



The Crown Prosecution Service's role

**in increasing prosecutions of
Rape and Serious Sexual Offences
to reduce Violence Against
Women and Girls**



Who we are

The FDA is the trade union for managers and professionals in public service, with 22,000 members working across Government departments and agencies, and more than 1,400 members in the Crown Prosecution Service (CPS), including more than 200 working as Rape and Serious Sexual Offences (RASSO) lawyers.



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About this report

This report provides the new Government with an analysis from our members in the CPS about how they see the system from the inside. We have surveyed nearly 550 CPS staff, including more than 100 RASSO staff. We also worked extensively with our members in the CPS to compile this report, which is designed to provide insight and perspective that is useful to the new Government.

This report does not aim to outline a detailed plan for addressing and mitigating Violence Against Women and Girls (VAWG) or RASSO. Rather, it will concentrate on the financial and administrative challenges present in the justice system. Specifically, the strain these issues place on His Majesty's Courts and Tribunals Service (HMCTS) and the Crown Prosecution Service (CPS), which is causing delays in case processing, and in turn diminishes the rate of prosecutions for RASSO and VAWG offences.

This report looks to paint a picture of the CPS, how it has changed over the last 10 years and sets out some of the challenges facing the service as a new Government looks to drive forward its ambition to half VAWG over the next 10 years.

VAWG covers a range of serious and distressing offences including rape and other sexual offences, stalking, domestic abuse, 'honour'-based abuse (including female genital mutilation, forced marriage and 'honour' killings), 'revenge porn', 'up-skirting', and many others.

This report will focus on a single subsection of VAWG, Rape and Serious Sexual Offences (RASSO). These are some of the most serious criminal offences on the statute books, and reducing them is essential for public safety.

Context

Across the political spectrum, VAWG is acknowledged as a serious problem and political priority, with all parties putting the reduction of VAWG and RASSO at the heart of their public safety agendas. The previous Conservative Government put in place an [End-to-end Rape Review](#), and a [Violence Against Women and Girls Strategy](#) in 2021.

Despite this, we are yet to see [sustained decreases](#) in the rate of sexual and other violent offences against women. In fact, the latest [ONS data](#) shows the highest levels of domestic abuse and sexual offences reported to the police. Prosecuting RASSO is an essential part of providing justice for the victims, but will necessarily be a key part of any prevention-oriented strategy. As the end-to-end rape review states:

“In the last five years, there has been a significant decline in the number of charges and prosecutions for rape cases and, as a result, fewer convictions. Over the same period, there has been little change in the overall prevalence of rape and sexual violence crimes.”

It is clear that prosecution rates and volumes are not sufficiently increasing. [ONS data](#) shows that rape conviction volumes have decreased from nearly 3,000 cases in 2016/17 to just 1,651 in 2022/2023. This is, in large part, owing to the large backlog of cases stuck at tribunal. Recent Criminal Bar Association [analysis](#) has found that there are more than 10,500 sexual offence cases outstanding and that the backlog of rape cases is now more than 3,000. New court listings have been more than three years into the future and verdict times are increasing. A recent Government [data release](#) has RASSO offences taking up to three years from an offence being recorded to a court verdict. For the CPS, specifically, victims are waiting over a year from a police charge to a court verdict.

The most recent [ONS data](#), drawn from the Crime Survey for England and Wales 2022, shows that 7.9 million (16.6%) of adults across England and Wales have been the victims of some kind of sexual crime since they turned 16. Two million of those have been victims of rape.

Prompt and effective prosecutions are crucial not only for providing justice to the victims of these terrible crimes but also for serving as a deterrent. At present, a mere 2.1% of rape cases lead to charges. This concerning figure has led the Centre for Women's Justice to state that "rape and sexual abuse have been effectively decriminalised." Therefore, any successful strategy to combat violence against women and girls (VAWG) or tackle rape and serious sexual offences (RASSO) must focus on significantly increasing the charge rate for these severe crimes.

The new Labour Government has made [halving violence against women](#) a core part of its mission to reduce crime nationally, and included [wide-ranging plans](#) in its manifesto. Part of this mission has been a clear prioritisation of prosecuting RASSO offences. In its manifesto, Labour committed to "specialist rape and sexual offences teams in every police force" as well as "specialist courts at every Crown Court" to speed up the prosecution of rape cases. Labour has also promised to better support victims, including appointing "legal advocates to provide free legal advice and support to rape survivors". All of these are welcome commitments, but more will need to be done to support RASSO victims and to drive up prosecutions which the Government described as "shamefully low".

Executive summary and recommendations

The CPS has one of the most important and challenging jobs as the body responsible for prosecuting perpetrators of RASSO.

The prosecution rate for RASSO offences has dropped starkly since 2016. Proper and timely prosecutions are necessary, not just for the victims of these awful offences, but also as a deterrent. Currently only 2.1% of rape offences are charged. This has led the Centre for Women’s Justice to argue that “[r]ape and sexual abuse have been effectively decriminalised.” Any effective strategy to reduce VAWG or RASSO will therefore place increasing the charge rate against these most serious offences at its heart.

This low rate of prosecutions has been caused by numerous interlinking factors, including the increasing complexity of cases, changes in the profile of staff both in the CPS and in the police, increases in reporting and the courts backlog.

This report focuses on these interlinking problems and suggests how some of them can be fixed. This report looks to provide a staff’s-eye view of what working on the frontlines of RASSO cases feels like.

This report looks to identify points of consensus from staff about the challenges they face and what can be done about them.

Our staff survey of nearly 550 CPS staff, including more than 100 RASSO lawyers found:



92% of staff agreed that current court backlogs inhibit the prosecution of RASSO.



92% of staff agreed that inadequate staffing numbers within the CPS are a barrier to fulfilling their role to the best of their abilities.



89% of staff believed that their workload has increased over the last three years, with 86% saying that their current workload was affecting their ability to maintain a work-life balance.



74% agreed that issues with technology inhibit their ability to work effectively.

There are numerous ways in which policymakers can help staff to achieve both the Government’s and their own aims of increasing more RASSO perpetrators.

1

A consistent direction of policy

There have been numerous policy interventions into RASSO policy over the last decade. In our view, many of these strategies have similar overarching goals and recommendations. **A single VAWG and RASSO prevention strategy which includes improving outcomes within the justice system for victims would be enormously beneficial.** A national prevention strategy should include full commitment to funding the National Operating Model and [Operation Soteria Bluestone](#).

2

Additional support for the justice system

There are, unfortunately, no free or easy ways to improve the justice system. However, a commitment to **additional and sustained funding across the justice system** will bear fruit over the medium term. This should include **considering specialist RASSO courts to improve timeliness and support for victims** as part of a wider investment in the courts estate; **additional specialisation, training and support for RASSO lawyers and police to improve retention.**

3

Additional support for victims

One of the major causes of the low prosecution rate for RASSO cases is that victims drop out, either resulting from invasive evidence-gathering, the adversarial trial process, or because of the multi-year-long trials. As a result, it is a necessity that any attempt to increase prosecutions also aims to **accelerate and increase efforts to support victims' engagement in trial proceedings.**

4

Improve the comparability and visibility of VAWG and RASSO data

Currently, data sources rarely go beyond the aggregate national level. The Criminal Justice Data Dashboard gives data by county, however, additional granularity is essential for further research on prevalence of rape and assaults. Data are infrequently disaggregated by characteristics other than sex. Given the intersectional nature of VAWG, there is great research and policy relevance in understanding the prevalence of gender-based violence for different groups of women.

