



Government  
**Equalities** Office

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**Home Office**

**Interim Government  
Response to the  
Stern Review**

March 2010

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# Foreword



*Vera Baird*

**Vera Baird QC MP,  
Solicitor General  
and Equality  
Bill lead**

Violence against women and girls in all its forms, and whatever the circumstances, is unacceptable. Rape is a particularly appalling crime; it can shatter lives, devastate families and can make communities fearful.

Much has already been done to increase the support available to victims of rape and sexual violence, to improve the criminal justice response and to change attitudes to sexual violence. These changes have played a part in the 58 per cent increase in the annual number of convictions for prosecutions of rape which has occurred between 2000 and 2008.

Many of the cross-Government commitments in the strategy document *Together We Can End Violence Against Women and Girls*, published last year, help address issues around sexual violence and ensure ongoing investment in improving support for victims. This programme of action will challenge attitudes, support victims and improve the response of the criminal justice system and health service.

But too often victims of rape still feel poorly served by the system or that it lacks the specific support they need when reporting crime and going through the criminal justice system. High-profile cases have again raised questions about the consistent effectiveness of the response to reports of rape.

So, more remains to be done. That is why we asked Baroness Vivien Stern to review the current handling of rape complaints. Her perceptive and wide-ranging review highlights challenges in our response to rape and makes important recommendations as to how we can meet those challenges. Here we set out our initial response to these recommendations. A full programme of action will be developed over the coming months.

Baroness Stern acknowledges that real progress has already been made. The Government will continue to work with the voluntary sector, the health service, the criminal justice system and with the public to bring further positive change. None of us can afford to look the other way – it is all our shame if we fail to act.



*Alan Campbell*

**Alan Campbell MP,  
Parliamentary  
Under-Secretary  
of State for Crime  
Reduction**



# Introduction

There are few crimes more horrific than rape and sexual violence. Victims can be physically and emotionally traumatised and it can wreck confidence, relationships, careers and lives.

Around 10,000 women are sexually assaulted and 2,000 women raped every week, and over a third of all rapes recorded by police are committed against children under the age of 16. Over three million women in England and Wales have been sexually assaulted at some point since the age of 16.

The Government is committed to increasing reporting rates and to improving victim experience. Significant progress has been made in recent years. There has been a 58 per cent increase in the number of convictions for rape in 2008 compared to 2000. Services supporting victims have been given new funding and expanded. But more remains to be done.

We know that most cases fall out of the system before going to court. Many victims still feel alienated from the criminal justice system and inadequately supported by the services they come into contact with when they report sexual violence. Recent high-profile cases have highlighted that if the response to reports of rape is not effective, rapists stay free to offend again.

## **Much has been done already.**

Changes made in 1999 mean that victims of sexual violence are automatically eligible for special measures assistance in court, including giving their evidence-in-chief using a video recorded statement and giving evidence via a television live link. They can no longer be cross-examined by the accused, in person, and there are strict limits on cross-examining victims about their sexual history.

The Sexual Offences Act (2003) defined consent as “agreement by choice and having the freedom and capacity to make that choice”, modernising it. A belief that someone was consenting no longer amounted to a defence unless that belief could further be shown to have been reasonable in the circumstances. Sentencing was strengthened and new offences created to help protect adults against ‘date rape’ drugs and children from sexual exploitation including through online and offline grooming. It also ended discrimination by ensuring sexual offences apply equally to males and females of any sexual orientation.

The Victims Code of Practice, introduced in 2004, placed obligations on the police to keep victims informed about the progress of their case.

Case law has recently made clear that a person may be too intoxicated

to have the capacity to consent or refuse long before they become unconscious through drink and that that question should be left to a jury.

Evidence of a sexual assault complaint can now be admitted no matter what the time gap between the alleged offence and the complaint. Judges will direct juries that delay is often the result of shame or guilt caused by a sexual assault and not necessarily evidence of later fabrication.

The automatic admissibility of video recorded statements will be extended to adult victims of serious sex offences from autumn 2010.

The 2007 National Cross Government Action Plan on Sexual Violence and Abuse has driven improvement in access to support services, the response of the criminal justice system to rape and initiatives designed to help prevent sexual abuse and violence.

