



**HMCPSI**

HM Crown Prosecution  
Service Inspectorate

# **An inspection of the CPS's approach to prosecuting crimes against older people**

**Can older people be confident  
in the CPS's approach to  
prosecuting cases in which  
they are victims?**

**March 2026**

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## Who we are

His Majesty's Crown Prosecution Service Inspectorate (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 (CPS) and Serious Fraud Office (SFO). 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**

The Crown Prosecution Service (CPS) plays a critically important role within the criminal justice system. It is the principal prosecuting authority for England and Wales, responsible for independently advising the police, determining charges for suspects, and prosecuting cases in magistrates' courts and the Crown Court. It focuses on delivering justice by ensuring the right person is charged with the right offence, while supporting victims and witnesses throughout the legal process.

In 2019, along with Her Majesty's Inspectorate of Constabulary Fire and Rescue Services (HMICFRS), we carried out a joint inspection of the service provided to older victims of crime<sup>1</sup>. This report set out a number of recommendations for both the police and CPS, which they accepted and responded to with an action plan. The 2019 report made three specific recommendations for the CPS: agreeing with the police a joint and simple definition of what constitutes an older victim; reviewing guidance about special measures; and ensuring prosecutors consider restraining orders in all cases.

In response to the recommendations and to increase focus and awareness across the service, the CPS made the decision to treat crimes against older people in line with existing statutory hate crimes<sup>2</sup>. This means that prosecutors should consider whether the crime has been motivated by the vulnerability of the victim, and that in cases where the victim is over 65 and the offence was targeted at their vulnerability or perceived vulnerability, the case should be flagged and prosecutors should consider how to best support the victim.

I will not go into detail on the inspection findings here, but overall it shows that in the majority of cases we examined, prosecutors recognised those cases where the victim's vulnerability had been a feature of the targeting of the crime. The report also sets out a number of strengths, including prosecutors generally making good applications about bail and custody and applying for orders to protect older victims of crime.

As with many of our inspections, we again found issues with the accuracy of flagging cases. The case management system requires that operational and legal staff recognise and manually flag cases. This is open to error. A digital

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<sup>1</sup> [The poor relation: The police and Crown Prosecution Service's response to crimes against older people - His Majesty's Inspectorate of Constabulary and Fire & Rescue Services](#)

<sup>2</sup> The law recognises five types of hate crime on the basis of race, religion, disability, sexual orientation and transgender identity.

solution must be found, given that the data is used and shared to aid policy development and is relied upon by third sector organisations. I do question whether artificial intelligence (AI) could be a solution to improving the accuracy of case flagging.

Even though we found inaccuracies in the flagging of cases, our findings highlight that there was no real variation in the service provided whether a case was correctly flagged or not. Prosecutors recognised where there was vulnerability in most cases and dealt with it effectively.

Given our findings and the pressures on prosecutors, including the significant case backlogs which have increased their caseloads, the findings of this inspection make me question if the CPS treating crimes against older people as a quasi-hate crime is necessary. Our findings point to the fact that identification of vulnerability is often related to the offence type, and as such, cases with older victims are being handled well. The CPS may wish to consider their approach given the pressures; doing anything to reduce burdens at the frontline must be considered.

In line with my priority of putting victims at the heart of inspection, we engaged with Age UK<sup>3</sup> and Hourglass<sup>4</sup> as we developed and delivered the inspection. Their insights and thoughts were invaluable in allowing us to develop our inspection approach and framework. I would like to thank both charities for their support and time.

One of the issues raised by Hourglass is why the CPS (and policing) adopted a policy for older people with the age of 65, given the usual (common) approach of 60 being the defining age. Given the reliance on data to develop policy and strategy, and the issues we have found with the flagging of cases, it would be helpful if a digital solution could be found and that the CPS reconsider the age of victims they flag. We would suggest that all cases involving victims over 60 should be flagged for the interest of data only. Differing treatment of case handling should not be linked to any age determination but instead linked to vulnerability. As our findings show, the CPS is already doing this well for cases involving older people.



**Anthony Rogers**  
His Majesty's Chief Inspector

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<sup>3</sup> [Age UK | Let's change how we age](#)

<sup>4</sup> [Hourglass](#)

## **2. Summary**

**2.1.** Her Majesty's Crown Prosecution Service Inspectorate (HMCPsi) conducted a joint inspection with Her Majesty's Inspectorate of Constabulary Fire and Rescue Services (HMICFRS) between 2018 and 2019 into the police and Crown Prosecution Service's (CPS's) response to crimes against older people<sup>5</sup>. The 2019 report contained a total of 13 recommendations, ten of which were aimed solely at the police, two of which were aimed at the police and CPS jointly, and one was solely for the CPS. The recommendations for the CPS identified that they needed to improve their consideration of special measures, provide clear instructions on the file regarding victim rights, and provide relevant information about older victims to court prosecutors.

**2.2.** Following publication of the 2019 report, the CPS worked collaboratively with the police to agree a joint definition of what constitutes an older victim. In addition, the CPS published policy guidance and prosecution guidance specifically addressing crimes against older people. To support operational delivery, the CPS also introduced an electronic 'flag' to assist in identifying and monitoring cases which meet the definition. These actions addressed all of the recommendations that were specifically made to the CPS.

**2.3.** Given the time that had passed since the joint inspection, and the impact that crime and any delay in dealing with it has on older people, our business plan for 2025-26 included a commitment to undertake a thematic inspection of the CPS's handling of cases involving crimes against older people. We focused this inspection on the service provided by the CPS to older people who are victims of crime. Recognising the importance of reflecting the experiences and perspectives of older victims, we actively sought to capture their voice by engaging with third sector charities which represent them, to ensure that we understood the issues they face in navigating the criminal justice system.

**2.4.** The CPS's definition of a crime against an older person is:

"Where the victim is 65 or over, any criminal offence which is perceived by the victim or any other person, to be committed by reason of the victim's vulnerability through age or presumed vulnerability through age."

**2.5.** This definition covers cases where a victim is selected or exploited because they are perceived to be vulnerable due to their age. Any victim who

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<sup>5</sup> [The poor relation: The police and Crown Prosecution Service's response to crimes against older people - His Majesty's Inspectorate of Constabulary and Fire & Rescue Services](#)

is aged 65 or over and was not exploited or selected due to their age is not deemed as falling within the definition of a crime against an older person.

**2.6.** Hourglass told us that they think the focus on vulnerability in the definition is helpful. They would prefer the definition to include victims aged 60 and over rather than 65, as they believe this would bring the CPS into line with other organisations and would make it easier for data to be collected (currently the CPS aggregates data for victims aged between 60 and 69 years).

**2.7.** The CPS recognises that crimes against older people can take many forms, and that the amount of help older people require will depend on their individual circumstances.

**2.8.** In general, we found that the CPS provides a good service to older people who are victims of crime. Prosecutors are good at identifying the vulnerability of victims and there is a focus on applying for appropriate special measures to assist victims to give evidence, as well as asking the court to make ancillary orders to protect them during and after a prosecution.

**2.9.** In some aspects of the prosecution process, there is room for improvement. We found that the instructions to court prosecutors were not always of high quality and often did not include information about the victim as an older person. This can prevent court prosecutors from making applications for special measures at the earliest opportunity, and from giving the court the full information it needs to properly sentence defendants. This was identified as an area for improvement in the 2019 report.

**2.10.** We found that the flagging of cases was not consistent or accurate. We found many examples of cases that were flagged where the victim was not targeted due to age-related vulnerability, or where the victim was under the age of 65.

**2.11.** The CPS publishes data about crimes against older people alongside hate crime data. Crimes against older people are not, by definition, a hate crime. However, the definition jointly agreed by the CPS and police is based upon other hate crime types where the offending must be motivated or targeted due to vulnerability or perceived vulnerability through age. This means that cases where this element cannot be proved are not included within the CPS's approach, either in terms of applying the policy and guidance to the prosecution, or the collation of data through flagging, even

where the victim is aged 65 or over. Published data contained obvious inaccuracies, such as including victims aged under 65.

**2.12.** We identified little difference in quality between cases that were correctly flagged as meeting the CPS's definition of crimes against older people, and those cases that were not flagged. Victims in our case file sample received a similar level of service regardless of flagging. This shows that prosecutors were good at identifying vulnerability and demonstrating a thinking approach when considering cases involving crimes against older people, irrespective of the flagging process.

**2.13.** CPS hate crime co-ordinators told us that the published policy and prosecution guidance regarding crimes against older people helped prosecutors by highlighting relevant issues. However, we found little evidence that prosecutors refer to the guidance when making decisions in cases involving crimes against older people.

**2.14.** We found that the CPS generally provides a good level of service to older victims of crime, and that there is clear evidence of commitment to supporting this group. We found that this was as a result of application of other CPS policies and guidance, such as meeting victims' rights in accordance with the Code of Practice for Victims of Crime<sup>6</sup> ('the Victims' Code') and ensuring that special measures were properly considered for individual victims irrespective of whether they were targeted due to vulnerability or perceived vulnerability due to age.

## Conclusion

**2.15.** We found that there is a commitment to supporting older victims of crime through robust prosecutions. The CPS acted upon the findings of our 2019 inspection by developing and implementing policy and guidance regarding crimes against older people. It agreed a definition with the police which made it a quasi-hate crime, as it required an element of targeting due to vulnerability or perceived vulnerability due to age. CPS data regarding crimes against older people was reported alongside hate crime data and the CPS hate crime lead was appointed as lead for crimes against older people.

**2.16.** Since implementation five years ago, there has been no review. Our findings suggest that a review is needed. We found significant errors in the flagging of cases using the CPS's current definition, meaning that the

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<sup>6</sup> [The Code of Practice for Victims of Crime in England and Wales and supporting public information materials - GOV.UK](#)

published data cannot be relied upon as an accurate report of how the CPS prosecutes crimes against older people.

**2.17.** The definition of a crime against an older person requiring an element of targeting is one that causes confusion in flagging (leading to many of the errors we saw). It excludes many older people who may be vulnerable or intimidated from the data and from the policy and guidance which prosecutors should follow. We saw little or no assurance of casework or data around these cases to drive greater accuracy or improvement.