1

How the CPS has changed over the last decade

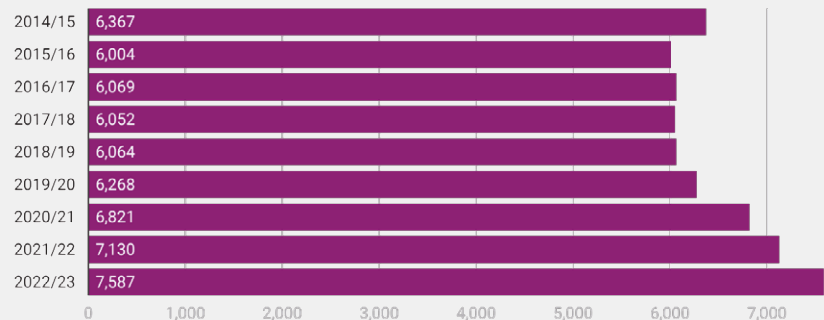
The Crown Prosecution Service’s (CPS) primary duty is to make sure that the right person is prosecuted for the right offence, and to bring offenders to justice wherever possible. The CPS works independently of the police and the Government, and is a fundamental part of our criminal justice system and a core part of our democracy.

Ensuring that the CPS works efficiently and effectively to fulfil its duty is critical for delivering justice and for the effective running of a safe and civilised society. Like any organisation, having a skilled and well motivated workforce is essential for the effective delivery of the service.

The CPS workforce has grown in overall staffing numbers

The workforce of the CPS has grown to 7,600 employees, a significant increase primarily observed during the pandemic. The number of staff rose from 6,004 in the 2018/19 period to nearly 7,600 currently.

Number of FTE staff (CPS)



Source: CPS • Created with Datawrapper

This has been a conscious departmental decision with a target to reduce case backlogs. As the 2023/2024 Annual Report states:

“Over the course of 2023-24 the CPS has delivered an ambitious supply strategy to support the reduction in case backlogs, and drive efficiency within the organisation to ensure operational effectiveness. This includes an intensive recruitment schedule for our core roles, resulting in 1162 new starters which is the highest volume on record and 42% more than 2021-22 and overall, 8.4% workforce growth in 2022-23.”

New staff are less skilled

This expansion has occurred in a tight labour market, where we have seen a decline in the number of individuals qualifying as criminal solicitors. This has meant that the CPS has found it hard to recruit the right people in the right places and has had to utilise its workforce more flexibly, reallocating prosecutors from one geographical area to another to bolster regions with the most acute shortages of legal professionals.

CPS staff diversity metrics

The department outperforms the civil service on average across a number of diversity metrics:

- 65% of the workforce is female. The civil service average is 54.2%.
- 23% of staff state that they are from a minority background. The civil service average is 14.3%.
- 16% have declared a disability. The civil service average is 13.6%.
- 6% are LGBT+. The civil service average is 5.6%.
- The age profile of the CPS workforce has remained relatively stable, with a median age of 47.

RASSO prosecutors, in particular, lack experience

RASSO cases have always been amongst the most challenging to prosecute; having the right number of RASSO prosecutors with the right expertise, specialist training, mindset and wellbeing support is critical in ensuring cases are progressed effectively. The Rape Review progress update showed some increases in the number of RASSO lawyers, but starting from a low baseline:

- The CPS has increased its specialist RASSO resource from 360 (FTE) lawyers in April 2021 by 194 FTE staff in 2024 – a 44% increase.

Operation Soteria, the last Government's [initiative](#) to help deliver the ambition to more than double the number of adult rape cases reaching court by the end of the last Parliament, makes clear that the headline data does not account for a shift in the levels of experience of CPS lawyers:

“9 of the 13 prosecutors in [a particular] RASSO unit being relatively new and, as such, requiring extra mentoring, development, and oversight.”

The CPS is having to train many lawyers from baseline levels. Between April 2021 and March 2022, the CPS delivered more than 100 RASSO-specific legal training courses, attended by more than 1,000 delegates, in addition to 16 induction courses specifically to staff new to RASSO units, attended by 156 people.

This helps explain why, despite an aggregate increase in the number of RASSO staff, current staff feel overworked. Our survey found that 92% of staff agreed that inadequate staffing numbers within the CPS are a barrier to fulfilling their role to the best of their abilities.

The current lack of experience within the CPS's RASSO lawyers is symptomatic of chronic under-resourcing.

Staff turnover is increasing

High levels of burnout and frustration have led to rising [staff turnover](#) and increasingly inexperienced lawyers tackling the most complex cases. It also helps to explain why a notional 44% increase in RASSO staff has yet to bear fruit on the speed of charging.

	2018-19	2019-20	2020-21	2021-22	2022-23
Staff turnover (percentage)	7.3%	6.0%	5.1%	7.6%	8.1%

Staff turnover within the CPS is rising and is now at 8.1%. While there is no data publicly available on turnover within RASSO units, anecdotal evidence suggests that turnover within RASSO units is higher than across the department as a whole.

This is backed up by qualitative evidence from Operation Soteria, which suggests that the particularly emotionally challenging nature of RASSO prosecution leads to higher staff turnover within RASSO units both in the police force and within the CPS.

Interviews conducted with RASSO staff in the CPS for the Operation Soteria report revealed a consensus that more experienced staff were better equipped to manage the emotionally intricate and challenging aspects of RASSO prosecutions. Participants highlighted that, over time and with experience in the role, they had developed effective coping mechanisms. These strategies helped them handle the demands of the job without adverse effects on their wellbeing.

The report identified that, while there is some mental health support for RASSO staff, it is generic in nature and not suited to the specific demands of RASSO work, particularly for newer staff.

Training and rotation

One of the major changes in the department was the introduction of rotations into and out of RASSO units. This was supposed to help alleviate a shortage of staff working in RASSO units. RASSO work also takes an emotional toll on the workforce. In practice, however, the impact of rotation policies has been detrimental as it has actively contributed to a loss of experience within RASSO units.

RASSO cases require a specialised set of skills that are not immediately transferable from other criminal prosecutions. The consensus among CPS staff that we surveyed was that it was important to develop and retain expertise.

Operation Soteria also identifies that the emotional toll of RASSO work is not felt equally across the workforce. Inexperienced prosecutors often found the type of work more demanding on their emotional wellbeing, and this has led to significantly higher turnover within RASSO units.

Changing compensation and the labour market

In December 2021, the Criminal Bar Association reported that the number of junior barristers and King's Counsel (the most experienced barristers who work on the most complex cases) practising criminal law decreased between 2015/16 and 2019/20 – by 11% and 22% respectively. In addition, the number of new barristers (0 -2 years qualified) who were leaving crime-only practices increased to 86%, while the number of new barristers entering criminal practice had decreased each year for the previous three years, suggesting a crisis not only in retention but also in recruitment.

