred and met a satisfactory standard.	<p>Fully meeting</p> <p>Partially meeting</p> <p>Not meeting</p> <p>NA</p>
43	If Q42 was partially meeting or not meeting, what was the most significant failing of the action plan.	<p>Did not request items that were needed</p> <p>Requested items that were not needed</p> <p>Did not set proper parameters for the material requested</p> <p>Requested at charge material that should have been requested pre-charge</p> <p>Did not set realistic timescales for actions</p> <p>Actions set did not demonstrate a suspect-centred approach</p> <p>Plan was located in the wrong place/body of the MG3</p> <p>Did not set out the rationale for actions requested where this would have assisted</p> <p>Other</p> <p>NA</p>

44	Any action plans set after an initial action plan were proportionate, focused on reasonable lines of enquiry, were suspect-centred and met a satisfactory standard.	Fully meeting Partially meeting Not meeting NA
45	If Q44 was partially meeting or not meeting. What was the most significant failing of further action plans.	Did not request items that were needed Requested items that were not needed Did not set proper parameters for the material requested Requested at charge material that should have been requested pre-charge Did not set realistic timescales for actions Actions set did not demonstrate a suspect-centred approach Plan was located in the wrong place/body of the MG3 Did not set out the rationale for actions requested where this would have assisted Other NA
46	Police compliance with pre-charge action plans was timely.	Fully meeting Partially meeting Not meeting NA
47	The CPS followed up a response to late action plan compliance.	Fully meeting Partially meeting Not meeting NA

Victim communication		
48	If there was an introductory letter it was of a high standard.	Fully meeting Partially meeting Not meeting NA
49	There was a VCL letter explaining the CPS decision at pre-charge decision stage to take no further action.	Yes No NA
50	If yes to Q49 – the VCL letter explaining the decision to take no further action was of a high standard.	Fully meeting Partially meeting Not meeting NA
51	There was a VCL letter explaining the CPS decision at pre-charge decision stage to authorise a charge.	Yes No NA
52	If yes to Q51 – the VCL letter explaining the decision to charge was of a high standard.	Fully meeting Partially meeting Not meeting NA

Annex D

Glossary

Achieving Best Evidence (ABE)

The police video-recording the account of the victim or a witness rather than taking a written statement from them. The recording is played at trial instead of the victim or witness giving evidence if permission is granted by the court; this is one of a range of special measures (see below). The recording is known as an 'achieving best evidence' recording, or "an ABE", after the guidance of the same name from the Ministry of Justice on interviewing victims and witnesses and using special measures.

Ancillary applications or matters

Matters about which the prosecution can ask the court to make orders – for example, to admit a piece of evidence that would otherwise not be allowed, or to admit bad character or reprehensible conduct of a defendant that would not otherwise be allowed, or to make orders at sentencing preventing the defendant from contacting the victim or engaging in certain activity.

Bad character

Evidence of previous bad behaviour, including convictions for earlier criminal offences. Normally, bad character cannot be included as part of the evidence in a criminal trial. To be allowed, either the prosecution and defence must agree it can be used, or an application must be made to the court, based on specific reasons set out by law.

Case management system (CMS)

An IT system for case management used by the CPS, which records most of the details of cases and provides management information and data. Through links with police systems, the case management system receives electronic case material that has replaced paper files.

Case strategy principles

The CPS's ten case strategy principles that outline the responsibilities of a prosecutor in developing a case strategy to build strong cases, consistently applying the Code for Crown Prosecutors, and recording their decision-making.

Charging decision

A decision by the CPS (or the police in certain circumstances) whether there is sufficient evidence, and whether it is in the public interest, to charge a suspect with a particular offence. The process is governed by the Director's Guidance on Charging, 6th edition, which came into effect in December 2020.

Chief Crown Prosecutor

Each of the 14 CPS Areas has a CCP who runs the Area with the Area Business Manager. The CCP is the most senior legal manager at CPS Area level and is responsible for making, case progression, and working with stakeholders, communities, and the public to deliver quality casework.

Code for Crown Prosecutors (the Code)

A public document, issued by the Director of Public Prosecutions, that sets out the framework for prosecution decision-making. Cases should proceed to charge only if there is sufficient evidence against a suspect to provide a realistic prospect of conviction and it is in the public interest to prosecute.