**2.18.** Delay is a particular issue in cases involving older victims. With the extensive backlogs in the Crown Court system, it is important that the approach the CPS adopts in this current climate reflects the need to expedite these cases. This includes engaging with the Crown Court about listing when cases are adjourned on multiple occasions.

**2.19.** Although we saw some good casework and positive approaches around action plans and special measures in our file examination, this appeared to be driven more as a result of cross overs with other CPS work streams or policies rather than as a result of prosecutors following the guidance and policy for crimes against older people.

**2.20.** Significant resource would be needed to reinvigorate the CPS's current policy and approach to ensure that the policy and guidance is updated and consistently followed, with casework assurance taking place, as well as instilling greater rigour around case flagging, monitoring, and data capture quality and use.

**2.21.** Given our findings, we question whether this application of resource is proportionate and would add real value, or whether highlighting the need to consider age and vulnerability in all aspects of communication with and support of victims would have a greater impact on enhancing older victims' experience.

**2.22.** While we understand, given the recommendation in the joint inspection, why the CPS and police developed the definition of over 65 years old for cases involving crimes against older people, this creates a disconnect with the definition used by the third sector. Our view is that the CPS and police definition should be revised to align with that of the third sector and that all cases involving victims aged 60 or over should be flagged, irrespective of whether the offence was one where the victim was targeted because of vulnerability due to age or because of a perceived vulnerability due to age. This would provide clear data on the volume of cases where

older people are victims, applying the same parameters as those collated by the third sector, assisting with policy development and so adding value.

## Recommendations, compliance issues and strengths

**2.23.** We make three recommendations.

### Recommendations

1. By September 2026 to simplify the definition of a crime against an older person to anyone aged 60 or older who is a victim of crime, and align the flagging requirement to the new definition.

2. By September 2026 to simplify the crimes against older people guidance to remove the requirement to treat such offences as quasi-hate crimes and instead focus on the need to consider vulnerability in all aspects of communication with and support of older victims throughout the prosecution process, providing links to and from other elements of relevant guidance and policy to enhance the experience of older victims of crime.

3. By September 2026 to ensure the accuracy of the flagging data is monitored and quality assured.

### Compliance issues

Prosecutors do not consistently review cases following significant developments after charge. Para 6.16.

Court prosecutors are not consistently recording whether the vulnerability of a victim has been brought to the attention of the sentencing judge. Para 6.32.

The quality of instructions to counsel, including information about the victim as an older person, is generally poor. Para 6.33.

### Strengths

CPS policies and guidance, such as those relating to domestic abuse and sexual offences, contain specific references to older victims that assist prosecutors when reviewing cases that do not meet the CPS definition of a crime against an older person. Para 5.10.

In some CPS Areas, third sector representatives of older people are invited to discuss casework with the CPS. Para 5.21.

Prosecutors assess the evidence of older people as victims fairly and without age-related prejudice or bias. Para 6.8.

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Prosecutors set necessary and proportionate action plans with realistic timescales for the police in the majority of cases, ensuring that older people are not subject to unnecessary delay to cases in which they are victims. Para 6.11.

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Prosecutors make good applications about bail and custody and apply for orders to protect older victims of crime. Para 6.28.

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The CPS is good at ensuring it considers older victims' views before accepting pleas to alternative or less serious offences. Para 6.30.

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### **3. Context and background**

## Context

**3.1.** Increasing life expectancy has contributed significantly to a trend of ageing populations. In England and Wales this is a long-term trend that is set to continue<sup>7</sup>.

**3.2.** The Office for National Statistics (ONS) reported that the United Kingdom has more people than ever before in older age groups<sup>8</sup>. Between 2022 and 2032, the number of people at state pension age is projected to increase by 1.7 million (13.8%) from an estimated 12 million to 13.7 million people<sup>9</sup>.

**3.3.** There are no statutory definitions of 'old age' or 'older people' in England and Wales and definitions vary both nationally and internationally. There are many legitimate, but conflicting, views as to the age at which old age should begin.

**3.4.** The World Health Organisation (WHO) explains the wider concept of ageing as: "at the biological level, ageing results from the impact of the accumulation of a wide variety of molecular and cellular damage over time. This leads to a gradual decrease in physical and mental capacity, a growing risk of disease and ultimately death. These changes are neither linear nor consistent, and they are only loosely associated with a person's age in years."

**3.5.** It is widely recognised that people age at different biological rates, making strict definitions challenging. Where parameters are required, the most common starting points are either 60 or 65 years old. In practice, additional subjective terms such as 'capacity', 'frailty' or 'vulnerability' are used to assess need or priority, depending on the setting or service.

## The third sector and victim experience

**3.6.** In preparing for this inspection, we engaged with two charities with expertise on ageing and the abuse of older people: Age UK and Hourglass. The purpose of this engagement was to better understand the challenges and issues faced by older victims within the criminal justice system so that we could make a more informed assessment of whether the service

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<sup>7</sup> [Population estimates for the UK, England, Wales, Scotland and Northern Ireland - Office for National Statistics](#)

<sup>8</sup> [Voices of our ageing population - Office for National Statistics](#)

<sup>9</sup> [National population projections - Office for National Statistics](#)

provided by the Crown Prosecution Service (CPS) effectively supports them during what is likely to be a difficult and unknown experience. These discussions and consideration of the victim voice helped us to shape the scope and methodology of the inspection and will be referred to throughout this report.

**3.7.** Age UK told us that they have a wide-ranging remit in terms of supporting older people and they are not specifically involved with older victims of crime. They told us that when they receive requests for assistance from older victims, they generally refer them to Hourglass, for whom supporting older victims of crime is their primary purpose. For that reason, engagement with Hourglass comprised the majority of our engagement with the third sector.

**3.8.** Informed by their provision of frontline support to victims of crime, Hourglass explained that barriers to engagement exist for older people at all stages of the criminal justice process. They provided insight into the challenges experienced by older people in the reporting and investigation stages, as well as key concerns around participation in the court process.

**3.9.** The charity explained the importance of considering the environment in which older victims may have been raised, as this could influence feelings of fear or shame around reporting crime and their relationships with services such as the police and the CPS. Older people often do not recognise that they have been victims of crime, particularly when the crime has been perpetrated by family members, which Hourglass told us in their experience is fairly common.

**3.10.** Hourglass emphasised the acute risks to older people of the current court backlog and the likelihood of this victim group being disproportionately impacted by delays in the system. They told us that older victims of crime often don't feel informed or respected throughout the criminal justice process and they are often unaware that it may not always be necessary for them to attend court in order to obtain justice.

## Previous inspection

**3.11.** Between 2018 and 2019, Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) conducted a joint inspection of how the police and the CPS respond to crimes against older people. 'The

poor relation: The police and CPS response to crimes against older people'<sup>10</sup> ('the 2019 report') was published in July 2019.

**3.12.** The 2019 report described how crimes against older people were not well understood, despite the importance that society attaches to looking after people in their old age, and the vulnerability of some older people.

**3.13.** The 2019 report made a series of recommendations, three of which were directed at the CPS. These included agreeing with the police a joint and simple definition of what constitutes an older victim, reviewing guidance about special measures, and ensuring prosecutors consider restraining orders in all cases.

**3.14.** The 2019 report also identified areas for improvement for the CPS, including ensuring consistency regarding the inclusion of all relevant information about victims as older people in instructions to court prosecutors, recording of special measures entitlements at the pre-charge stage, and in providing instructions on the prosecution file about victims' entitlements under the Code of Practice for Victims of Crime ('the Victims' Code'). The CPS were also asked to consider whether crimes against older people should routinely be incorporated into local scrutiny panels and to clarify that the CPS lead for hate crime is also the lead with responsibility for crimes against older people.

**3.15.** The CPS accepted all of the findings of the 2019 report and published a response setting out their actions in respect of each of the recommendations and the areas for improvement<sup>11</sup>.

**3.16.** While this inspection is not a formal follow-up to the 2019 inspection, the findings, recommendations and areas for improvement were taken into consideration when setting out its framework.

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<sup>10</sup> [The poor relation: The police and Crown Prosecution Service's response to crimes against older people - His Majesty's Inspectorate of Constabulary and Fire & Rescue Services](#)

<sup>11</sup> [CPS response to the HMICFRS/HMCPSI joint thematic inspection report in relation to Crimes Against Older People | The Crown Prosecution Service](#)

## The CPS's approach to crimes against older people

**3.17.** The current CPS policy guidance on the prosecution of crimes against older people<sup>12</sup> ('the policy guidance') was introduced on 15 July 2019, following a period of consultation in the autumn of 2018. Its introduction had been purposely delayed to allow the CPS to consider the 2019 report.

**3.18.** The policy guidance defines a crime against an older person as: "Where the victim is 65 or over, any criminal offence which is perceived by the victim or any other person, to be committed by reason of the victim's vulnerability through age or presumed vulnerability through age."

**3.19.** When publishing the policy guidance, the CPS also revised its prosecution guidance relating to crimes against older people<sup>13</sup> ('the prosecution guidance'). The prosecution guidance is designed to help prosecutors correctly apply the Code for Crown Prosecutors ('the Code') and provides instruction to prosecutors on the handling of crimes against older people.

**3.20.** Both the policy guidance and the prosecution guidance state that the CPS uses an electronic 'flag' to identify and monitor cases involving crimes against older people on its case management system (CMS).

**3.21.** The prosecution guidance states the following: "The CPS is committed to monitoring cases involving crimes against older people. The purpose is to identify cases, to examine whether all relevant issues have been addressed appropriately and to assess whether the case should also be classified and dealt with as a disability hate crime. All cases which fall within the CPS definition of a crime against an older person should be flagged on our Case Management System. Some cases will require more than one flag, for example, cases that involve domestic abuse, rape, or racist, religious, homophobic, transphobic or disability hate crime elements.

All cases flagged as involving a crime against an older person will be monitored and reviewed as part of the 'live checks' conducted in accordance with our national Hate Crime Assurance Regime."