The Action Plan pushed through key developments in handling rape cases and supporting victims including: specially trained officers and prosecutors along with improved guidance for all elements of the criminal justice service; improved monitoring of the performance of the police and Crown Prosecution Service (CPS) when handling rape cases; further measures to support sexual offence victims include the use of video recorded statements that are played in court as the witness's evidence-in-chief and increased funding for, and access to, specialist referral centres and specially trained advisers.

In the past year a range of further measures has been implemented. New guidance is in place for police and prosecutors investigating and prosecuting rape cases and improved performance is being supported and monitored by new specialist teams. Best practice is being championed across regions and agencies. New funding for Sexual Assault Referral Centres (SARCs) and Independent Sexual Violence Advisers (ISVAs) aims to improve the availability, quality and accessibility of important, valued support for victims of rape and sexual assault.

The Taskforce on the Health Aspects of Violence against Women and Children (VAWC) has, as part of its work, looked at services for victims of rape who are under 18 years old and for whom services are offered through safeguarding children care pathways, which may include accessing a Sexual Assault Referral Centre.

The Health Taskforce consulted with young people, mainly girls, who had been sexually assaulted, on what would encourage them to report rape and improve their experience of services. They wanted independent advocates, a choice of male or female staff, counselling and easy access to flexible services in the community. They also wanted professionals to be approachable, to ask direct questions and believe them when they reported being raped.

In her Victims' Experience review<sup>1</sup>, part of the consultation exercise on Violence Against Women and Girls (VAWG), Sara Payne was asked by the Home Secretary to make recommendations on how the criminal justice system's response to rape victims could be improved. The purpose of the review was to understand from the victim's point of view how the criminal justice system was measuring up, and how it was letting them down.

Focus groups with rape victims, frontline police officers and the Crown Prosecution Service informed the findings of the review which identified a number of key areas where victims currently feel inadequately supported or unfairly exposed to cynicism or doubt.

The cross-government strategy, *Together We Can End Violence Against Women and Girls* (VAWG Strategy) details a comprehensive programme of action to tackle violence against women and girls in all its forms. Many of the commitments will address all violence, including sexual violence. Others are specific to sexual violence and rape. These commitments ensure ongoing investment in local support services and improve access to support services and improve the response of the criminal justice system to victims, helping ensure they are treated with the appropriate sensitivity, dignity and respect. The Strategy includes measures developed in response to Sara Payne's review and designed to tackle the issues she raises.

To further inform action to improve outcomes for victims of rape and sexual violence, Ministers asked Baroness Stern to undertake a review and to recommend how to encourage more victims to report rape, ensure more cases progress further through the criminal justice system and to fairly increase conviction rates. She was also asked to make recommendations on how to build confidence in and satisfaction with how rape cases are handled.

<sup>1</sup> Payne, S. (2009a) *Rape: The Victim Experience Review*. London: Home Office.

The Stern Review details the findings of Vivien Stern's perceptive and wide-ranging review of how rape complaints are handled from report to conclusion, examining attitudes and experiences, the effectiveness of the current response and the challenges we face in improving this response.

### Key facts and figures about rape and sexual assault

- 3.1 million women in England and Wales have been sexually assaulted at some point since the age of 16<sup>2</sup>
- Nearly one in four women have experienced some sort of sexual assault since the age of 16
- More than one third (37 per cent) of all rapes recorded by the police are committed against children under 16 years of age<sup>3</sup>
- Nearly a quarter of 14 year old girls have been forced to have sex or do something else sexual they did not want to do by someone they were dating<sup>4</sup>
- 1 in 4 respondents to the 2010 Rape Survey knew someone who had been raped

Baroness Sterns' full terms of reference were to:

- Examine the response of the public authorities to rape complaints and how more victims can be encouraged to report;
- Explore ways in which the attrition rate in criminal cases can be reduced and, how to fairly increase the conviction rate;
- Identify how to increase victim and witness satisfaction, and confidence in the CJS in addressing rape;
- Explore public and professional attitudes to rape and how they impact on outcomes;
- Utilise findings and information available from other relevant work, particularly the work on victims' experience being led by Sara Payne and the Department of Health taskforce led by Professor Sir George Alberti, avoiding unnecessary duplication; and