There are now also concerns regarding the availability of prosecution counsel for trials. Total levels of compensation for both defence and prosecuting counsel remain an ongoing concern. There are additional concerns about a perception of disparate pay between defence and prosecuting counsel. The view of members is that acknowledgement should be given for the additional work the prosecutor does over a defence advocate including work required to prepare opening notes, opening notes for sentence and Sexual Harm Prevention Orders. Most advocates are self-employed and take both prosecution and defence work. However, there are concerns that advocates may be less inclined to accept prosecution, and work harder for similar pay. The Justice Committee recently heard evidence from the CPS that, "it is desperately trying to find prosecutors for cases listed for trial, casting a wide net across an area where they are just not able to do so, meaning that there are even more delays to more trials".

A larger and earlier role for the CPS

As HM Crown Prosecution Service Inspectorate (HMCPISI) has evidenced, one upshot of the changes to policy has been earlier intervention in case handling. The CPS and Association of Chief Police Officers (ACPO) agreed a protocol for handling rape cases, and changes to the handling of digital evidence after the Allan case in late 2017. The case saw more than 40,000 messages submitted to the CPS, at which point relevant evidence was overlooked, and not passed on to the defence. This led to the case being dropped.

As a result, the CPS undertake more work in partnership with the police pre-charge, and those cases where there is cogent undermining material are, or should be, removed from the system before they reach a court. The extra work involved in examining digital devices or obtaining third-party material has also generated more material for the officer in the case and the lawyer to evaluate, which can make the delicate balancing exercise even harder.

Staff are under-resourced and over-worked

The result of both the loss of experienced staff, the changing nature of cases, and shifts in the labour market mean that staff feel overstretched, under-resourced, and under-valued.

Our survey found that across the CPS, 89% of staff believed that their workload has increased over the last three years, with 86% saying that their current workload was affecting their ability to maintain a work-life balance.

Operation Soteria showed that a combination of increasing complexity and caseloads meant that staff were under-resourced:

“There was a shared view expressed by almost all interviewees that the criminal justice system has been, and continues to be, substantially under-resourced.”

The report was also clear that resource was felt to be the overriding thing that would change working conditions and improve the capacity of the CPS to effectively prosecute more offenders:

“Thus, the overriding message from many participants when asked what would be most likely to make the biggest difference to working conditions, and in particular to the capacity for CPS staff to perform their jobs to the best of their ability, was increased and sustainable resourcing.”

Not only was this call backed within the department but there was also police backing for this change with one highlighted interviewer stating: “until they’ve got more lawyers, things won’t be as quick as we want them to be”.

What CPS staff say about their caseload:

In an anonymous survey one CPS staff member said:

“The current caseload is too much. RASSO cases are too important to be more concerned with quantity rather than quality. Pre-charge casework takes time and care, and more mistakes will be made when staff are rushed in order to fulfil a tick-box approach. The downstream effect is that staff mental health is struggling and the quality of casework is suffering.”

Another said: “The most obvious way to improve CPS would be ensuring that lawyers have caseloads that allow them to deal properly and proactively with each case, and to have adequate time to make very difficult and sensitive decisions and to discuss those decisions with colleagues/managers where appropriate.”

2 What CPS staff say

As part of this report, the FDA carried out a survey of its CPS members, which was completed by 546 of them, including more than 100 specialist RASSO prosecutors. 85% of those surveyed had worked in the CPS for more than three years, with a majority having worked in the CPS for more than 10 years. These are among the most qualified and experienced CPS professionals.

The survey asked staff to reflect on their experiences in the department and to consider what would be most useful for them to improve the functioning of the department and to prosecute more RASSO offenders.

Evidencing the challenges in prosecuting RASSO:

- 92% of staff agreed that current court backlogs inhibit the prosecution of Rape and Serious Sexual Offences.
- 92% of staff agreed that inadequate staffing numbers within the CPS are a barrier to fulfilling their role to the best of their abilities.
- 89% of staff believed that their workload has increased over the last three years, with 86% saying that their current workload was affecting their ability to maintain a work-life balance.
- 74% agreed that issues with technology inhibit their ability to work effectively.

Solving these challenges:

When asked how the CPS could overcome these challenges in order to more effectively prosecute RASSO, staff responded arguing for:

Staffing and resource allocation:

1. Increased staffing:

- More frontline staff.
- More experienced lawyers and paralegals.
- More staff for efficient and timely charging decisions.
- Improved staff retention through better pay.
- Reduced caseloads for existing staff.

2. Staff roles and management:

- Reduce unnecessary roles and focus on essential prosecutorial functions.
- Reduce the number of managers.
- Lawyers should not have to perform paralegal tasks.

Quality and efficiency:

1. File quality:

- Improved quality of files from the police.
- Robust challenge to poor police file quality to reduce backlogs.

2. Technology and processes:

- Bespoke IT systems designed for CPS needs.
- An electronic case handling system fit for purpose.
- Reduction of unnecessary processes and duplication of information recording.

3. Court processes:

- Scrutinise and manage court listings more effectively.
- More involvement from judges in pre-trial hearings to pressure the defence.

Organisational structure and culture:

1. Silo breakdown:

- Reduce division of work into silos (RASSO, Complex Casework Units, Magistrates, Crown Court, HQ) to create a more professional and holistic workplace.
- Treat lawyers as professionals, not as production line workers, to maintain and enhance their skills.

2. Management and leadership:

- Empathetic, supportive management to enhance staff wellbeing and productivity.
- Compulsory empathy and leadership training for managers.
- Policies allowing employees to request a change in line manager if necessary.

Compensation and work conditions:

1. Better pay:

- Competitive salaries to attract and retain high-quality staff.
- Compensation aligned with workload and responsibilities.

2. Realistic expectations:

- A realistic approach to achievable goals given current resources.
- Adequate resourcing to meet these goals.

Decision-making and autonomy:

1. Greater discretion for lawyers:

- Allow lawyers more discretion in decision-making.
- Focus on retaining staff capable of making decisions in line with the CPS code for Crown Prosecutors.

3 The current state of play

Increased reporting:

The last Government's [Violence Against Women and Girls Strategy](#) sets out clearly the key changes in UK sexual offences over the 15 years. It shows that many sexual offences have seen little or no increase in the number of crimes committed since 2011/12.

However, over that same time period, there has been a large increase in the number of cases reported.

The increase in rape reports is undoubtedly a positive development, as it suggests that more victims are coming forward. However, each report requires investigation, and potential charges, which requires additional resourcing for both the police and the CPS.

The number of rapes reported to the police has more than doubled, from 686 reports per quarter in 2015 to nearly 1,500 today. From the lowest reporting ebb in Q3 of 2019 to today, they have nearly quadrupled.