Count

When a defendant faces a trial in the Crown Court, the formal charge(s) will appear on a document called an indictment. Each charge on an indictment is called a count.

Defendant

Someone accused of and charged with or convicted of a criminal offence.

Deputy Chief Crown Prosecutor (DCCP)

Second-in-command to the Chief Crown Prosecutor (see above) for legal aspects of managing a CPS Area.

Director's Guidance on Charging/DG6

Guidance issued by the Director of Public Prosecutions in relation to charging decisions. It sets out guidance for the police and CPS about how to prepare a file so that it is ready for charging, who can make the charging decision, and what factors influence the decision. The latest edition (the sixth, also called "DG6") came into effect on 31 December 2020.

Director of Public Prosecutions (DPP)

Senior Civil Servant who is the head of the CPS.

Disclosure/unused material

The police have a duty to record, retain and review material collected during an investigation which is relevant but is not being used as prosecution evidence, and to reveal it to the prosecutor. The prosecutor has a duty to provide the

defence with copies of, or access to, all material that is capable of undermining the prosecution case and/or assisting the defendant's case. There are various regimes, and the type of case determines which one applies.

Disclosure management document (DMD)

Used for rape and other Crown Court cases, the DMD sets out the approach of the police and CPS to the disclosure of unused material in a case. It may, for example, explain the parameters used by the police to search data held on a mobile phone or other digital device (such as the dates used, or key words) or what action the police are and are not taking in relation to possible avenues of investigation. The DMD is shared with the defence and court so that everyone is aware of the approach being taken. This enables the defence to make representations if they do not agree with that approach (for example, if they think different search terms should be used). It also helps ensure that disclosure is undertaken efficiently and fairly.

District Crown Prosecutor (DCP)

A lawyer who leads and manages the day-to-day activities of prosecutors and advocates.

Domestic abuse

The cross-government definition of domestic violence and abuse is "any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass but is not limited to: psychological; physical; sexual; financial; and emotional".

Early advice

Where a CPS lawyer provides guidance and advice in rape or other serious, sensitive or complex cases, or any case where a police supervisor considers it would be of assistance. The advice is meant to be given at a very early stage, to help decide what evidence will be required to support a prosecution or to decide if a case can proceed to court.

Either-way offence

An offence that can be prosecuted in the magistrates' courts or the Crown Court. The prosecution makes representations to the court on where the case should be heard. The magistrates or a District Judge (who sits alone in the magistrates' court) can decide the allegation is serious enough that it must go to the Crown Court. If they decide it can be heard in the magistrates' court, the defendant can

choose to have the case sent to the Crown Court, where it will be heard by a jury. If the defendant agrees. The trial will be heard in the magistrates' court.

Full Code test

A method by which a prosecutor decides whether or not to bring a prosecution, based on the Code for Crown Prosecutors. A prosecution must only start or continue when the case has passed both stages of the full Code test: the evidential stage, followed by the public interest stage. The full Code test should be applied when all outstanding reasonable lines of inquiry have been pursued – or before the investigation being completed, if the prosecutor is satisfied that any further evidence or material is unlikely to affect the application of the full Code test, whether in favour of or against a prosecution.

Gatekeeper

Someone in a police force who checks the documents prepared by the case officer and makes sure they are all there and meet the standard required for them to be submitted to the CPS. Not all police forces have gatekeepers.

Indictable-only offence

An offence triable only in the Crown Court.

Indictment

This is the document that contains the formal charge or charges (known as count or counts), against a defendant facing a trial in the Crown Court.

Independent sexual violence advisor (ISVA)

A person who is trained to provide emotional and practical support to victims of rape, sexual abuse and sexual assault who have reported to the police or are considering reporting to the police.

Individual quality assessment (IQA)

An assessment of a piece of work done by a CPS member of staff, usually a prosecutor. The assessment will be carried out by a manager, and feedback on the assessment given to the member of staff. Areas also use IQAs to identify areas for improvement and training needs across a team or the whole Area.