<sup>2</sup> Smith, K. (Ed), Flatley, J. (Ed), Coleman, K., Osborne, S., Kaiza, P., Roe, S. (2010) Homicides, Firearm Offences and Intimate Violence 2008/09 (Supplementary Volume 2 to Crime in England and Wales 2008/09) Home Office Statistical Bulletin 01/10

<sup>3</sup> Smith, K. (Ed), Flatley, J. (Ed), Coleman, K., Osborne, S., Kaiza, P., Roe, S. (2010) Homicides, Firearm Offences and Intimate Violence 2008/09 (Supplementary Volume 2 to Crime in England and Wales 2008/09) Home Office Statistical Bulletin 01/10

<sup>4</sup> BLISS magazine and Woman's Aid (September 2008)

- Make recommendations, with particular reference to improving the implementation of current policies and procedures.

### Key findings from Baroness Stern's Review

In conducting her review, Baroness Stern examined the pathway a complainant takes, from first report through to court, and considered the provision of support and other services for victims. Her key objectives were to clarify confusion surrounding rape, including the collection and presentation of statistics, and to clearly identify best practice.

This included establishing exactly what best practice looks like in responding to complaints, and assessing current policies and their implementation. In doing this, the Stern Review looks at five discrete aspects of rape and complaint handling:

#### *Rape – misunderstandings, myths and reality*

The Stern Report examines and challenges common assumptions about rape and rape victims, including beliefs about what constitutes 'real rape', and expectations about how victims should behave and who they typically are. It finds reality is quite different from widely held beliefs and greater understanding is needed among both the frontline staff dealing with rape complaints and the general public.

#### **Key facts about rape**

- Most rapes are committed by someone known to the victim
- Rape is more widespread than people think – many more rapes are committed than ever reported
- Victims do not always fight back – they are often terrified that if they do more, greater violence will be inflicted on them
- Men can also be victims of rape – the most recent Home Office statistics (for 08/09) show that around seven per cent of all recorded rape cases concern a rape of a man
- There are no grey areas about consent – the law is clear that sex without consent is rape
- The law is also clear that if a victim was too drunk or intoxicated to consent then that also is rape
- Anecdotal evidence indicates that false allegations are rare

Baroness Stern also highlights the need to better explain often complicated statistics relating to rape. For example, the frequently reported headline figure of 6.5 per cent of reported rapes resulting in a conviction is misleading and can even act as a deterrent to reporting. It is also out of step with how conviction rates for other crimes are reported – a more comparable statistic is 58 per cent of cases prosecuted as rape cases, including guilty pleas, result in a conviction for rape or another offence. 55 per cent of jury trials result in a conviction.

The Review points to the widely reported Worboys and Reid cases as examples highlighting bad practice in rape investigation. Victims in these cases were simply not treated with the dignity and respect they were entitled to and this undermines public confidence in how rape cases are handled.

#### *Role of the police*

The Review acknowledges the police, like everyone else, are influenced by the common myths surrounding rape and this impacts on how rape complaints are responded to and handled. Good practice does exist but it is patchy. There are a number of areas where the police must improve their response to and handling of rape complaints.

#### **Areas for improved police response**

- Better procedures for handling complaints
- Ensuring appropriately qualified forensic physicians are employed and integrating forensic services within the new NHS clinical governance framework
- Improved support for victims building on the success of Sexual Assault Referral Centres and Independent Sexual Violence Advisors
- Conduct of Achieving Best Evidence interviews – problems include poor quality videos, inappropriate interview techniques, lengthy testimonials
- Need for improved victim care and an increased focus on collaborative working

### *Taking the case to court*

Baroness Stern carefully examines the complex and difficult issues around taking a case to court. For many victims, the ordeal represented by the trial process can be like 'being raped all over again'; for many others, a 'day in court' is seen as a critical component of a satisfactory outcome of reporting rape.

The Review does point to the critical role good communication plays in supporting victims by adequately explaining the criminal justice process and to the importance of effective communication in ensuring existing good practice policies are in place.