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<sup>12</sup> [Policy guidance on the prosecution of crimes against older people | The Crown Prosecution Service](#)

<sup>13</sup> [Older People: Prosecuting Crimes against | The Crown Prosecution Service](#)

## Relationship to hate crime

**3.22.** In England and Wales, age is a protected characteristic under the Equality Act 2010 and is covered by discrimination law. However, it is not one of the characteristics recognised under criminal hate crime legislation which recognises five types of hate crime based on race, religion, sexual orientation, disability and transgender identity<sup>14</sup>.

**3.23.** The CPS treats crimes against older people in a similar way to that in which it treats hate crimes. For example, the CPS's national hate crime lead is also the national lead for crimes against older people. This was a recommendation of the 2019 report.

**3.24.** The CPS has publicly reported on crimes against older people alongside hate crime since 2010<sup>15</sup>. This was first introduced as part of the hate crime reports<sup>16</sup>. In January 2020, the CPS moved to publishing quarterly bulletins of data tables and summaries of main trends. Performance in relation to crimes against older people continues to feature alongside hate crime in a number of these quarterly data tables<sup>17</sup>.

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<sup>14</sup> Crime and Disorder Act 1998 and section 66 of the Sentencing Act 2020

<sup>15</sup> [https://webarchive.nationalarchives.gov.uk/ukgwa/20171102141207mp/http://www.cps.gov.uk/publications/docs/CPS\\_hate\\_crime\\_report\\_2010.pdf](https://webarchive.nationalarchives.gov.uk/ukgwa/20171102141207mp/http://www.cps.gov.uk/publications/docs/CPS_hate_crime_report_2010.pdf)

<sup>16</sup> [Hate Crime reports | The Crown Prosecution Service](#)

<sup>17</sup> [CPS quarterly data summaries | The Crown Prosecution Service](#)

## **4. Framework and methodology**

## The inspection framework

**4.1.** The inspection framework was designed to assess how well the Crown Prosecution Service (CPS) handles cases involving crimes against older people. Throughout the inspection, we focused on how well the CPS communicates with and supports older victims of crime. We examined the quality of legal decision-making as well as the CPS's general approach to crimes against older people, the quality of the policy guidance and prosecution guidance, and the accuracy and use of CPS data.

**4.2.** Our overall inspection question was 'Can older people be confident in the CPS's approach to prosecuting cases in which they are victims?'

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

## Methodology

### Terminology

**4.4.** Throughout this report, we have used the terms 'older people' and 'older victims' to refer to individuals aged 65 and over, in line with the CPS definition. We acknowledge that not everyone within this age group will identify as an older person and that their needs and concerns may vary significantly. The terminology is used solely for consistency and clarity, and no disrespect is intended by its application.

### File examination

**4.5.** Inspectors examined 168 finalised cases (12 from each of the 14 CPS geographical Areas). We reviewed and assessed these files against a question set which can be found in full at Annex C.

**4.6.** Two-thirds of the 168 files (112 files) were cases which had been flagged on the CPS case management system (CMS) as involving a crime against an older person. The remaining third (56 files) was made up of cases where the victim was aged 65 or over but which had not been flagged as meeting the CPS definition of a crime against an older person, which requires the victim to have been targeted specifically due to vulnerability or perceived vulnerability due to age.

**4.7.** Examining a mixture of flagged and not flagged cases allowed inspectors to make direct comparisons between the way in which these cases were handled by the CPS. We were also able to consider an issue

raised by the third sector, that not all cases which met the CPS definition of a crime against an older person were being identified and flagged as such.

**4.8.** We had originally intended that the sample from each CPS Area would specifically include:

- two cases where the CPS decided to take no further action (NFA), one based on the evidential stage and one on the basis of the public interest stage of the Code for Crown Prosecutors ('the Code'<sup>18</sup>)
- four Crown Court cases, four magistrates' courts cases, and two dealt with by CPS Rape and Serious Sexual Offence (RASSO) units.

**4.9.** However, due to the primarily defendant-focused way in which CMS and other CPS systems collect and store case data (further details of which will be discussed in chapter 7), it was not possible to identify sufficient RASSO cases where the victim was aged 65 or over or the case was flagged as a crime against an older person.

**4.10.** The original intention had been to examine 28 RASSO cases, however inspectors reviewed 18. Where suitable RASSO cases could not be identified, these were substituted with other Crown Court cases to ensure the sample remained representative.

**4.11.** The decision to review cases from all three units was not intended to consider the specific units' handling of cases, but rather it was designed to ensure that inspectors considered a full range of offence types, including sexual offences. This approach was informed by our discussions with third sector representatives, which highlighted the importance of reflecting the full spectrum of offending against older people.

**4.12.** We were only able to identify five cases which were either flagged as a crime against an older person, or where the victim was aged 65 or over, in which the CPS had taken NFA on the grounds that prosecution was not in the public interest. We substituted these cases with additional cases which had been NFA for evidential reasons (see chapter 6).

**4.13.** In response to concerns raised by third sector representatives regarding the CPS definition of an older person as a person over the age of 65 rather than a person over the age of 60, we conducted a review of 20 additional cases involving victims aged between 60 and 64. The cases spanned all 14 CPS Areas, included cases from Crown Court, magistrates'

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<sup>18</sup> [The Code for Crown Prosecutors | The Crown Prosecution Service](#)

courts and RASSO units, and were selected at random. We considered whether these cases would have met the definition of a crime against an older person had the age limit in the definition been lowered to 60 years or over.

#### **CPS Areas selected**

**4.14.** We interviewed staff from four CPS Areas<sup>19</sup>. The four Areas were selected because they represented a spread of geographical areas and there were significant variations between them in the number of cases they identified as crimes against older people. The selection also considered information provided to us by the CPS and the third sector which indicated that some of these Areas engage with the third sector in relation to crimes against older people.

**4.15.** The staff we interviewed in the four Areas included the Area leads for crimes against older people, Area performance managers, inclusion community engagement managers and other individuals who were responsible for completing hate crime data assurance. We spoke to police witness care unit managers<sup>20</sup> in two CPS Areas. These interviews took place in October and November 2025.

**4.16.** We also interviewed relevant staff at CPS Headquarters, including individuals from the CPS legal assurance team and policy directorate.

**4.17.** We also requested key documents from the four selected Areas and CPS Headquarters relevant to local community engagement and hate crime assurance. Where provided, we examined these.

**4.18.** Meetings were held with representatives from the third sector at both the scoping and evidence-gathering stages of the inspection. We considered written representations from Hourglass regarding the CPS policy guidance and data assurance.

**4.19.** This inspection was led by legal inspector Justine Allan. She was assisted by legal inspectors Oriana Frame, Andrew Hodgson and Lauranne Middleton, and associate inspector James Jenkins. Business service support was provided by Shauna Compton, Ben Hayter and Zoe Marshall. Senior legal inspector Jeetinder Sarmotta supervised the inspection.

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<sup>19</sup> CPS East Midlands, CPS London South, CPS North West and CPS South East.

<sup>20</sup> Witness care units are managed by the police. They provide a single point of contact for victims and can act as a liaison between victims and the CPS.

**4.20.** We extend our thanks to all those who engaged with us in this inspection, including staff in CPS Areas, CPS policy directorate and the CPS legal assurance team, witness care unit managers, and to representatives of Age UK and Hourglass for giving us their time and sharing their knowledge and expertise with us.

## **5. Policy, guidance and training**

## CPS definition of a crime against an older person

**5.1.** The Crown Prosecution Service (CPS) definition of a crime against an older person is where the victim is aged 65 or over, any criminal offence which is perceived by the victim or any other person to be committed by reason of the victim's vulnerability through age or presumed vulnerability through age.

**5.2.** The CPS has aligned crimes against older people with the statutory forms of hate crime by including a targeted element to the definition. Defendants convicted of crimes against older people are not automatically given a more serious sentence, as they would be in a case of hate crime. However, the targeting of vulnerable victims including vulnerable older people is an aggravating factor increasing the seriousness of a crime, and it is CPS policy to invite courts to increase the sentence for such offences. CPS Headquarters referred to crimes against older people as 'hate crime adjacent'.

**5.3.** We heard from third sector charities involved in supporting older people who claimed that, in their view, the age limit in the CPS definition should be reduced to include victims who are aged 60 and over. The rationale for this is to ensure that people who may consider themselves older and are represented by specialist organisations who assist older victims of crime can be included in the definition.

**5.4.** As part of our inspection, we examined 20 cases where the victim was aged between 60 and 64 years old and considered whether any of them would have met the definition of a crime against an older person had the age limit in the definition been lowered to 60 years and over.

**5.5.** Of the 20 cases we examined, only one case was identified which would have met the definition of a crime against an older person had the age limit been lowered to 60 or over. This case involved domestic abuse of a 64-year-old father by his adult son. There was clear evidence that the offence was targeted at the victim's vulnerability due to his age as the abuse had included comments where the defendant had referred to the victim as "old".

**5.6.** The remaining 19 cases that we examined contained no indications that the offences were targeted at the victims' vulnerability or perceived vulnerability due to age, so would not have been included in any amended definition of a crime against an older person which reduced the age limit to 60 years or above.

## CPS policy and guidance

**5.7.** The CPS has published both policy guidance on the prosecution of crimes against older people ('the policy guidance'), and prosecution guidance on prosecuting crimes against older people ('the prosecution guidance'). As part of our inspection we considered whether the policy guidance and prosecution guidance are easy to follow and provide effective instruction and direction to prosecutors. We also looked for evidence that prosecutors consider the prosecution guidance when reviewing cases involving crimes against older people.

**5.8.** The policy guidance is a public-facing document which explains the way in which the CPS deals with crimes where older people have been targeted by reason of their age or age-related vulnerability, and how the CPS supports older people who are victims of crime. It highlights the risks of making assumptions about victims' reliability or credibility based on age, and the barriers older people may face in reporting crimes and giving evidence in court. It sets out how the CPS flags and monitors crimes against older people.

**5.9.** The prosecution guidance is a publicly available document designed to assist prosecutors in identifying issues which can be relevant to reviewing and prosecuting cases in which older people are victims. It highlights public interest factors that may be relevant to a decision whether to charge, such as the vulnerability of the victim and where there is a position of trust between the suspect and the victim, how to build an effective case, and the types of special measures and reasonable adjustments that may be required in a case in which an older person is the victim.