Manual of Guidance Form 3 (MG3)

One of a number of template forms contained in a manual of guidance for the police and CPS on putting together prosecution files. The MG3 is where the police summarise the evidence and other information when asking the CPS to decide whether a suspect should be charged with a criminal offence, and the CPS then records its decision.

Myths and stereotypes

A myth is a commonly held belief, idea or explanation that is not true, and a stereotype is a widely held, but fixed and oversimplified, image or idea of a particular type of person or thing. Historically, the successful prosecution of rape cases has been hampered by myths and stereotypes such as “it can’t be rape if the victim didn’t fight back”, “it’s not rape if the victim didn’t report it immediately”, or “sex workers can’t be raped”. The CPS has guidance on tackling rape myths and stereotypes on its website³⁹.

National File Standard (NFS)

A national system that sets out how the police should prepare criminal case files. It allows investigators to build only as much of the file as is needed at any given stage – whether that is for advice from the CPS, the first appearance at court or the trial. The latest version was published in December 2020.

No Further Action (NFA)

When a criminal allegation has been reported to the police, the police may decide at any stage during an investigation that there is insufficient evidence to proceed, so they will take no further action. Alternatively, they may refer a case to the CPS who may advise the police that no further action should be taken, either because there is not enough evidence or because a prosecution is not in the public interest.

Pre-charge decision (PCD)

The process by which the police and CPS decide whether there is sufficient evidence for a suspect to be prosecuted. The process is governed by the Director’s Guidance on Charging.

³⁹ *Rape and sexual offences – Annex A: Tackling Rape Myths and Stereotypes*; CPS www.cps.gov.uk/legal-guidance/rape-and-sexual-offences-annex-tackling-rape-myths-and-stereotypes

Rape

Rape is a crime under section 1 or section 5 of the Sexual Offences Act 2003.

Section 1: A person (A) commits an offence if—

a) he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis,

b) B does not consent to the penetration, and

c) A does not reasonably believe that B consents.

Section 5: A person commits an offence if—

a) he intentionally penetrates the vagina, anus or mouth of another person with his penis, and

b) the other person is under 13

Rape flagged

Cases on the CPS case management system have notifications (called flags) to indicate a particular feature of the case, such as rape, domestic abuse or racially aggravated offences. An adult rape flagged case is one that only has a flag for rape and does not also have a flag for child abuse. Offences under S.1 and S.5 Sexual Offences Act 1956, S.1, S.5 and S.30 Sexual Offences Act 2003, and any attempt to commit any of these offences under the Criminal Attempts Act 1981 or an incitement or conspiracy to commit any of these offences are defined and flagged as rape by the CPS.

Rape and Serious Sexual Offences (RASSO)

Includes rape, sexual assault, sexual activity offences, abuse of children through prostitution or pornography, and trafficking for sexual exploitation.

Rape scrutiny panels

These panels are composed of various stakeholders, including the CPS, police and third-sector representatives. They review and scrutinise the police and CPS handling of rape cases to identify areas of improvement, helping to make recommendations to improve processes, victim support and overall performance.

Reasonable lines of enquiry

When conducting an investigation, the Attorney Generals Guidelines on disclosure says that the police investigator “should ensure that all reasonable lines of inquiry are investigated, whether these point towards or away from the suspect. What is ‘reasonable’ will depend on the context of the case. When assessing what is reasonable, thought should be given to what is likely to be obtained as a result of the line of inquiry and how it can be obtained. An investigator may seek the advice of the prosecutor when considering which lines of inquiry should be pursued”.

Restraining Order

Restraining orders may be made by the court on conviction or acquittal of a defendant for any criminal offence. They are intended to be preventative and protective. The guiding principle is that there must be a need for the order to protect a person or persons from conduct amounting to harassment or fear of violence.

Section 28 Youth Justice and Criminal Evidence Act 1999

Provides the option to pre-record the cross-examination evidence in advance of a trial for vulnerable victims and witnesses.

Senior Crown Prosecutor (SCP)

A lawyer employed by the CPS with the necessary skills and experience to carry out the functions of reviewing and preparing cases for court and prosecuting cases at court. Senior Crown Prosecutors can also advise the police on charge. It is not a role that includes managing staff.