### **Areas for improved Crown Prosecution Service response**

- Improved communication with victims to clearly explain the criminal justice roles and processes. The CPS Policy for Prosecuting Cases of Rape booklet is commended
- Consistent ownership of cases, from their outset through to their conclusion by a named lawyer and a named case worker
- Resources should be focused on prosecuting well where evidence is strong
- Where prosecution does not go ahead, victims must be treated with appropriate levels of respect and sensitivity

### *Beyond criminal justice – victim services*

The importance of effective support for victims throughout the process is emphasised by the Review. This helps ensure victims are treated with consistency and respect and are kept fully informed of the progress of their case.

The Review is supportive of the findings and recommendations of the Taskforce on the Health Aspects of Violence Against Women and Children for improving the health service response to rape and acknowledges the important role played by voluntary sector organisations including the Rape Crisis and the Survivors Trust. It also points to the critical role played by Independent Sexual Violence Advisers (ISVAs) in supporting victims.

### **Areas for improved victims services response**

- Ensure effective communication with victims to keep them fully informed of progress with their case
- Improved support for the valuable ISVA service for victims
- Improved communication about and access to the compensation system

### *Conclusions*

The Stern Review acknowledges significant improvements have already been made in our response to rape. It is largely supportive of government policy in this important area, but also sets out a number of key recommendations for further improving our response to sexual violence. These recommendations cover six main areas.

### **Key areas covered by Stern Review recommendations**

- Improved data management and analysis;
- Sustainable funding for key victim support initiatives;
- Improved standards and provision of forensic services;
- Improved performance management of the criminal justice response to rape;
- Better coordination and oversight of rape prevention work by local agencies; and
- Improving information about compensation for victims.

This is the Government's initial response to Baroness Stern's report and key actions in support of her recommendations. The Government will publish its proposals for further action before the end of this year.

# Government action: our achievements and plans

Baroness Stern's report points to the important improvements already made in our response to rape and endorses the policy and practical approach to improving outcomes for victims. This acknowledges the government's ongoing commitment to preventing sexual violence and to providing the best possible support for victims of this horrific crime.

The cross-government strategy *Together We Can End Violence Against Women and Girls*, Sara Payne's report of her review of victims' experiences and the Taskforce on the Health Aspects of Violence Against Women and Children have set out a framework for improving the response of authorities and support for victims. Baroness Stern's report will further inform, direct and improve our response.

Our approach to improving our response to rape and sexual violence is focused on three areas; prevention, provision of services and support for victim, and the protection of victims and society more widely. This section summarises what we have achieved in each of these areas and sets out our plans for further action.

## Prevention

Our vision is to end violence against women and girls, and the Government's VAWG Strategy identifies a number of key interventions designed to prevent violence by changing attitudes and supporting healthy relationships.

These proactive interventions are based around three core areas: challenging attitudes through awareness raising campaigns designed to debunk common myths; supporting the promotion of healthy relationships, gender equality and non-violence; and, supporting training for professionals in early identification of and early intervention in cases of violence and abuse.

Key initiatives designed to combat all violence, including sexual violence, include a communications campaign designed to challenge violent and abusive attitudes and educate the public about the extent of violence against women and girls. This was launched in February this year with a campaign targeting violence in teenagers' relationships.

We know alcohol can play a role in causing violence, and that many perpetrators have been drinking immediately prior to committing an act of sexual violence. In 2007/08 46 per cent of victims felt the offender was under the influence of alcohol.

It is also a simple if unwelcome fact we are all more vulnerable when under the influence of alcohol; close to three in ten (28 per cent) of victims of serious sexual assault report being under the influence of alcohol at the time of the assault. There could be a number of reasons for this association. For example, people may take greater risks, such as going home with someone they do not know, when under the influence of alcohol, their reactions could be slower and less effective or people may be targeted by perpetrators because they are under the influence of alcohol and so more vulnerable.

### **Capacity to consent**

The law on consent in relation to sexual activity states that a person consents if they agree by choice, and have the freedom and capacity to make that choice. Excessive amounts of alcohol may affect a person's capacity to consent to sexual activity. The relationship between alcohol and sexual violence and abuse is therefore a very important one.