Total number of initially recorded rape incidents and crimes in England and Wales (thousand)

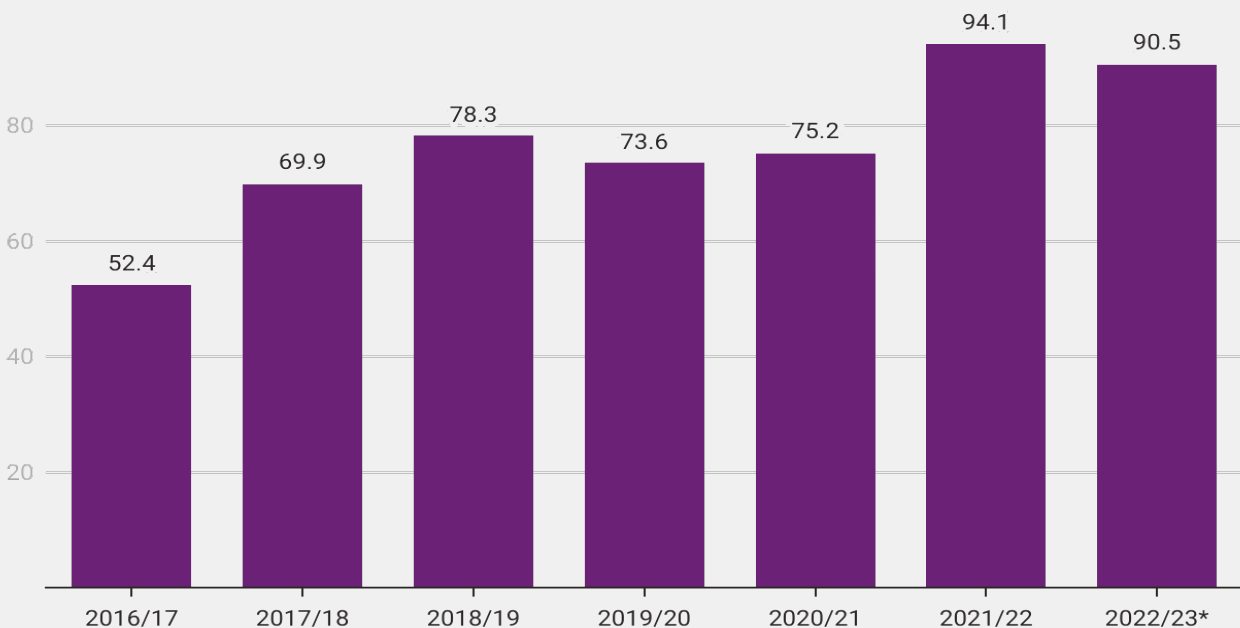
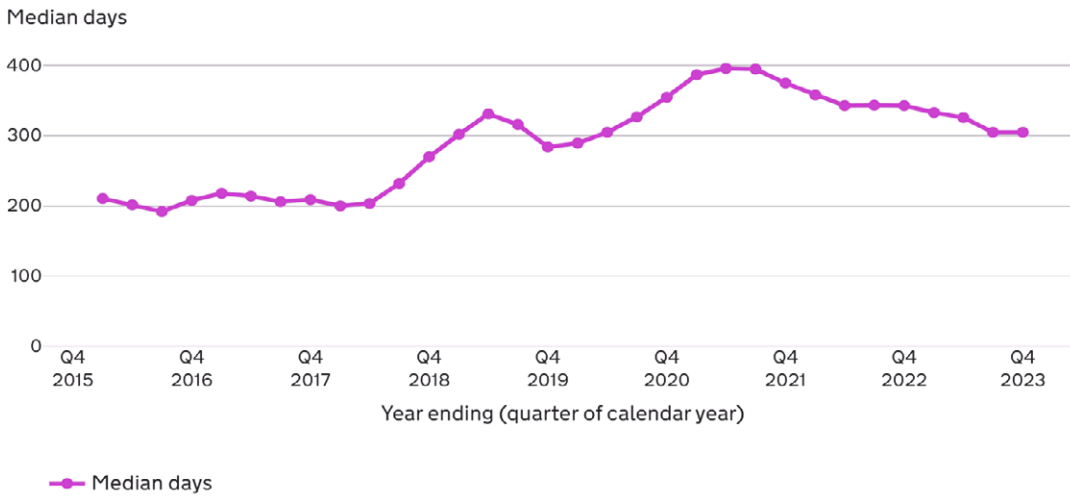


Chart: *2022/2023 data excludes Devon and Cornwall. In 2021/2022 Devon and Cornwall reported over 2,000 incidents of rape. • Source: Gov.uk data • Created with Datawrapper

Average days taken for police to record a successful outcome

Data view: Adult rape; National; Rolling annual



Source: https://criminal-justice-delivery-data-dashboards.justice.gov.uk/improving-timeliness/police?time=Rolling+annual&offence=Adult+rape&area=National&offence_type=adult_rape#time_to_charge

Increasing waiting times for victims

Similarly, there has been a large increase in the amount of time to charge those who are alleged to have committed rape. In 2015 it took, on average, 210 days (or roughly seven months) between referral to the police and charge. This was, at the time, already considered to be sufficiently long that many victims were dropping out of the process.

Today, it takes on average 305 days from a report to the police for the CPS to make a charging decision against an alleged perpetrator. This is down from its peak of 395 days at the end of 2020, but still three months longer than in the mid-2010s.

It takes even longer to get to a verdict once a rape case has moved to court. A 2021 joint inspection into the police and the CPS response to rape found that cases involving sexual offences take longer to process through the Crown Court than all other types of offences. This is, in part, because defendants in sexual offence cases are more likely to plead not guilty than in other types of cases, meaning that a jury trial is required.

With the suspension of jury trials for a period during 2020, and the additional time needed to conduct a jury trial, sexual violence and abuse cases are disproportionately affected by court backlogs. More recent Government data shows that the situation has worsened since that 2021 inspection. As of June 2022, an average of 378 days were passing between an adult rape case arriving at the Crown Court and its completion – a 61.5% increase in time since December 2019 and 139 days longer than criminal cases in general.

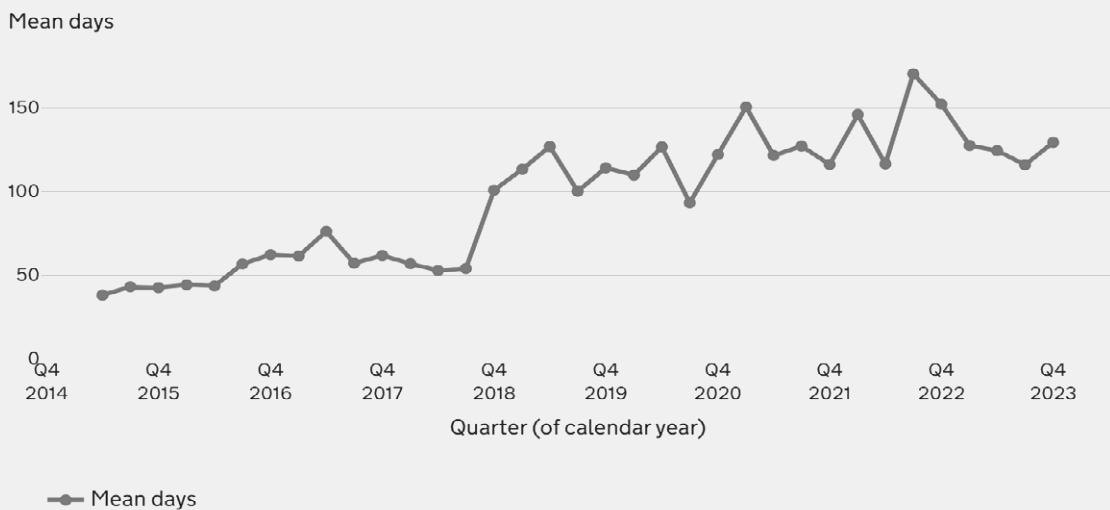
Timeliness is an essential part of prosecuting RASSO and VAWG offences. As the Government's [strategy](#) argues:

“The trauma of the crime and their subsequent experience leads many victims to disengage from the criminal justice process. Without the victim’s engagement, prosecution and conviction is very difficult. But when cases are prosecuted, and victims stay engaged with their case, we see results: in 2019-20, 27% of rape defendants pled guilty, and we had an overall 69% conviction rate.”

Within the CPS this is reflected in rising times taken to charge once a file is handed over from the police. Rape offences are among the most complex cases, so it is somewhat unsurprising that they take longer to charge than other offences. However, the amount of time from report to charging has more than tripled since 2014:

Average days from police referring a case to the CPS and the CPS authorising a charge

Data view: Adult rape; National; Quarterly



Source: <https://criminal-justice-delivery-data-dashboards.justice.gov.uk/improving-timeliness/cps>

In 2014, it took 38 days from the handing over of a police report to the CPS to charge a case. Today it takes 130 days, or more than four months.

These timescales are not simply important for their own sake. Timeliness is widely considered to be one of the most important factors in maintaining the trust of victims of RASSO offences. Maintaining the engagement of victims is difficult. The RASSO offences that they have suffered are often highly traumatic, and the trial process itself is adversarial and intrusive. Long timeframes lead to disengagement and a sense that justice will not be done for the victims. This is why, in a report for Rape Crisis, Independent Sexual Violence Advisors (ISVAs) who work most closely with victims have emphasised that timeliness was the most important issue for them in improving the current system for victims.

As the end-to-end rape review articulated:

“A much greater proportion of victims who report rape and sexual assault now choose to disengage from the criminal justice process than in 2015, with the most significant proportion doing so before a charging decision is made. This is unacceptable. We must urgently reverse this trend and ensure that those victims who engage in the criminal justice process feel supported to do so.”

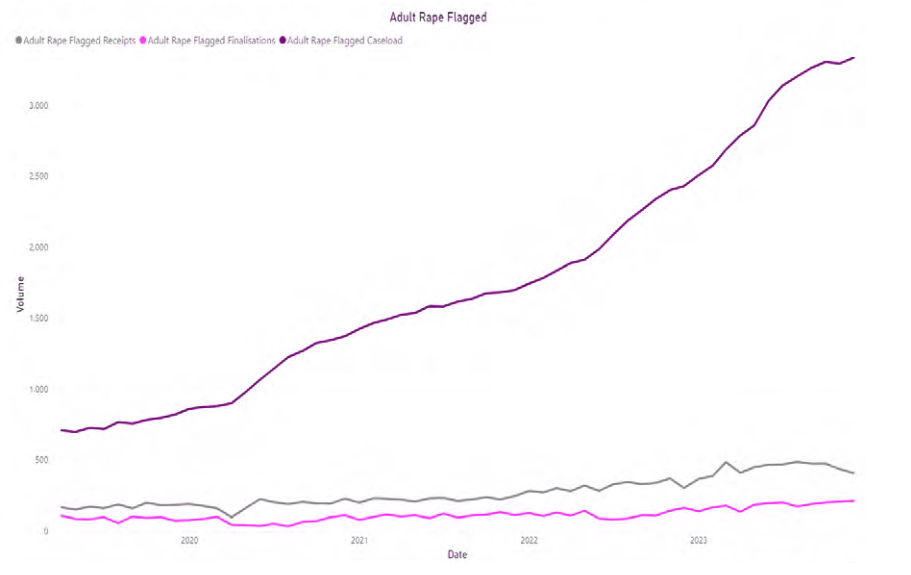
Flatlining prosecution rates:

The result of the current state of increases in reports but longer wait times is a flatlining in the number of prosecutions. The most recent data shows that rapes reported to the police are still outpacing concluded cases at a rate of 2:1.

There are multiple causes of this flatlining prosecution rate. However, such a low rate of prosecutions has called into question the effectiveness of the justice system. Recent Rape Crisis reports and the former Victims' Commissioner have argued that rape has been “decriminalised” in England and Wales.

The adult rape flagged caseload continues to increase with receipts outnumbering finalisations at a rate of over 2 to 1
CPS adult rape flagged prosecutions - live caseload, receipts and finalisations

Figure 2: Line chart to show volumes of adult rape flagged caseload, receipts and finalisations since April 2019



Source: [CPS data summary Quarter 3 2023-2024 | The Crown Prosecution Service](#)

During the previous Parliament, the Home Affairs Committee chair argued, “From now on there must be constant review and reform of every element of the system handling rape and sexual offences. There cannot be a single step back until prosecutions and convictions are far higher than they were even in 2016.”

The current Government argued in its manifesto that the current conviction rate is “shameful”.

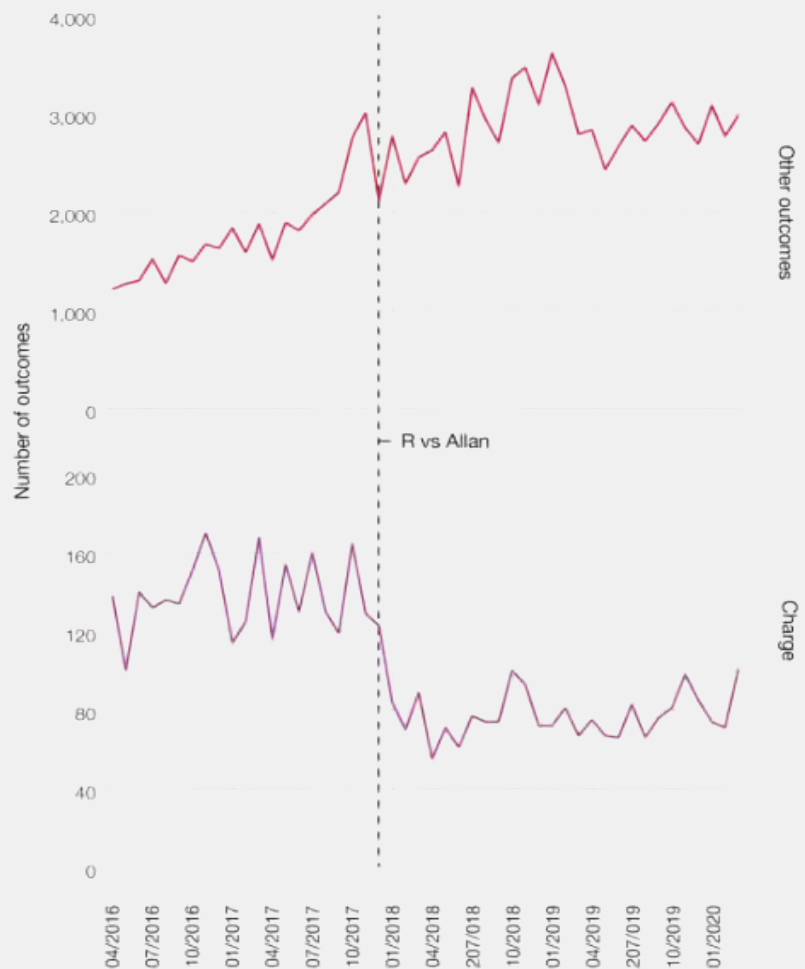
4 Internal barriers to prosecuting RASSO