**5.10.** Both the policy guidance and the prosecution guidance refer to the need for prosecutors to consider other CPS policies and guidance where relevant, for example where a case involves issues of disability, racist or religious hate crime, homophobic or transphobic hate crime, or domestic abuse. We found that other forms of CPS policies and guidance, such as those relating to domestic abuse and sexual offences, contain specific references to older people as victims to assist prosecutors when reviewing these types of cases. This is good practice.

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### Strength

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CPS policies and guidance, such as those relating to domestic abuse and sexual offences, contain specific references to older victims that assist prosecutors when reviewing cases that do not meet the CPS definition of a crime against an older person.

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**5.11.** Hate crime co-ordinators and hate crime leads in CPS Areas told us they find the policy guidance and prosecution guidance helpful. They agreed that the guidance helps to focus prosecutors' minds on supporting older victims throughout the prosecution process, identifying whether special measures are required, and securing the best evidence from the outset of a case. They also said that the policy guidance and prosecution guidance drew prosecutors' attention to aggravating features of offending, including the potential vulnerabilities of older victims. They were of particular use to new prosecutors because they are set out in a way which is easy to understand and apply. Staff in one CPS Area told us that they were confident that prosecutors were aware of the policy guidance and prosecution guidance, although they may not have always specifically referred to them in their reviews, because prosecutors considered relevant issues in their written decisions.

**The policy guidance and prosecution guidance draw prosecutors' attention to aggravating features of offending including the potential vulnerabilities of older victims.**

**5.12.** Some hate crime co-ordinators told us that they believed there would be value in a relaunch or refresh of the policy guidance and prosecution guidance, and that new prosecutors would particularly benefit from this. We also understand that there is no reference to crimes against older people policy in the CPS national 12-week induction programme for new prosecutors. This was echoed by staff in CPS Headquarters who felt that the CPS should routinely remind staff of the policy guidance and prosecution guidance as they do, for example, with guidance on hate crime.

**5.13.** The third sector charities told us that the current CPS policy guidance contained many positive aspects, most notably that it identifies a crime against an older person as a separate category of offence. They felt that the prosecution guidance in relation to vulnerability of victims was particularly helpful in highlighting that not all older people are vulnerable and that there is an inherent ageism in assuming vulnerability due to age.

**5.14.** However, some members of the third sector believed that the policy guidance and prosecution guidance were restricted by the lack of an overarching definition of vulnerability and a limited number of examples in the prosecution guidance to show how victim vulnerability may change depending on individual circumstances and situations.

**5.15.** Of the 69 cases we examined which were correctly flagged as involving a crime against an older person, 45 cases (65.2%) did not contain any evidence to demonstrate that the prosecutor had considered the crimes against older people prosecution guidance when making the decision whether to charge the case. We found that prosecutors were much more likely to refer to the crimes against older people prosecution guidance where there was no other applicable guidance, such as domestic abuse or sexual offences guidance, which specifically reference older people as victims.

**We found that certain aspects of the guidance could also assist prosecutors in other cases involving older victims, even where the offence was not motivated by their age or vulnerability.**

**5.16.** Both the policy guidance and prosecution guidance were designed for cases that meet the CPS's definition of a crime against an older person, which includes an element of targeting based on vulnerability or perceived vulnerability due to age. However, we found that certain aspects of the guidance could also assist prosecutors in other cases involving older victims where the offence was not motivated by their age or vulnerability. For example, sections relating to case-building and the use of special measures remain relevant in such circumstances. Given the strong emphasis within both sets of

guidance on the targeting element, there is a risk that prosecutors may overlook these useful provisions when dealing with cases involving older victims that do not meet the formal definition.

**5.17.** The policy guidance states: "The CPS is committed to reviewing its publications on an annual basis and this policy guidance and the accompanying legal guidance will be reviewed in accordance with this commitment." The policy guidance was last updated on 15 July 2019 and the legal guidance on 30 April 2020. We found no evidence of a review of the publication in recent years.

## **Training**

**5.18.** When asked about training, neither staff in CPS Headquarters nor staff in the Areas we spoke to were able to recall any specific training offered to prosecutors on crimes against older people. Some Areas presumed that crimes against older people may have been included in more general training around hate crime. Areas told us that they felt specific training would be of benefit, particularly if coupled with a refresh and relaunch of the CPS policy and guidance.

**5.19.** One of the ways in which the CPS seeks to improve its casework and build public confidence is by holding Local Scrutiny Involvement Panels (LSIPs). The main purpose of LSIPs is to engage with communities and partners on sensitive cases. An LSIP will typically involve discussion about two or three cases between the CPS, criminal justice partners, and representatives from voluntary sector organisations.

**5.20.** When interviewing staff in the four CPS Areas we visited, we heard that some LSIPs included cases involving crimes against older people. However, these LSIPs were not always attended by organisations which represent older victims of crime. This represents a missed opportunity for the CPS to ensure that the perspectives and needs of older victims are fully understood and reflected in casework discussions.

**5.21.** We spoke to the inclusion and community engagement manager (ICEM) in CPS South East. ICEMs are based in CPS Areas and are external facing with a focus on community engagement. They told us that when they had taken over the role, they had identified Hourglass as a good representative of older people and had invited them to attend LSIPs. Hourglass are represented on the CPS South East LSIPs for both hate crime and violence against women and girls, because older people can be victims of both. We also saw evidence of constructive collaboration, with Hourglass suggesting that CPS South East consider discussing cases in their LSIPs involving abuse in care homes, as this was a recurring theme in recent cases on which they were consulted. As a result, the CPS was able to explain to Hourglass why there was insufficient evidence for a charging decision in two related cases involving abuse in care homes, which increased Hourglass's understanding of evidential issues in these types of cases and increased their confidence in CPS decision-making.

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**Strength**

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In some CPS Areas, third sector representatives of older people are invited to discuss casework with the CPS.

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## **6. Supporting older people who are victims of crime**

## The Code for Crown Prosecutors

**6.1.** The police are responsible for investigating criminal allegations and can make charging decisions in less serious or less complex cases. In more serious or complex cases, the decision on whether a suspect should be charged, and with what offence(s), rests with the Crown Prosecution Service (CPS).

**6.2.** Once a case is with the CPS, a prosecutor reviews the evidence and other material sent by the police and makes the decision whether to charge based on the Code for Crown Prosecutors<sup>21</sup> ('the Code'). 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.

**6.3.** When deciding whether to charge a case, prosecutors apply a two-stage test. 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.

**6.4.** 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.

**6.5.** The second, or public interest, stage will only be considered if the evidential stage has been met. If there is insufficient evidence for a realistic prospect of conviction, regardless 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 take place 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 factors set out in the Code at paragraphs 4.14(a) to 4.14(g).

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<sup>21</sup> [The Code for Crown Prosecutors | The Crown Prosecution Service](#)

**6.6.** We assessed 168 cases, consisting of 140 cases where charges were authorised either by the police or the CPS, and 28 cases where the decision by the CPS was to take no further action (NFA).

## Our casework findings

### The evidential stage

**6.7.** The CPS's prosecution guidance on prosecuting crimes against older people is clear that when assessing the competence of a witness, prosecutors should not make any assumptions about their reliability, credibility or competence to give evidence based on their age or age-related vulnerability. Prosecutors should consider what special measures are available and appropriate to enable older victims to give their best evidence. In some cases, the victim may be unable to give evidence, or it may be undesirable to call them to give evidence for health or other reasons. Prosecutors should build strong cases at the outset, including looking at the earliest opportunity for other evidence or reasonable lines of enquiry so that the case may proceed without relying on the evidence of the victim.

**6.8.** We found that in 130 of 137 cases (94.9%) we examined, prosecutors had assessed the victim's reliability, credibility or competence fairly without making any assumptions based on their age or age-related vulnerability. This is a strength.

#### Case Study

A video-recorded interview of an 80-year-old victim of fraud was submitted to the CPS by the police. The prosecutor watched significant extracts of the interview when making the decision whether to charge. The prosecutor recognised in their review of the evidence that while the victim could not remember dates or precise chronology, he was consistently clear that he had not authorised the use of his bank card while he was recovering from surgery and that this made him a credible witness. The prosecutor authorised charges for theft and fraud, noting that should the matter go to trial, an application should be made for the video-recorded interview to be used as evidence. The defendant pleaded guilty to fraud and was given a suspended sentence and ordered to pay compensation to the victim.

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**Strength**

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Prosecutors assess the evidence of older people as victims fairly and without age-related prejudice or bias.

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**6.9.** Prosecutors selected the appropriate charge which accurately reflected the offending in 116 of 125 cases (92.8%) we examined. This is important because selecting the correct charge enables cases to be presented in a clear and simple way, which supports victims in giving their best evidence.

**6.10.** We examined 25 cases which the CPS had not charged because there was insufficient evidence for a realistic prospect of conviction. We found that in 21 of those cases (84%), the CPS had properly explored proportionate and reasonable lines of enquiry before reaching the decision to take NFA.

**6.11.** We identified 133 cases where the CPS had to set an action plan for the police to make further enquiries or provide further material before the CPS could assess whether the evidential stage of the Code test was met. In 107 of those cases (80.5%), we assessed that it was necessary and proportionate for the CPS to set an action plan, and that prosecutors had set realistic timescales for delivery. In some cases, the CPS had prioritised actions for the police and set different target dates for the completion of each action depending on its importance, which is good practice.

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**Strength**

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Prosecutors set necessary and proportionate action plans with realistic timescales for the police in the majority of cases, ensuring that older people are not subject to unnecessary delay to cases in which they are victims.

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**6.12.** Although the quality of action plans we examined within our file sample was generally good, we found that one in five still required improvement. Of the 26 cases that needed improvement, three contained unnecessary actions for the police, eight had set unrealistic timescales for delivery and 15 action plans had missing actions that should have been requested. Poor action plans can result in delays in charging or deciding to NFA cases. This can have a disproportionate effect on older victims due to declining health and physiological reserves.

**The public interest stage**

**6.13.** We assessed five cases where the CPS had decided not to charge because, although the evidential stage of the Code was met, it was not in

the public interest to pursue a prosecution. In two of those cases, the CPS had not applied the public interest stage of the Code appropriately. In both cases the victims were vulnerable, but there was no consideration of the impact of the offending on them.