The Sexual Offences Act provides a clear definition of consent for the purposes of the law of rape and case law makes clear that:

*If through drink (or any other reason) the complainant has temporarily lost their capacity to choose whether to have intercourse on the relevant occasion, they are not consenting, and subject to questions about the defendant's state of mind, if intercourse takes place, this would be rape.*

Joint National Policing Improvement Agency (NPIA), CPS and Association of Chief Police Officers (ACPO) guidance on investigating and prosecuting rape states 'police and prosecutors should carefully consider whether the victim has the capacity to consent'.

Excessive alcohol consumption can also make it more difficult for the police and courts to ascertain the facts around consent. There is no excuse for sexual violence, and that being under the influence of alcohol is no excuse for perpetrating rape. However it is important that we are all aware of the increased risks excessive alcohol consumption brings.

Publicity campaigns challenging drunken behaviour, warning people of the risks of excessive alcohol intake and supporting responsible choices also have a role to play in preventing sexual violence. In addition to proactive media campaigns, Government will work with the National Union of Journalists to inform new guidance and help ensure responsible reporting of violence against women and develop a series of short films on sexual violence which will be made available to the public through NHS Choices.

New action in education will help foster healthy attitudes and relationships and help young people respect themselves and others. Gender equality and violence against women will be included in the school curriculum for Personal, Social, Health and Economic education (PSHE) and Sex and Relationship Education (SRE).

#### **What victims told us:**

*“Education, we need to teach girls it’s not ok and boys it’s not acceptable.”  
(Focus Group iii)*

*“We need to teach children from a very young age that their bodies are their own.” (Focus Group i)*

*“If somebody had come to me then, when I was 9, and said ‘this should not be happening, this isn’t normal’ maybe I would have realised that it wasn’t just happening to me, and told someone.” (Focus Group i)*

Source: Sara Payne, 2009 ‘Rape: the victim experience review’, Home Office

#### **Key government action to date**

- Teen Partner Violence Campaign launched in February 2010
- Department of Health is disseminating the evidence set out in the Violence & Abuse Prevention Framework. This includes developing a number of products to promote evidence-based interventions for prevention.

## Provision

When women and girls suffer sexual violence it is essential they have access to help and support that meets their needs. Victims of sexual violence identify a number of critical components to such a service; these include: they are listened to and believed; they are treated with dignity and respect; they are helped to feel safe; they have access to support when they need it; and, they are able to make informed choices. Ideally, there would be a single point of contact, with all the support available in one place.

Victims of sexual violence tell us we are a long way from matching this ideal. There are notable differences in approaches and in the standard of service offered at local level. We must ensure we build on the best and bring all other areas up to standard. We must also work to ensure sexual violence is embedded in key priorities at a strategic level.

New initiatives and investment in local and specialised services have made a positive difference, and we will continue to build on this progress. The VAWG Strategy sets out key commitments on the provision of services.

With different agencies and budgets contributing to services for victims of sexual violence effective multi-agency coordination and cooperation is absolutely vital. Preventing violence, protecting victims and providing support involves a joint response from all the main statutory bodies and the voluntary sector. We must build on the important work already taken forward in many local areas where these agencies work closely together to ensure the best support and outcomes for victims.

The Government recognises the importance of this cooperation and joint working and will continue to work to further support best practice in this area. Key government departments and agencies – including the Home Office, Ministry of Justice and the Office for Criminal Justice Reform – are currently reviewing the potential for improved partnerships resulting in better outcomes for victims.

### **Operation Aquamarine – Blackpool**

A Blackpool specialist police rape team has developed a highly effective multi-agency approach to both improving reporting and responses to sexual assaults by the police and to ensuring every victim is given holistic support. Tagged 'Operation Aquamarine', the team has now been up and running for 18 months and deals with a high volume of vulnerable victims with complex needs. Its establishment has led to the development of a multi-agency team meeting the support needs of each victim. The Community Safety Partnership infrastructure and leadership has been an essential part of facilitating this partnership approach through a sexual violence working group bringing all the key partners together.