Complexity of cases

RASSO offences have always been among the most complex and sensitive cases that the CPS prosecutes. They are often crimes that take place with no witnesses and in private places. HMCPST’s [Rape Inspection](#) argued that rape cases in particular “present evidential challenges that rarely arise with such frequency in other types of offending.”

However, over the last 15 years, one of the major changes in the processing of RASSO offences has been the quantity of digital data involved in RASSO cases. Mobile data has been used effectively by CPS in many instances to prosecute cases. However, there is no doubt that it increases the data burden on both the defence and prosecuting lawyers. This has been particularly noticeable since the Allan case, which the [Review into the Criminal Justice System response to adult rape and serious sexual offences across England and Wales](#) identifies as a contributor to reduced charges.

Figure 10. Impact of R vs Allan case on charge volumes



Source: Home Office Data Hub, unpublished

The HMCPSI Rape Inspection [concur](#)s, arguing: "The number of cases not being progressed in a timely way has increased significantly. In many instances, this can be the result of limited 2019 resources. In the inspection, we saw requests for forensic examination of phones taking up to 11 months to complete, and securing third-party material taking an inordinate amount of time."

The [Rape Review](#) further emphasises that at times, police do not have the relevant technology to even access the relevant prosecutorial materials. This inevitably has downstream consequences for the processing of that data alongside the CPS and ISVA staff.

"Delays in case progressions were attributed by some police, CPS and ISVA participants to a lack of appropriate technology and training in accessing and analysing digital material. Participants described there was often a long wait to download information from phones as police officers did not have the resources and technology required to review the information. The police digital units had seemingly not been resourced or equipped with the necessary IT to manage the change in use of digital media and the increased focus on digital material in disclosure which creates a backlog of material. The increasing complexity and storage size of mobile phones added to this problem, with some police officers raising that there were models of phones the police were currently unable to even access."

There are also particular concerns about privacy and the exposure that many victims feel about the sensitivity of the information that they are required to hand over to the police. Victims often have to hand over their phones to the police and there are often requests for both medical and therapy records, all of which increase the reluctance of victims to engage in legal proceedings. The CPS's VAWG strategy found that:

"Research conducted as part of the Rape Review found that the most common reasons why rape victims withdraw from the process are: an increase in requests for personal digital information from mobile phones and social media, delays in investigative processes, strained relationships between different parts of the criminal justice system, a lack of specialist resources, and inconsistent support. Other reasons identified through the victim and survivor survey conducted as part of the Call for Evidence include wanting to move on, the length of the overall criminal justice process and a fear of further violence."

Supporting victims to go to trial

Occasionally, there has been a misconception that the CPS has become overly cautious in its prosecutions which has led to lower levels of charging of RASSO offences, bringing only those cases that it is certain that it will win. However, the HMCPSI found that this was not the case, [arguing instead](#) that in their inspection: "There were 13 cases (5.2%) where the inspector would have made a different decision to the CPS. Seven of these 13 cases were charged and six NFA [no further action], which tends to show that, rather than the CPS being risk averse, these decisions are often finely balanced, with many difficult matters to weigh up in the evidence."

One of the key drivers of why so few trials even come to court is the understandable reluctance of victims to continue with proceedings. The processes of evidence gathering, and the trial itself can be significantly traumatic for victims. In 2021, the Home Affairs Committee found that the trauma of going through investigations and lengthy delays may have contributed to 63% of adult rape investigations being closed between July and September 2021 because the victim no longer wished to continue.

The Victims and Prisoners Act 2024 does include a provision to introduce a higher threshold test for access to therapy records ‘substantial probative value’ test. This would be a welcome change. However, more can be done in this area.

Victims groups have long been pushing for independent legal advice for victims for many years. The Labour manifesto committed to “[a]ppoint legal advocates to provide free legal advice and support to rape survivors across England and Wales”. This change should be made as quickly as possible.

In this regard, ISVAs have been a welcome change, but more could be done to ensure that all victims of RASSO offences are able to have access to an ISVA.

In its consultation report, the Law Commission proposed changes to special measures to make it easier for victims to give evidence, for example automatically clearing the public gallery when victims of rape give evidence. It also recommended enhanced relevance admissibility tests for sexual behaviour evidence and evidence relating to criminal compensation claims. Each of these would have an impact on making it easier for victims to participate in trials, even if they cannot fully remove the traumatic nature of an adversarial trial system.

CASE STUDY:

The important roles being played by Independent Sexual Violence Advisors (ISVAs) in providing tailored support, informed by victim needs

The case study below was initially published in the Rape Review progress published in December 2022.

“We are grateful for the below case study from Safe Link – an Independent Sexual Violence Advisor service in Avon and Somerset - which highlights this important impact. When Faiza was referred to her local ISVA service, she wanted to be supported by the specialist ISVA who works with survivors who are black and from a minority ethnic community. As a young woman, she had recently left her family home to live in supported accommodation. Faiza had reported a sexual assault to police and an investigation was underway and as part of this, she had already given a video-recorded interview.

Faiza had been diagnosed with depression and anxiety as a young teen, and this assault was having an even greater impact on her mental health. Faiza was provided with a safe space by her ISVA to explore her mental health needs and how she would like to be supported. In this safe space, Faiza felt able to disclose that she was neurodivergent and had also started to use self-harm to cope with the trauma of the assault. Faiza also shared the impact this assault had on her relationships, and how she was frightened that her family would find out, and of the impact this might have on them. Faiza also disclosed that she was struggling with intrusive suicidal thoughts.

Faiza's ISVA worked with her to develop a suicide safety plan, which focussed on practical steps Faiza could take to keep herself safe when feeling this way, including getting help and support from those she trusted. Together, Faiza and her ISVA explored how she could identify her emotions and what triggered them, and the different coping mechanisms she could use to express how she was feeling. Throughout this time, Faiza was also being supported by other professionals.

Faiza's ISVA took responsibility for communicating with them regularly, so that Faiza didn't become overwhelmed. This ensured that a coordinated response was taken to support Faiza's recovery, centred upon her needs and wishes. Faiza recognised that she struggled most when she was by herself. During these moments she could not stop from thinking about the assault, which was made worse during COVID-19 lockdowns. Through conversations with her ISVA, Faiza realised that being at work helped her to be distracted and that she would like someone at work to know what had happened, so she had support if she needed it.