**6.14.** Hourglass told us they were concerned that the CPS may not be applying the public interest test appropriately in cases involving older victims, which had led to cases not being charged where they should have been. We were only able to identify five cases that had concluded in the previous two years where the case had not been charged due to public interest factors and in only one of those cases was that decision based on factors relating to the victim. Our findings indicate that the CPS appropriately applied the public interest test and did not make assumptions about victims' reliability, capability or competence in the majority of cases.

## Ongoing review

**6.15.** Where significant developments involving victims occur after a case has been charged, the CPS has a duty to conduct an ongoing review. Prosecutors must provide a clear, logical and rational assessment of any such development and set out the rationale for any further actions requested, their response to new case material and any other decision that is made about the prosecution.

**6.16.** We identified 63 cases where significant developments involving older victims occurred after charge. We found that the CPS carried out a good quality review in 39 of these cases (61.9%). In the remaining 24 cases (38.1%), there was no review carried out to properly address the development in the case.

Compliance issue
Prosecutors do not consistently review cases following significant developments after charge.

**6.17.** Given the impact of age in many of the cases involving older victims, the CPS needs to do more to ensure that significant developments in cases involving older victims are properly considered and appropriate action is taken in a timely manner.

## Impact of case delay

**6.18.** We found that delay was a feature of many of the cases we inspected. Many of these delays were due to issues with listing cases at court causing multiple adjournments of hearings. While these issues are outside of the control of the CPS, we found that the CPS did not always challenge repeat adjournments in cases where there were older victims, particularly in relation to delayed sentencing hearings.

**It is vital that the CPS recognises that delay disproportionately affects older victims and ensures that where appropriate, it challenges repeat adjournments to court hearings.**

**6.19.** We examined one case where the defendant pleaded guilty but there were several adjournments before they were sentenced. There was no evidence that the CPS attempted to oppose any of the adjournments, and the file contained the following communication from a police witness care officer recorded on the file: *“She [the victim] is absolutely gutted that the case has been adjourned again, she is 81 and plans on attending. ‘By the time the case goes ahead I will probably be dead’ are the words she used. Please note the above, she is really not happy and is wanting some sort of resolution.”*

**6.20.** It is vital that the CPS recognises that delay disproportionately affects older victims and ensures that, where appropriate, it challenges repeat adjournments to court hearings.

## Special Measures

**6.21.** The Youth Justice and Criminal Evidence Act 1999<sup>22</sup> introduced a range of measures that can be used to assist with the gathering and giving of evidence by vulnerable and intimidated victims to alleviate stress and fear. They are collectively known as special measures.

**6.22.** The CPS's prosecution guidance reminds prosecutors that where an older victim is vulnerable or intimidated, they should consider which special measures may assist the victim to give their best evidence. Whatever the age of a victim, their needs should be assessed on an individual basis. Older people may sometimes be more vulnerable due to their circumstances rather than their age. Some older people do not perceive themselves as frail,

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<sup>22</sup> [Youth Justice and Criminal Evidence Act 1999](#)

vulnerable or in need of support in any way. This highlights the diversity within the older population and the need for services and policies to avoid assumptions based solely on age and to be considered on an individual basis.

## **Older people may sometimes be more vulnerable due to their circumstances rather than their age.**

**6.23.** CPS managers told us that cases involving older people as victims are handled appropriately because the CPS places importance on considering special measures in all cases involving vulnerable and intimidated victims, and due to intersectionality with other types of offences such as domestic abuse and hate crime.

**6.24.** Of the 168 cases we examined, there were 99 cases where the victim was vulnerable or intimidated and so special measures should have been considered at the outset by the prosecutor. The CPS had properly considered special measures in 69 of 99 cases (69.7%). One good example was a case in which the CPS prosecutor clearly considered the victim's needs as an older person, applying to the court for appropriate special measures and requesting the case was allocated to a court room that was wheelchair accessible to accommodate the victim's mobility needs. In the remaining 30 cases (30.3%), more needed to be done to ensure that special measures were considered and applied for where this would have assisted the victim. In one case we examined, a victim was bedbound and required the attention of carers four times each day, but the prosecutor failed to consider whether any special measures were required to assist the victim to give evidence without having to attend court in person.

**6.25.** Of the 99 cases which had vulnerable victims and where the CPS were required to consider special measures, 52 cases proceeded to trial and therefore required special measures applications to be made at court. Appropriate applications were made in 46 of those cases (88.5%). In the six cases where applications ought to have been made but were missed, this was due to the CPS failing to properly identify or request information from the police at the initial review. This highlights the importance of early consideration of special measures to assist victims.

**6.26.** In some cases involving older victims, an intermediary can play a vital role in facilitating communication between the victim and the police, the CPS and the court. We identified 15 cases where instructing an intermediary would have assisted the victim through the prosecution process. The CPS had considered this and instigated necessary action in

seven of those 15 cases (46.7%). The CPS should do more to ensure that appropriate applications for intermediaries are made in all cases involving vulnerable victims who are eligible and could be assisted by one.

**6.27.** Third sector representatives told us that they feel the CPS does not always identify victim vulnerabilities and special measures that may assist them. This fits with our findings. It is important that the CPS makes proper applications for special measures where victims are vulnerable or intimidated, so that they can give their best evidence. It is also important to explore whether measures such as live links are required to allow older victims to give evidence without having to go to court, although the granting of special measures is a matter for the court.

## Protecting victims

**6.28.** During our file examination, we found that in 120 of 128 cases (93.8%) where it was appropriate to do so, the CPS made applications regarding bail, custody and ancillary orders which were considered, prompt and appropriate to ensure that victims were properly protected throughout the prosecution. There was evidence that prosecutors were giving thought and consideration to protecting victims and considering their needs when making such applications.

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### Strength

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Prosecutors make good applications about bail and custody and apply for orders to protect older victims of crime.

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## Pleas

**6.29.** In some cases, a defendant may wish to plead guilty to some, but not all, of the charges. Alternatively, they may wish to plead guilty to a different, sometimes less serious charge, because they admit some but not all the offending. Defendants may also wish to offer a basis of plea, which is a factual explanation for an offence which is different from the way the prosecution has presented the case. The Code states that in these circumstances, prosecutors should, if possible, ensure that the views of the victim are considered.

**6.30.** Of the 168 cases we examined, there were 22 cases where the defendant either offered to plead to some or different offences, or where the defendant offered a basis of plea. In 20 of those cases (90.9%) the CPS accepted appropriate pleas or bases of plea, sought the victims' views in advance of acceptance, and recorded this clearly on the file. In the other two

cases, the victims' views appeared to have been sought prior to acceptance of plea, but there were no records or formal reviews setting out why those pleas had been considered acceptable. A failure to properly engage with victims can damage public confidence in the criminal justice system.

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### Strength

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The CPS is good at ensuring it considers older victims' views before accepting pleas to alternative or less serious offences.

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## Sentencing

**6.31.** The prosecution guidance states that where a victim was deliberately targeted for their vulnerability, this will make an offence more serious for sentencing purposes. Prosecutors should ensure that evidence is presented to the sentencing judge, so that the judge is informed of all the features of the case.

**6.32.** Of the 168 cases we examined, there were 78 cases with a vulnerable victim in which a defendant or defendants were convicted. We found that in 50 of those 78 cases (64.1%), it was not possible to tell from the hearing record sheet on the CPS case management system (CMS) whether the prosecutor had brought the victim's vulnerability to the attention of the sentencing judge. Hearing records were inadequate and did not include this information.

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### Compliance issue

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Court prosecutors are not consistently recording whether the vulnerability of a victim has been brought to the attention of the sentencing judge.

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**6.33.** We found that the quality of instructions to counsel was generally poor. We examined 58 cases which were dealt with by the Crown Court. In 36 of these cases (62.1%), instructions did not contain information about the victim as an older person and sometimes lacked key details about applications that the CPS should have instructed counsel to make. There appeared to be an over-reliance on generic templates which were not tailored to the case and contained standard paragraphs which were not relevant. This is disappointing given this was a finding of the 2019 report. The CPS must ensure that good quality instructions are sent to counsel including information about the victim as an older person.

### Compliance issue

The quality of instructions to counsel, including information about the victim as an older person, is generally poor.

**6.34.** Under the Code of Practice for Victims of Crime ('the Victims' Code'), victims are entitled to have their victim's personal statement (VPS) presented to the court in all cases that result in a conviction. This allows them to present additional information to that in their witness statement, typically how the crime has affected them physically, emotionally and/or financially, and whether they feel vulnerable or intimidated. The VPS will be provided to the court and the defence and is usually read when a defendant is sentenced so that the court can consider the impact of the offending on the victim.

**6.35.** The prosecution guidance states that being the victim of crime can have a more serious effect on older people, particularly around their confidence, than other groups in society. The VPS is therefore particularly important in cases involving crimes against older people, so that the victim's voice is heard even in cases where the victim has not given evidence in court.

**6.36.** Of the 168 cases we examined, 118 resulted in a conviction and the victim was entitled to provide a VPS to the court at sentencing. In 81 of those cases (68.6%) either the victim had provided a VPS, or there was an indication on the file that the victim had declined to give a VPS.

**6.37.** In 37 of 118 cases (31.3%), the CPS did not hold information about the victim's wishes regarding the making of a VPS. Where victims wish to make a VPS or have made one that is not subsequently sent to the court, this can significantly affect their engagement with the court process and may undermine public confidence in the criminal justice system. It is therefore essential that the CPS ensures information about the VPS is checked and properly recorded in all prosecutions.

## Communicating with victims

**6.38.** The Victims' Code sets out the services that must be provided to victims of crime by organisations including the CPS.

**6.39.** The Victims' Code says that victims have the right to be given information about the prosecution, trial, trial process and the outcome of the case. This information must be provided in a way that is easy to understand.

**6.40.** In practice, information is usually provided to victims by police-managed witness care units (WCUs). A WCU may need to contact the CPS to obtain information about a case or to provide information about a victim. There is an agreement between the police and the CPS that the CPS will respond to communication from WCUs within 48 hours of receipt.