Operation Aquamarine works closely with local voluntary partner Project 102 who run Shiver (a sexual health outreach project for vulnerable groups including sex workers and members of the Lesbian, Gay, Bisexual, Transsexual community), with Victim Support and local statutory partners such as Mental Health. The CPS and specialist police team members work closely together, drawing on the expertise of partner agencies, to ensure that they gather the best quality evidence for cases involving victims with sometimes highly complex and challenging needs. The police team are also working hard to dispel rape myths and build confidence in police first responders to deal sensitively with all reported incidents.

Through its multi agency approach Operation Aquamarine is building confidence in reporting to the police in the local community, helping to stabilise victims and prevent poor outcomes. Operation Aquamarine is also now exploring third party reporting with local stakeholders to help further increase their intelligence about rape in harder to reach communities.

A new 24-hour helpline will enable victims to access advice and support whenever they need it and an online directory of services will provide another route for securing access to help and support. Government will also continue to support local information campaigns about the support available for victims, such as the Havens campaign.

Baroness Stern highlights the success of Independent Sexual Violence Advisers (ISVAs) who play a critical role in supporting victims. ISVAs are victim-focused advocates, funded to work with victims of recent and historic serious sexual crimes to enable them to access the services they need in the aftermath of the abuse they have experienced. The nature of the support that an ISVA provides will vary from case to case, depending upon the support requirements of the victim and their particular circumstances. However, all ISVAs derive their independence from their primary role in advocating for the victim.

These advisers work in partnership with criminal justice agencies, the voluntary sector and victims' services to support victims and are most successful when supported by and linked to partner organisations. In 2010 government is rolling out £860,000 funding for ISVAs in independent organisations and we will continue to work with the voluntary sector and Sexual Assault Referral Centres (SARCs) to further develop the role of ISVAs and ensure they provide the independent, personalised advocacy and support victims need.

The Government is also committed to improving access to, and the service offered by, SARCs. These should be commissioned by the police, local authorities and the NHS to provide a one-stop location for victims of recent sexual assault to receive medical care, enable the collection of forensic evidence and provide access to further support and counselling. SARCs are an important and effective tool in delivering the appropriate care to those who have experienced rape and serious sexual assault, and we know victims who receive good immediate care and counselling recover more steadily.

The VAWG strategy sets out the Government's commitment to ensuring a consistent level of service and adequate access to that service. By 2011, there will be at least one SARC in each police force area. Guidance published in October 2009 set out the minimum elements every SARC should work towards. This includes offering 24-hour access to a Referral Centre; ensuring access to trained crisis workers; offering a choice of gender of physicians and, access to support from an ISVA.

The best SARCs offer invaluable support to victims and benefit both the investigation and prosecution of rape. The Department of Health and Home Office have committed a further £3.2 million in 2010 to extend and improve the quality of the SARC network.

Further government funding is supporting a National Support Team with a leadership role on the response to sexual violence, including helping every SARC to achieve a high standard of service. We are also supporting the new Women's Health and Equality Consortium which includes Rape Crisis.

The Taskforce on the Health Aspects of Violence Against Women and Children has been examining the NHS response to women and children and who are victims of violence and abuse, including sexual violence. The Taskforce recommendations on how the health service can improve its response to victims were published on 11 March 2010, along with an interim government response. The Department of Health and Home Office are also currently jointly examining the case for transferring commissioning and budgetary responsibility for forensic medical work for sexual assault from the police to the NHS.

A new National Victims Service, announced in January 2010, is a key step towards clear universal entitlements for all victims of crime and one-to-one support for the most vulnerable. The Service will ensure immediate and extensive support is available to all victims, including practical advice and information about what is likely to happen with their case.

It will also ensure the most vulnerable have guaranteed support from a one-to-one case worker who will coordinate the public sector agencies and third sector response to victims' needs. In particular the Service will coordinate service provision according to individual needs.

These measures constitute a solid foundation for the provision of services that treat each and every victim of sexual violence with the appropriate respect, dignity and sensitivity.