Her ISVA subsequently agreed to write a letter to her employer to explain what Faiza was going through, and to find out how her employer could support her moving forward. This letter helped to open a conversation between Faiza and her manager, while minimising the number of times she had to tell her story, leading to Faiza feeling more supported at work, for example through changing her working hours to suit her needs. To support Faiza to combat the loneliness she sometimes felt when away from work, her ISVA contacted her on a regular basis, sending her mental health resources and supporting her to access local community groups, counselling and peer support to help her to connect with others in her local community who have shared similar experiences.

During their time working together, there were times when Faiza felt physically unsafe, and her ISVA helped advocate for her housing needs as well as providing her with practical home security solutions so that she was, and felt, safer. She also helped liaise with the police around the safety concerns. Alongside this, Faiza's ISVA also supported her through the criminal justice process. The ISVA regularly obtained updates from the lead police officer and gave Faiza an opportunity to talk these through and ask any questions she might have about the investigation. When the police made the decision to take No Further Action in the case, Faiza's ISVA highlighted her ability to challenge this decision and supported her to submit a Victim's Right to Review (VRR). Faiza's ISVA ensured she was aware of her rights at every stage and that her voice was heard throughout."



Counteracting rape myths

The Law Commission has found that within the CPS, there have been important efforts made to address the risk that myths may have an influence in criminal trials. The CPS has extensive guidance for prosecutors, pointing to myths and realities, and the ways that myths may be countered in case building and advocacy.

However, there remain ongoing problems within trials regarding the perpetuation of myths. It is not clear to what extent rape myths affect the deliberations of juries and the decisions they reach. A challenge faced by researchers is that the law prohibits anyone asking jurors about how they reached their verdicts and prohibits jurors from revealing information about that. Given these limits, studies have used “mock juries” to test whether there are effects. An extensive body of research has concluded that rape myths do have effects.

The Law Commission [argues](#) that the Government should consider reforming “strategies to minimise the risk that trials will be affected by myths and misconceptions.”

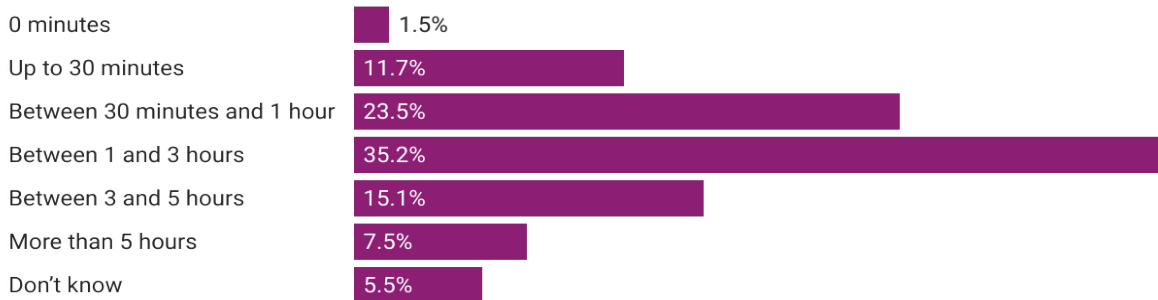
This could include banning defence advocates from deploying well-known myths about rape in their court presentation. It could also include providing juries with enhanced education about the complexities of rape and the importance of challenging rape myths.

Improved educational tools for jurors would include the provision of more comprehensive judicial directions and allowing the prosecution to call expert evidence to help jurors understand complex issues such as victim responses to trauma as is allowed in overseas jurisdictions such as New Zealand and the USA. These reforms could represent key components of new specialist RASSO courts.

Poor technology is impacting the performance of CPS prosecutors

We asked more than 500 CPS prosecutors how their departmental technology affected their capacity to work effectively. These barriers, while not specific to RASSO prosecutions, bear on the workload that staff in the department face.

How much time do CPS staff lose to poor technology each week?



Source: FDA survey of CPS staff • Created with Datawrpper

In summary, 74% of staff agreed that issues with technology inhibit their ability to work effectively.

We further asked how much time CPS staff lose to poor technology each week. The median response was between one and three hours, but more than 20% of staff lost more than three hours each week, nearly 10% of their workin week.

This means that, on average, staff are losing two hours or 6% of their working week to poor technology alone.

When modelled across the department, staff are losing more than 14,000 hours of working time to poor technology. This is time that could be better spent focusing on critically important cases.

5 External barriers to prosecuting RASSO

Delays in the system

However, HMCPSI [showed](#) that between 2016-2019, there had been a 42.5% rise in the report of rape allegations to the police and a 22.6% decline in the number of rape cases charged by the CPS.

One of the major causes of the lower charging and conviction rates for RASSO offenders is the time taken to prosecute. During this process, victims often feel unable to move on from what is a traumatic and painful event.

A [report](#) last year for Rape Crisis found that delays in the Crown Courts has led to a record high backlog of 7859 sexual offence cases, and 1851 adult rape cases. The same report found that RASSO prosecutions were taking, on average, over two years to come to trial.

Our survey of CPS staff found that 92% agreed that current court backlogs inhibit the prosecution of Rape and Serious Sexual Offences.

HMCPSI showed that the cause of the backlog occurs even before the CPS is involved. Their [report](#) showed that an average of 237 days elapsed between the first report of the offence to the police and the police's first submission of the file to the CPS for a charging decision. They argued that the interactions between CPS making charging decisions and the police file management "is not conducive to effective case progression".

A report compiled by the London Victims' Commissioner and MOPAC, 'The London rape review: a review of cases from 2016', found that 58% of victims withdrew their allegation prior to the police submitting the case to the CPS. The report found that this was not because victims did not want to continue with the investigation, but because they did not feel that they could. Research by the London team showed that the most common reasons given for withdrawal were stress and trauma due to lack of police contact, lack of information or updates, or the sheer length of time it took for investigations to progress.

Shifting court dates

Currently, many RASSO cases are “floaters”. A “floater” is a trial not allocated to a specific court or judge, but which may be taken in any court in the same court centre on a specific day or within a period of time. The House of Commons Home Affairs Committee made the following recommendation to the government in its report of 2022:

“We urge the Government to work with the judiciary to explore what more could be done to ensure fixtures for all rape and serious sexual offence trials are guaranteed. This would help address the severe delays many complainants and defendants are affected by.”

The practice of listing RASSO cases as “floaters” was identified as an issue in [2002](#) and then again in [2022](#) in joint CPS police reviews of RASSO practice. Little has been done to resolve the issue, which affects both the uncertainty that victims feel and the timeliness of justice for victims.

This Government committed to RASSO-specific courts as a potential way of ensuring RASSO cases come to trial more quickly. This is to be applauded and would likely end the problem of RASSO cases being listed as floaters. However, given that the courts backlog covers many different areas in addition to RASSO cases, additional resources across the entire system will be necessary to permanently end backlogs.