**6.41.** Of the 168 cases we examined, the WCU had contacted the CPS in 57 cases. In 47 of those cases (82.5%), we found that the CPS responded promptly.

**6.42.** Where the CPS decides not to prosecute at the pre-charge stage, the police are responsible for informing the victim of the decision and whether it was made on evidential or public interest grounds. It is important to be clear and open with victims to maintain public confidence. Of the 26 cases we examined where the CPS had decided to NFA the case at the pre-charge stage, 22 (84.6%) had sufficient information in the written decision to enable the police to clearly explain the reasoning to the victim.

**6.43.** Some victims are entitled to enhanced rights under the Victims' Code. These include vulnerable or intimidated victims, those who are victims of the most serious crimes, or those who have been persistently targeted. Prosecutors should identify and record the correct level of service as part of their initial review of each case, in order that the CPS can ensure it complies with its obligations under the Victims' Code.

**6.44.** Of the 91 cases we examined where the victim was entitled to enhanced rights under the Victims' Code, the CPS correctly identified this in 84 cases (92.3%). We found that some prosecutors had incorrectly assumed automatic entitlement to the enhanced service based on the victim's age, regardless of vulnerability, or had failed to explain the reason for entitlement to enhanced rights.

**6.45.** In some cases, for example when explaining a decision to alter charges, or after accepting a plea to different charges, the CPS needs to

communicate directly with victims. This occurred in 38 out of the 168 cases we examined. We found that in seven of the 38 cases (18.4%) the CPS did not communicate appropriately or consider the individual needs of the victim. In one case, the victim was registered blind, but there was nothing on the file to show that the CPS had considered this before sending a typed letter in standard-sized font to them.

**6.46.** The CPS must ensure in all cases that victim communication is appropriate and accessible, considering the needs of individual victims.

## **7. Monitoring, data and assurance**

## Accuracy of flagging

**7.1.** The Crown Prosecution Service (CPS) applies an electronic 'flag' to crimes against older people on its case management system (CMS). The flag can be applied by prosecutors or administrative staff if it appears to them that the case meets the definition of a crime against an older person.

**7.2.** CPS policy states that the purpose of the flag is twofold. Firstly, it puts prosecutors on notice that the policy guidance and prosecution guidance apply. The flag also allows the CPS to monitor and publish data on its performance in cases involving crimes against older people, identify trends, and consider whether to provide additional guidance or training to prosecutors.

**7.3.** As set out in the methodology section in chapter four, 112 of the 168 cases we examined had been flagged on CMS as involving a crime against an older person. The remaining third (56 files) was made up of cases where the victim was aged 65 or over but which had not been flagged as meeting the CPS definition of a crime against an older person.

**7.4.** Of the 168 files we examined, we found that 56 files (33.4%) had either been flagged as a crime against an older person in error, or ought to have been flagged as a crime against an older person but the flag was missing. This highlights how reliance on manual flagging of cases is open to error, particularly when using a defendant-based system such as CMS to monitor flags relating to victims rather than defendants. It shows a significant issue with the integrity of the CPS's data and calls into question the validity of any metrics published on how the CPS deal with cases involving older people.

**7.5.** We identified 13 cases which met the definition of a crime against an older person but were not flagged by CPS. These cases represent missed opportunities for the CPS to improve performance and collect accurate data regarding crimes against older people.

**7.6.** Of the 112 cases we examined that had been flagged by CPS staff as crimes against older people, we found that 69 cases (61.6%) were correctly flagged as the victim was aged 65 or over and the offence was targeted at the victim's vulnerability or perceived vulnerability due to age.

**7.7.** We identified 43 cases (38.4%) that had been flagged as a crime against an older person in error. In most of these cases, the victim was aged 65 or over but there was no evidence that the offence was targeted at the

victim's vulnerability or perceived vulnerability due to age. In nine of the 43 cases (20.9%) which had been incorrectly flagged, the victim was aged under 65 years old. For example, in one case we examined, the defendant assaulted her parents who were aged 61 and 57 years old. The prosecutor flagged the case and explained their rationale by including in their review: "The father is 61 and therefore this should be marked as a crime against an older person." There were also several examples where the victim was aged in their 30s or 40s, well below the age limit to meet the definition of a crime against an older person.

**7.8.** This demonstrates that there is a lack of understanding among prosecutors of the definition of a crime against an older person and the criteria for flagging a case.

**7.9.** We were told by CPS staff during interviews that the accuracy of flagging is not monitored by CPS Headquarters. This was confirmed by the CPS Operational Assurance Team. Some Areas told us that they conduct their own checks or dip samples of cases that are flagged as crimes against older people to check whether the flagging is accurate. While this is good practice, it is not mandated and is dependent on resourcing and other aspects of priority casework in Areas.

**7.10.** The CPS publishes data on the number of crimes against older people prosecutions that are concluded each quarter<sup>23</sup>. It also publishes data on the number of victims by age band in cases that are flagged as a crime against an older person<sup>24</sup>. The table below is an extract from the CPS's website and shows the ages of victims in cases which were flagged as crimes against older people in 2025-2026 at the time of writing.

Age Band	<10	10-13	14-17	18-24	25-59	60-69	70-79	80+	Not Provided
Crime against an older person flagged victims	0	0	4	21	263	219	483	486	89

<sup>23</sup> [CPS-Prosecution-Demographics-Tables-Q1-25-26.xlsx](#)

<sup>24</sup> [CPS-Prosecution-Demographics-Tables-Q1-25-26.xlsx](#)

**7.11.** It can be seen from the table above that the total number of victims in cases flagged as involving a crime against an older person was 1,565. At least 288 of these victims were aged under 65, meaning they could not meet the CPS definition of an older person despite being flagged as such. This highlights a significant issue with the accuracy of flagging and its impact on data integrity.

## Comparison of flagged and not flagged cases

**7.12.** One of the CPS's stated purposes of the crimes against older people flag is to remind prosecutors that the policy guidance and prosecution guidance apply. The expectations are that CPS performance on key matters relevant to older people as victims, such as special measures, will be more focused for cases that have been flagged as crimes against older people than for those that have not been flagged.

**7.13.** As set out at paragraph 4.6, two-thirds of the files we examined were cases that had been flagged as a crime against an older person. We compared our findings for cases which had correctly been flagged as a crime against an older person with our overall findings.

**7.14.** We found that there appeared to be very little difference between cases that had been flagged and our overall findings across all reviewed cases (see Annex B). For example, we found that 14 of 73 cases (19.2%) we examined which were not flagged as crimes against older people did not have proportionate and realistic action plans in place. In cases that were correctly flagged as crimes against older people, 12 of 60 cases (20%) that required an action plan did not have one that was proportionate and realistic. There were similar findings in relation to special measures and ancillary orders: often key considerations for older victims.

**7.15.** Our findings suggest that whether a case has been flagged as a crime against an older person or not makes little difference to the service an older victim receives. A focus on the vulnerability of older victims is not enhanced by flagging cases as crimes against older people.

## Monitoring data

**7.16.** Data regarding crimes against older people is published together with data regarding the five forms of hate crime. We were told that hate crime data is regularly assured by legal and paralegal managers through the CPS's hate crime assurance tool which is sent to Area performance managers by

CPS Headquarters. Crimes against older people are not included in the CPS's hate crime assurance tool despite data being published together with other forms of hate crime.

**7.17.** The CPS acknowledges that there is an inherent difficulty in relying on data which relies on prosecutors manually adding a flag, and little way to assure the accuracy of data. Some managers told us that it would assist CPS to collect more accurate data relating to crimes against older people if CMS included prompts to encourage staff to consider flagging cases which might meet the definition, or by alerting prosecutors if they attempted to flag a case where the victim or victims were aged under 65 years. However, we understand that there are difficulties and cost implications in making changes to CMS.

**7.18.** The CPS needs to ensure that any data that is published on its website is assured for accuracy, so that the public can be confident in information provided to them. They also need to ensure that the data is easily accessible both internally and externally.

# **Annex A**

## **Inspection framework**

## Inspection question

Can older people be confident in the Crown Prosecution Service's (CPS's) approach to prosecuting cases in which they are victims?

## Inspection criteria

1. Does the Crown Prosecution Service (CPS) apply the proper care and consideration when reviewing cases involving crimes against older people at a pre-charge stage?
  - (a) Prosecutors are not making assumptions about the reliability, credibility or competence of a victim or witness to give evidence based on their age or age-related vulnerability.
  - (b) From the outset, proper consideration is given to how victims can give their best evidence, including the need to instruct an intermediary, where appropriate.
  - (c) Prosecutors work with partners to build strong cases, appropriately exploring all reasonable lines of enquiry and other aspects of case building, including the possibility of an evidence-led prosecution.
  - (d) Where required, prosecutors provide good quality, proportionate action plans for police which do not result in unnecessary delay.
  - (e) When considering the public interest stage of the Full Code Test, prosecutors consider victims' views and weigh these against other public interest factors, bearing in mind the seriousness of the offence and what measures or support might be available to minimise the impact on the victim, as per CPS Legal Guidance.
2. Does the CPS handle prosecutions involving crimes against older people proactively, efficiently and expeditiously following a suspect being charged?
  - (a) Following significant developments involving victims, good quality reviews are conducted which deal appropriately with development(s) in cases.
  - (b) Escalation for outstanding material is used where appropriate, avoiding unnecessary delays that impact victims.

- (c) The acceptance or rejection of any basis of plea is appropriate and takes into consideration the needs of the victim(s).
  - (d) Where appropriate, the Prosecution draws the court's attention at sentence to the targeting of a vulnerable victim as an aggravating feature of the case.
  - (e) Where decisions are made to stop or discontinue a case, prosecutors have appropriately explored all reasonable lines of enquiry and other aspects of case building, including the possibility of an evidence-led prosecution.
3. Is the CPS effective in ensuring that older people are sufficiently supported through the prosecution process?
- (a) Special measures and reasonable adjustments are properly considered from the outset, and good quality applications are made to enable victims to give their best evidence.
  - (b) Appropriate applications in respect of protective orders, bail and remand are made to ensure that victims are properly protected throughout the prosecution process.
  - (c) Correspondence from the Witness Care Unit or support service raising any issues or queries on behalf of victims are dealt with in a timely manner with effective actions.
  - (d) Prosecutors correctly identify at an early stage whether victims are entitled to an enhanced service under the Victims' Code.
  - (e) All communication to victims is appropriate and fully accessible, taking into account their needs.
4. The CPS has effective monitoring arrangements in place, ensuring that cases involving older people as victims are accurately identified and prosecuted in accordance with policy and guidance.
- (a) Effective monitoring and assurance of cases involving crimes against older people is in place and provides evidence that cases are being managed effectively and the right decisions are being made.
  - (b) All cases flagged as involving a crime against an older person are monitored and reviewed as part of the enhanced checks CPS

conduct in accordance with the national hate crime assurance regime, as per CPS Policy Guidance.