### **What victims have said**

*"The Haven gave my daughter her dignity back. She was so demoralised. We were there from 6 p.m. in the evening to 3.30 a.m. the next morning; by the time we got home I felt she had got a little bit of herself back."* (Focus Group ii)

*"There is a lot of fear about making a statement and going to court....more information should be available."* (Focus Group iii)

Source: Sara Payne, 2009 'Rape: the victim experience review', Home Office

### **Key government action to date includes**

- Investment and support for specialist services including ISVAs and SARCs and increased funding for voluntary organisations supporting victims of sexual violence
- £1.4 million funding for 2009/10 and 2010/11 for the National Support Team for Response to Sexual Violence to support the development and provision of SARC services and the capacity of the third sector.
- A new Women's Health and Equality Consortium will focus on sustainability and support for victims of sexual violence
- A new National Victims Service will ensure universal entitlements for all victims of crime and one-to-one support for the most vulnerable
- Interim Government response to the Taskforce on the Health Aspects of VAWC
- Ongoing emphasis on the need to improve safeguarding children services, including revision of Working Together to Safeguard Children
- Sponsoring the new Diploma in Forensic and Clinical Aspects of Sexual Assault provided by the Society of Apothecaries

### **Protection**

The response of the criminal justice system is critical to victims pursuing complaints of rape and sexual violence, to their sense of dignity and self-respect, and to their perception of justice. Achieving justice through the conviction of offenders is important; but for many victims justice is not only about achieving a successful prosecution, feeling they have been believed and well supported by the criminal justice system is critically important.

### **Public Attitudes**

- The vast majority of people (81 per cent) do not think the courts are too severe with men found guilty of rape
  - The vast majority of people (85 per cent) strongly disagree with the assertion that if a woman is raped it is usually her own fault
  - Women are more likely than men to think they would report rape to the police
  - Most people (71 per cent) support custodial sentences for rape
- (All findings from the 2010 Attitudes to Rape survey)

Government priorities in this important area are to: provide end-to-end support for all victims through the criminal justice system, from report to court; bring more offenders to justice by improving reporting and conviction rates; and rehabilitate offenders and manage the risk they present to women and girls.

Progress has been made against these priorities. There has been a 58 per cent increase in the number of convictions for rape from 2000 to 2008. Support for victims has been expanded and adapted to better meet their needs. There has been a significant improvement in the way the Police, Prison and Probation Services work together to manage the risk presented by perpetrators of sexual violence and to protect victims.

Through the Multi-Agency Public Protection Arrangements (MAPPA) these three services are required to work together to assess and manage the risks presented by sexual and violent offenders, including controls needed on the offender and necessary protective measures for victims.

Victims of sexual and violent offences where the offender has been sentenced to more than 12 months in prison have a right to be kept informed at key stages of an offender's sentence and to make representations about licence conditions to which they should be subject on release from custody. For indeterminate sentence prisoners, whose release is dependent on the Parole Board, victims can now submit a victim personal statement to the Board, outlining the impact of the offence on them.

The National Offender Management Service (NOMS) also plays a critical role in managing the risks presented by rapists and sexual offenders and targeting resources to manage the highest risk offenders. NOMS uses a wide range of accredited interventions to address the particular risks presented by individual offenders and reduce re-offending.

### **Ongoing action**

- Improving the way in which the CPS notifies victims if their case does not proceed to court
- Ensuring victims' property seized as evidence is returned promptly and delays are explained
- Training ISVAs to take victim personal statements
- All Chief Constables to report on the adequacy of their training on rape
- CPS to ensure all rape specialist prosecutors complete revised training course
- All Chief Crown Prosecutors received specialist training in prosecuting and managing rape cases
- Provision of advocacy for under 18 year olds through children's trust funding to third sector organisations providing significant services to this group
- Further investment in the Rape Support Programme for 2010

In addition, the Home Office and Ministry of Justice will work with Avon and Somerset Constabulary to explore whether the new approach to Integrated Offender Management might include a local response in relation to certain sexual offenders where they are not already being actively managed through the Multi-Agency Public Protection Arrangements.