Police specialism

The [research report](#) stemming from the Rape Review highlighted significant challenges faced by both the police and the CPS in managing RASSO cases. Although specific numbers of RASSO prosecutors are not routinely disclosed, the report notes that both agencies are grappling with reduced resources and high staff turnover. Additionally, there has been an uptick in workload due to increased reporting of offences.

Particularly concerning for the police is the loss of experienced and specialist officers. In particular it is notable that specialism in RASSO cases provides enormous benefits in terms of improved file quality, which then impacts timeliness. Not all police forces currently operate specialist units on account of cost.

The view of staff within the police was clear that the current turnover and the lack of specialism in focusing [sensitive and complex](#) RASSO cases was a considerable issue:

“The view was that staff were either choosing to move into other departments, due to exhaustion from the workloads associated with investigating rape cases or were forced into other roles. Police participants raised the issue that when staff leave RASSO roles the posts are then either left vacant or filled by moving staff, involuntarily, into these roles which can result in unmotivated officers. RASSO leads participating in the focus groups raised that this was a direct consequence of limited recognition from some senior policing officers that rape cases are a priority.”

The recent Labour manifesto committed to “specialist rape and sexual offences teams in every police force.” Over the medium term this would have a significant impact on the ability of CPS to prosecute more quickly.

What CPS staff say about file quality :

One anonymous member said: “Initial police investigation and file prep needs a radical overhaul. The delay from complaint to then hitting our desks is often 12-18 months. This is mostly because of file quality. It seems that police are grossly under-resourced and lack the specialism needed to make prosecution easier.”

The crumbling courts estate

What do CPS staff say about the courts estate:

One anonymous CPS staffer said: "The biggest single issue at present is the backlog at the Crown Courts. Reducing backlogs would immediately improve our ability to prosecute and provide a good service to victims."

Sixty-four per cent of solicitors who responded to a recent Law Society survey stated that they experienced delays in cases being heard within the last 12 months due to the state of the courts.

Anecdotal evidence from court users recalls air conditioning units falling on lawyers' heads and water pouring through ceilings, meaning that trials have had to be adjourned at the last minute while courts sit empty. Often, these trials are rescheduled for months, sometimes years, later, to the huge detriment of those involved in the cases.

The Lord Chief Justice's 2022 annual report stated that "[t]he allocation of funds for maintenance and repairs has continued to be well below what is needed to maintain the estate in a decent condition. This does more than increase future costs. It results in hundreds of lost sitting days each year". Whilst the Government has taken a few welcome

steps to find additional monies for maintenance, the report added that "the scale of the problem is such that they amount to no more than a sticking plaster on what is a significant wound".

The courts estate can also be important in helping victims feel comfortable in giving testimony. Currently, victims enter into court using the same entrances as alleged perpetrators. Where video evidence is used, many courts cannot easily facilitate live video feeds. This makes it difficult for courts to manage special conditions required in the most sensitive cases and further reduces the likelihood of victims coming to trial.

Conclusion and summary of recommendations

As many other reports have noted, the reduced rate of prosecutions of RASSO offenders is a complicated problem that often sits at the intersection between the police, the CPS and the courts. It is heartening to have a Government that has put solving this issue so centrally in its agenda.

It is also clear that many of the problems can be alleviated by simply properly resourcing those relevant departments; hiring, training and retaining lawyers and judges, specialised police officers, and specialised independent support for victims, fixing the courts estate and more effectively managing the digital transition in evidence collection and analysis.

In consultation with CPS staff, the following points were considered to be important consensus points that could help significantly to bring down waiting times and increase prosecution rates for RASSO victims. It is worth noting that there are very few quick fixes in a complex and multi-departmental problem like RASSO prosecutions, but many are cases of investment over the medium term leading to clear and sustainable increases in prosecution rates.

A VAWG and RASSO prevention strategy which includes improving outcomes within the justice system for victims

- The most important thing that the Government can do to improve outcomes for women and girls is to have a holistic approach to reducing the incidence of these horrific crimes.
- There should be clear markers which show how any targets to increase RASSO prosecutions can be reached and any reforms or changes to the system should be fully funded.

Full commitment to funding the National Operating Model and Operation Soteria

- With the ongoing changes to the operations of CPS through the new National Operating Model, any additional administrative burden placed on RASSO lawyers or police officers should be funded in full.

Additional and sustained funding across the justice system

This should include but not be limited to:

- A published long term strategy to recruit additional criminal lawyers, with a particular emphasis on RASSO lawyers. This should include additional compensation to hire and retain RASSO lawyers.
- Fixing the HMCTS estate.
- Additional funding for police so that each Police Force can increase and improve their RASSO training or bring in specialist RASSO units.
- IT infrastructure and digital systems must also be updated and maintained in order to ensure a modernised and functioning courts estate where remote hearings are possible.
- Long-term funding should also be made available to ISVAs and specialist sexual violence and abuse services.

Additional specialisation, training and support for RASSO lawyers and police to improve retention

- RASSO lawyers are turning over at an increased rate owing not just to issues of compensation, but also owing to mental health strain and insufficient training.

Priority listing and guaranteed fixtures for all rape and sexual offence cases

- Rape and sexual offence trials must never be listed as floater trials. Their dates and locations should be fixed to allow victims of these crimes certainty over when they will have their day in court.

Consider specialist RASSO courts to improve timeliness

- Other jurisdictions use specialist RASSO courts to speed up their trials. England and Wales should consider a similar approach to reduce waiting times for court dates significantly and quickly.
- Specialist RASSO courts could also provide education to juries around rape myths and bring in specialist outside evidence about the complex reactions to trauma that victims suffer.
- The Government should pay close attention to the impact of the Victims, Witnesses and Justice Reform (Scotland) Bill. In particular, the judge-only trials and those that have already occurred in New Zealand and other jurisdictions.

Conclusion and summary of recommendations

Accelerate and increase efforts to support victims engagement in trial proceedings

- Independent legal representation should be given to all victims throughout the process.
- Additional efforts should be made to reduce the burden on victims in terms of evidence collection. This could include higher admissibility thresholds for evidence found in personal records, sexual behaviour evidence, evidence of criminal compensation claims.
- There should be considerable efforts to reduce the trauma involved in giving evidence including automatic provision of improved special measures including clearance of the public gallery and prohibiting defence advocates from deploying rape myths.

Improve the comparability and visibility of VAWG and RASSO data

- Currently, data sources rarely go beyond the aggregate national level. The Criminal Justice Data Dashboard gives data by county, however, additional granularity is essential for further research on prevalence of rape and assaults. Data are infrequently disaggregated by characteristics other than sex. Given the intersectional nature of VAWG, there is great research and policy relevance in understanding the prevalence of gender-based violence for different groups of women.
- Court transcripts currently come at a cost. This inhibits research about how RASSO and VAWG trials occur. We would support the ongoing calls to make court transcripts and open data source for researchers.

Acknowledgements

We have been incredibly grateful to have consulted with a wide range of experts during the compiling of this report. This has included advocacy groups, charities, think tanks, and professional bodies, who are all dedicated to improving the outcomes for RASSO victims, as well as to improving their experience within the legal system. We hope that they will see some of their thinking found in this report and we thank them for their time, support, and expertise.



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