Senior District Crown Prosecutor (SDCP)

A lawyer employed by the CPS with the necessary skills and experience to progress to a more senior legal role. It is a role that includes managing staff.

Service level agreement (SLA)

A formal, written document outlining the level of service a provider will provide.

Sexual harm prevention order (SHPO)

An order that protects the public from sexual harm by restricting a defendant’s behaviour or requiring a defendant to do certain things. Restrictions could include being prohibited from undertaking certain forms of employment, travel abroad or access to the internet. A requirement to do certain things could include being required to take part in a sex offender rehabilitation programme or being required to stay in a residence between certain hours. A SHPO can be

made against a person who is found to have committed an offence under Schedule 3 or 5 of the Sexual Offences Act 2003, which includes an offence of rape.

Special measures

The Youth Justice and Criminal Evidence Act 1999 provides for a range of special measures to enable vulnerable or intimidated witnesses in a criminal trial to give their most accurate and complete account of what happened. Measures include giving evidence via a live TV link to the court, giving evidence from behind screens in the courtroom and using intermediaries. A special measures application is made to the court within set time limits and can be made by the prosecution or defence.

Standard operating practice (SOP)

The CPS has a range of standard operating practices which set out how to complete a particular task or action and cover legal and business aspects of the running of the CPS. They are standard across the organisation and seek to apply consistency to business practices and key steps needed in all prosecutions.

Suspect

Someone accused of or believed to have committed a criminal offence but not charged or convicted of an offence.

Suspect-centric approach

This means looking closely at the actions of the suspect before, during and after the alleged offence so that their behaviour is the focus of the investigation. This approach aims to thoroughly scrutinise the suspect's conduct to build stronger cases and potentially identify patterns of behaviour or bad character evidence that may be relevant to the investigation.

Third party material

Material held by someone other than the investigator and/or prosecutor, such as medical or school records, or documents held by Social Services departments.

Triage

In the context of this report, triage is a check carried out by a member of CPS staff, either an administrator or legal manager, to make sure that what the police have sent to the CPS includes the right documents and other items. If an administrator triage, then the check is normally for the presence of the required

material, not the quality of their contents. If a triage by a legal manager, this will often check both the presence of required material and the quality of its contents.

Unused material

Material collected by the police during an investigation, but which is not being used as evidence in any prosecution. The prosecutor must consider whether to disclose it to the defendant. See also disclosure.

Victims' Code

Sets out a victim's rights and the minimum standards of service that organisations must provide to victims of crime. Its aim is to improve victims' experience of the criminal justice system by providing them with the support and information they need. It was published in October 2013 and last updated on 29 January 2025.

Victim Communication Letter (VCL)

A victim in a case should be informed by the CPS of any decision not to prosecute, to stop a case or substantially alter a charge. In the main, victims are informed by letter and vulnerable or intimidated victims must be notified of a decision within one working day.

Victim Personal Statement (VPS)

When a victim explains to the court how a crime has affected them. If a defendant is found guilty, the court will take the VPS into account, along with all the other evidence, when deciding on an appropriate sentence.

Victims' Right to Review scheme (VRR)

This scheme provides victims of crime with a specifically designed process to exercise their right to review certain CPS decisions not to start a prosecution, or to stop a prosecution. If a new decision is required, it may be appropriate to institute or reinstitute criminal proceedings. The right to request a review of a decision not to prosecute under the VRR scheme applies to decisions that have the effect of being final made by any crown prosecutor, regardless of their grade or position in the organisation. It is important to note that the "right" referred to in the context of the VRR scheme is the right to request a review of a final decision. It is not a guarantee that proceedings will be instituted or reinstituted.

Violence against women and girls (VAWG)

A category of offending that covers a wide range of criminal conduct, including domestic abuse, controlling and coercive behaviour, sexual offences, harassment, forced marriage, so-called honour-based violence, and slavery and trafficking. VAWG includes boys and men as victims but reflects the gendered nature of the majority of VAWG offending.

Vulnerable and/or intimidated witnesses

Those witnesses who require particular help to give evidence in court, such as children, victims of sexual offences and the most serious crimes, persistently targeted victims, and those with communication difficulties.

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