- (c) The Guidance and Policy are easy to follow and provide effective instruction and direction to prosecutors.
- (d) Best practice and lessons learned are effectively cascaded to drive improvement.

# **Annex B**

## **File examination data**

## Data for all examined cases

This table includes 'not applicable' (NA) results. HM Crown Prosecution Service Inspectorate (HMCPPI) house style is to round figures to a single decimal point so where percentages are cited, they may not total 100%.

No. Question	Answer	Number of cases	Percentage (not including NA answers)
1. Was the case correctly flagged with the crime against an older person flag?	Yes	69	55.2%
	No – flag should have been applied but was missing	13	10.4%
	No – flagged incorrectly	43	34.4%
	NA	43	-
2. Charge selection was appropriate and proportionate	Yes	116	92.8%
	No	9	7.2%
	NA	43	-
3. In cases that were appropriately flagged as crimes against older people, CPS legal guidance and policy on crimes against older people was clearly considered and applied at the pre-charge stage	Yes	24	35.8%
	No	43	64.2%
	NA	101	-
4. Prosecutors assessed the reliability, credibility or competence of the victim to give evidence fairly without making assumptions based on their age or age-related vulnerability	Yes	130	94.9%
	No	7	5.1%
	NA	31	-
5. If the CPS decision was to NFA, the prosecutor appropriately explored proportionate and reasonable lines of enquiry and other aspects of case building before	Yes	21	84%
	No	4	16%
	NA	143	-

An inspection of the CPS's approach to prosecuting crimes against older people

reaching the decision to NFA the case			
6. If the CPS decision was to NFA, prosecutors appropriately applied the public interest stage of the test before reaching the decision to NFA the case	Yes	3	60%
	No	2	40%
	NA	163	-
7. If the CPS decision was to NFA the case in respect of a qualifying offence, was there sufficient information in the MG3 to enable the police to clearly explain the reasoning to the victim for the purpose of VRR?	Yes	22	84.6%
	No	4	15.4%
	NA	142	-
8. Other relevant CPS guidance was applied at the pre-charge stage	Yes	71	74.7%
	No	24	25.3%
	NA	73	-
9. The CPS MG3 actively considered relevant special measures applications and ancillary matters to support victims in giving their best evidence	Yes	69	69.7%
	No	30	30.3%
	NA	69	-
10. Where appropriate, the use of an intermediary to assist the victim has been considered and necessary action instigated	Yes	7	46.7%
	No	8	53.3%
	NA	153	-
11. The level of service (enhanced or regular) the victim was entitled to under the Victims' Code was correctly identified and recorded	Yes – regular service correctly identified	12	8.4%
	Yes – enhanced service correctly identified	84	58.7%
	No – enhanced service not correctly identified where entitled	7	4.9%
	No – enhanced service wrongly selected where no entitlement	11	7.7%

An inspection of the CPS's approach to prosecuting crimes against older people

	No – no reference made	29	20.3%
	NA	25	-
12. Where an action plan was set, this was necessary and proportionate and set realistic timescales for delivery	Yes	107	80.5%
	No	26	19.6%
	NA	35	-
13. Following significant developments post-charge involving the victim, good quality reviews are conducted which deal appropriately with the development(s) in the case, including where relevant, the ongoing consideration of CPS legal guidance and policy	Yes	39	61.9%
	No	24	38.1%
	NA	105	-
14. The CPS made appropriate and timely decisions about custody and bail throughout the life of the case, taking the needs and safety of the victim into account	Yes	120	93.8%
	No	8	6.3%
	NA	40	-
15. In Crown Court cases a clear instruction to advocate document was prepared, including information on special measures and all relevant information about the victim as an older person	Yes	22	37.9%
	No	36	62.1%
	NA	110	-
16. Escalation for outstanding material was used where appropriate, avoiding unnecessary delay that impacts the victim	Yes	34	70.8%
	No	14	29.2%
	NA	120	-
17. Any pleas accepted were appropriate, with a clear basis of plea, and took into account victim views	Yes	20	90.9%
	No	2	9.1%
	NA	146	-
18. If the CPS decision was to discontinue or stop the case on a review of the public interest,	Yes	3	60%
	No	2	40%

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prosecutors appropriately applied the Code for Crown Prosecutors, and CPS legal guidance and policy on crimes against older people	NA	163	-
19. At sentencing the prosecution drew the court's attention to the targeting of a vulnerable victim as an aggravating feature of the case	Yes	25	32.1%
	No	3	3.9%
	Not known	50	64.1%
	NA – no conviction	54	-
	NA – not an appropriate submission	36	-
20. At the conclusion of the case, the prosecution sought appropriate orders to protect the victim	Yes	42	84%
	No	8	16%
	NA	118	-
21. Correspondence from the WCU raising any issues or queries on behalf of the victim (including attendance at trial) were dealt with in a timely manner with effective actions	Yes	47	82.5%
	No	10	17.5%
	NA	111	-
22. Did the CPS make any special measures application as set out in the MG3?	Yes – applied for and granted by the Court	44	84.6%
	Yes – applied for but Court either refused or granted alternative measures	2	3.9%
	No – no special measures application made but should have been	6	11.5%
	NA	116	-
23. Did the CPS ensure that a VPS, or an indication that the victim did not want to make a VPS, was available for the sentencing hearing, and where	Yes – VPS supplied with information about its use	63	53.4%

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a VPS was provided that instructions were given as to how the VPS was to be presented?	Yes – indication on file that the victim had declined to make a VPS	18	15.3%
	No – VPS supplied but no information provided about its use	14	11.9%
	No – no VPS and no indication that the victim declined to make a VPS	23	19.5%
	NA	50	-
24. Where the CPS was required to communicate with the victim, communication was sent in a timely fashion in accordance with the level of service the victim was entitled to	Yes	22	57.9%
	No – communication was sent but not in a timely manner	8	21.1%
	No – no communication sent where it ought to have been	8	21.1%
	NA	130	-
25. Any direct communication between the CPS and the victim was appropriate and fully accessible, considering their individual needs	Yes	31	81.6%
	No	7	18.4%
	NA	130	-

## Data for cases that were correctly flagged by CPS as crimes against older people

This table includes 'not applicable' results. HMCPSI house style is to round figures to a single decimal point so where percentages are cited, they may not total 100%.

No. Question	Answer	Number of cases	Percentage not including NA answers
1. Was the case correctly flagged with the crime against an older person flag?	Yes	69	100%
2. Charge selection was appropriate and proportionate	Yes	53	94.6%
	No	3	5.4%
	NA	13	-
3. In cases that were appropriately flagged as crimes against older people, CPS legal guidance and policy on crimes against older people was clearly considered and applied at the pre-charge stage	Yes	24	35.8%
	No	43	64.2%
	NA	2	-
4. Prosecutors assessed the reliability, credibility or competence of the victim to give evidence fairly without making assumptions based on their age or age-related vulnerability	Yes	54	75%
	No	4	25%
	NA	11	-
5. If the CPS decision was to NFA, the prosecutor appropriately explored proportionate and reasonable lines of enquiry and other aspects of case building before reaching the decision to NFA the case	Yes	9	75%
	No	3	25%
	NA	57	-
6. If the CPS decision was to NFA, prosecutors	Yes	0	-

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appropriately applied the public interest stage of the test before reaching the decision to NFA the case	No	1	100%
	NA	68	-
7. If the CPS decision was to NFA the case in respect of a qualifying offence, was there sufficient information in the MG3 to enable the police to clearly explain the reasoning to the victim for the purpose of VRR?	Yes	10	90.9%
	No	1	9.1%
	NA	58	-
8. Other relevant CPS guidance was applied at the pre-charge stage	Yes	27	79.4%
	No	7	20.6%
	NA	35	-
9. The CPS MG3 actively considered relevant special measures applications and ancillary matters to support victims in giving their best evidence	Yes	27	65.8%
	No	14	34.2%
	NA	28	-
10. Where appropriate, the use of an intermediary to assist the victim has been considered and necessary action instigated	Yes	1	14.3%
	No	6	85.7%
	NA	62	-
11. The level of service (enhanced or regular) the victim was entitled to under the Victims' Code was correctly identified and recorded	Yes – regular service correctly identified	4	6.2%
	Yes – enhanced service correctly identified	35	53.8%
	No – enhanced service not correctly identified where entitled	6	9.2%
	No – enhanced service wrongly selected where no entitlement	4	6.2%
	No – no reference made	16	24.6%
	NA	4	-

**An inspection of the CPS's approach to prosecuting crimes against older people**

12. Where an action plan was set, this was necessary and proportionate and set realistic timescales for delivery	Yes	48	80%
	No	12	20%
	NA	9	-
13. Following significant developments post-charge involving the victim, good quality reviews are conducted which deal appropriately with the development(s) in the case, including where relevant, the ongoing consideration of CPS legal guidance and policy	Yes	15	62.5%
	No	9	37.5%
	NA	45	-
14. The CPS made appropriate and timely decisions about custody and bail throughout the life of the case, taking the needs and safety of the victim into account	Yes	52	92.9%
	No	4	7.1%
	NA	13	-
15. In Crown Court cases a clear instruction to advocate document was prepared, including information on special measures and all relevant information about the victim as an older person	Yes	8	42.1%
	No	11	57.9%
	NA	50	-
16. Escalation for outstanding material was used where appropriate, avoiding unnecessary delay that impacts the victim	Yes	8	53.3%
	No	7	46.7%
	NA	54	-
17. Any pleas accepted were appropriate, with a clear basis of plea, and took into account victim views	Yes	5	83.3%
	No	1	16.7%
	NA	63	-
18. If the CPS decision was to discontinue or stop the case on a review of the public interest, prosecutors appropriately applied the	Yes	1	50%
	No	1	50%
	NA	67	-

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Code for Crown Prosecutors, and CPS legal guidance and policy on crimes against older people			
19. At sentencing the prosecution drew the court's attention to the targeting of a vulnerable victim as an aggravating feature of the case	Yes	16	33.3%
	No	1	2.1%
	Not known	31	64.6%
	NA – no conviction	17	-
	NA – not an appropriate submission	4	-
20. At the conclusion of the case, the prosecution sought appropriate orders to protect the victim	Yes	15	75%
	No	5	25%
	NA	49	-
21. Correspondence from the WCU raising any issues or queries on behalf of the victim (including attendance at trial) were dealt with in a timely manner with effective actions	Yes	11	68.8%
	No	5	31.3%
	NA	53	-
22. Did the CPS make any special measures application as set out in the MG3?	Yes – applied for and granted by the Court	8	72.7%
	Yes – applied for but Court either refused or granted alternative measures	1	9.1%
	No – no special measures application made but should have been	2	18.2%
	NA	58	-
23. Did the CPS ensure that a VPS, or an indication that the victim did not want to make a VPS, was available for the sentencing hearing,	Yes – VPS supplied with information about its use	26	51%
		9	17.6%

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and where a VPS was provided that instructions were given as to how the VPS was to be presented?	Yes – indication on file that the victim had declined to make a VPS	5	9.8%
	No – VPS supplied but no information provided about its use	11	21.6%
	No – no VPS and no indication that the victim declined to make a VPS	18	-
	NA		
24. Where the CPS was required to communicate with the victim, communication was sent in a timely fashion in accordance with the level of service the victim was entitled to	Yes	9	75%
	No – communication was sent but not in a timely manner	1	8.3%
	No – no communication sent where it ought to have been	2	16.7%
	NA	57	-
25. Any direct communication between the CPS and the victim was appropriate and fully accessible, considering their individual needs	Yes	14	87.5%
	No	2	12.5%
	NA	53	-

# **Annex C**

## **File examination questions**

No.	Question	Possible answers
1	Was the case correctly flagged with the crime against an older person flag?	Yes No – flagged incorrectly No – flag should have been applied but was missing NA
2	Charge selection was appropriate and proportionate	Yes No NA
3	In cases that were appropriately flagged as crimes against older people, CPS legal guidance and policy on crimes against older people was clearly considered and applied at the pre-charge stage	Yes No NA
4	Prosecutors assessed the reliability, credibility or competence of the victim to give evidence fairly without making assumptions based on their age or age-related vulnerability	Yes No NA
5	If the CPS decision was to NFA, the prosecutor appropriately explored proportionate and reasonable lines of enquiry and other aspects of case building before reaching the decision to NFA the case	Yes No NA
6	If the CPS decision was to NFA, prosecutors appropriately applied the public interest stage of the test before reaching the decision to NFA the case	Yes No NA
7	If the CPS decision was to NFA the case in respect of a qualifying offence, was there sufficient information in the MG3 to enable the police to clearly explain the reasoning to the victim for the purpose of VRR?	Yes No NA
8	Other relevant CPS guidance was applied at the pre-charge stage	Yes No NA
9	The CPS MG3 actively considered relevant special measures applications and ancillary matters to support victims in giving their best evidence	Yes No NA

An inspection of the CPS's approach to prosecuting crimes against older people

10	Where appropriate, the use of an intermediary to assist the victim has been considered and necessary action instigated	Yes No NA
11	The level of service (enhanced or regular) the victim was entitled to under the Victims' Code was correctly identified and recorded	Yes – regular service correctly identified No – enhanced service wrongly selected where no entitlement No – enhanced service not correctly identified where entitled No – no reference made NA
12	Where an action plan was set, this was necessary and proportionate and set realistic timescales for delivery	Yes No NA
13	Following significant developments post-charge involving the victim, good quality reviews are conducted which deal appropriately with the development(s) in the case, including where relevant the ongoing consideration of CPS legal guidance and policy	Yes No NA
14	The CPS made appropriate and timely decisions about custody and bail throughout the life of the case, taking the needs and safety of the victim into account	Yes No NA
15	In Crown Court cases a clear instruction to advocate document was prepared, including information on special measures and all relevant information about the victim as an older person	Yes No NA
16	Escalation for outstanding material was used where appropriate, avoiding unnecessary delay that impacts the victim	Yes No NA
17	Any pleas accepted were appropriate, with a clear basis of plea, and took into account victim views	Yes No NA
18	If the CPS decision was to discontinue or stop the case on a review of the public interest, prosecutors appropriately applied the Code for Crown Prosecutors, and CPS legal guidance and policy on crimes against older people	Yes No NA

An inspection of the CPS's approach to prosecuting crimes against older people

19	At sentencing the prosecution drew the court's attention to the targeting of a vulnerable victim as an aggravating feature of the case	Yes No NA – no conviction NA – not an appropriate submission Not known
20	At the conclusion of the case, the prosecution sought appropriate orders to protect the victim	Yes No NA
21	Correspondence from the WCU raising any issues or queries on behalf of the victim (including about attendance at trial) were dealt with in a timely manner with effective actions	Yes No NA
22	Did the CPS make any special measures application as set out in the MG3?	Yes – applied for and granted by the court Yes – applied for but the court either refused or granted alternative measures No – no special measures application made but should have been NA – special measures application was not applicable
23	Did the CPS ensure that a VPS, or an indication the victim did not want to make a VPS, was available for the sentencing hearing, and where a VPS was provided that instructions were given as to how the VPS was to be presented?	Yes – VPS supplied with information about its use Yes – indication on file that the victim had declined to make a VPS No – VPS supplied but no information provided about its use No – no VPS and no indication that the victim declined to make a VPS NA
24	Where the CPS was required to communicate with the victim, communication was sent in a timely fashion in accordance with the level of service the victim was entitled to	Yes No – no communication sent where it ought to have been No – communication was sent but not in a timely manner NA
25	Any direct communication between the CPS and the victim was appropriate and fully accessible, considering their individual needs	Yes No NA

# **Annex D**

## **Glossary**

### **Ancillary orders**

Orders which the prosecution can invite the court to make, or the court can decide to make of its own volition, for example to prevent the defendant from contacting the victim or engaging in certain activity.

### **Area**

The Crown Prosecution Service (CPS) is divided into 14 geographical Areas across England and Wales. Each Area is led by a Chief Crown Prosecutor, supported by an Area Business Manager.

### **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.

### **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.

### **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.

### **Counsel**

A barrister or advocate who represents the prosecution or defence in court.

### **Crimes against older people**

The term used by the CPS to describe cases where the victim is 65 or over, any criminal offence which is perceived by the victim or any other person, to be committed by reason of the victim's vulnerability through age or presumed vulnerability through age.

## **Crown Court**

The court which deals with graver allegations of criminal offences, such as murder, rape, and serious assaults. Some allegations can be heard at either the Crown Court or the magistrates' courts.

## **Crown Prosecution Service (CPS)**

The main public agency for conducting criminal cases in England and Wales, responsible for: prosecuting criminal cases investigated by the police and other investigating bodies; advising the police on cases for possible prosecution; reviewing cases submitted by the police; determining any charges in more serious or complex cases; preparing cases for court; and presenting cases at court. It has been operating since 1986 and is headed by the Director of Public Prosecutions.

## **Defendant**

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

## **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.

## **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".

## **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 enquiry 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.

### **Hate crime**

Any offence where the defendant has been motivated by or demonstrated hostility towards the victim based on what the defendant thinks is their race, disability, gender identity or sexual orientation. Targeting older people is not recognised in law as a hate crime, but the CPS monitors crimes against older people in a similar way.

### **Hate crime co-ordinator/lead**

A member of CPS staff who supports prosecutors with hate crime casework by giving advice and guidance. They also work with communities to explain how we prosecute these crimes, alongside their day-to-day work.

### **Hearing Record Sheet**

A CPS electronic record of what has happened during a court hearing, and any actions that need to be carried out afterwards.

### **Inclusion and Community Engagement Manager**

Sets out the CPS's commitment to promoting fairness, equality, diversity and inclusion across the criminal justice system by engaging with community groups and those at risk of exclusion.

### **Intermediary**

An impartial, self-employed, communication specialist who enables vulnerable witnesses and complainants to give evidence to the police and to the court in criminal trials.

### **Local Scrutiny Involvement Panels (LSIPs)**

Groups made up of representatives of the local community and voluntary sector, especially those representing minority, marginalised or at-risk groups. They meet regularly with their local CPS Area to discuss issues of local concern and provide feedback on the service the Area provides, with a view to improving the delivery of justice at a local level and to better supporting victims and witnesses.

### **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 Manual of Guidance Form 3 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.

### **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.

### **Prosecutor**

A lawyer in England and Wales who is independent from the police and other investigators. CPS prosecutors decide whether to bring criminal charges, decide on appropriate charges, advise investigators, prepare cases and present them at court.

### **Rape and Serious Sexual Offences (RASSO)**

Allegations of rape and other serious sexual offences perpetrated against men, women or children. In the CPS, the prosecution of RASSO cases is undertaken separately from other cases, in RASSO units or teams.

### **Review**

The process whereby a CPS prosecutor determines that a case received from the police satisfies, or continues to satisfy, the legal test for prosecution in the Code for Crown Prosecutors. This is one of the most important functions of the CPS.

## **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.

## **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.

## **Witness Care Officer (WCO)**

The central point of contact in a Witness Care Unit for a victim or witness, from the time an offender is charged to the end of the court case.

## **Witness Care Unit (WCU)**

A predominantly police staffed unit which provides information and support to victims and witnesses in cases progressing through the criminal justice system.

## **Victims' Right to Review (VRR)**

This scheme provides victims of crime with a specifically designed process to exercise their right to review certain CPS decisions such as the decision

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 Victims' Right to Review (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 reinstated.

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