Significant action has been taken since 1997, and significant progress made, but there is more to do and we are committed to an ongoing programme of investment and improvement. The VAWG Strategy makes a number of important commitments to improving rape and sexual violence victims' experience of the criminal justice system from report to court. Key to this is ensuring women and girls are informed of the options available to them and involved in decisions about their case. This is critical to building confidence in the handling of rape and sexual violence cases.

New measures will help ensure a consistently high level of service and a focus on victims' needs. An ongoing programme of training and development will equip police at all levels with the awareness and skills to ensure an appropriate response to rape and sexual violence cases, including for under 18 year olds. This includes a new E-learning toolkit for police officers developed with Devon & Cornwall Police launched in March this year available to all police officers.

Chief constables will report on the adequacy of training on rape and all police force areas will follow new guidance on rape investigation and prosecution. New specialist training for Chief Crown Prosecutors, and training for specialist rape prosecutors, will improve the CPS response.

The National Policing Improvement Agency (NPIA) and the Crown Prosecution Service (CPS) launched detailed joint guidance on investigating rape in June 2009. This covers the entire criminal justice process from the first phone call from a victim to recording a crime, through investigation (including forensic examinations, early consultation with the CPS, charging, case preparation and dealing with victims and witnesses) to the trial.

The Rape Support Programme has been a key driver in ensuring this guidance is implemented in every force. The programme has provided tailored support on investigating and prosecuting rape to every police force over the past three years, with joint CPS and ACPO visits to every force in 2009/10. In 2010 the government will make a further commitment of over £100,000 for this programme. The Rape Support Programme, working closely with the NPIA and ACPO and, guided by the work of the Rape Monitoring Group will provide additional targeted support to forces.

Other key measures developed in response to victims' views include ensuring property seized as evidence is returned to the victim promptly, and that any delays are properly explained, and the creation of a Rape Monitoring Group to advise on new performance measures for police and CPS investigating and prosecuting sexual offences.

The Government is committed to working with Rights of Women to ensure their respected *From Report to Court* handbook is available to all victims reporting rape. By this spring, police teams, SARCs and ISVAs will all have updated handbooks for victims. We are also exploring how best to ensure accessible information is distributed in other places victims may go for help including GP and sexual health clinics.

The standard of communication with victims is key; poor communication leaves victims feeling felt let down, isolated and misinformed. This was an issue highlighted in Sara Payne's report on victims' experience and it is clear both the CPS and police need to make improvements in this area, particularly in the way in which victims are informed of decisions not to take a case to court.

### **What victims have said**

*“More information should be available ...I think the publication ‘From Report to Court’ should be much more available for women, I know women who have read it not wanting to report, and decided to report afterwards-it’s having the knowledge and knowing about what steps will be taken.” (Focus Group iii)*

*“If I had one contact who kept me informed, that would make a difference. The Police officer said he was going to call me at a certain time. He never did. He said he would come round...he never did...it’s just not good enough.” (Focus Group i)*

*“Every police force should have the same procedure and have compulsory training, it should be nationalised so that all women know what to expect from the police if they report rape.” (Focus Group ii)*

### **Key Government action to date**

- Working with Rights of Women to ensure their Report to Court handbook is made available to all victims of rape reporting to the police
- New NPIA, CPS and ACPO guidance on investigating and prosecuting rape for the police and CPS
- Targeted support on investigating and prosecuting rape for police – all forces visited at least three times in the past three years
- Joint visits to Areas by the rape support programme and CPS
- Rape Monitoring Group chaired by Her Majesty’s Inspectorate of Constabulary (HMIC) monitoring police and CPS performance on rape
- Interactive DVD produced to help inform and promote good practice nationwide

## Next steps

Baroness Stern's wide-ranging review into the handling of rape complaints looks into the key challenges to improving the response to rape from the moment a rape is first reported until the case is concluded. In her review she examines the response of the criminal justice system, the NHS and other services supporting victims and looks at broader policy issues around our response to rape and sexual violence.

The Stern Review acknowledges the significant improvements already made in how reports of rape are responded to and handled. The policies and procedures introduced over the last few years are making a positive difference. More cases are being taken to court, and more cases are resulting in convictions. Sexual Assault Referral Centres and Independent Sexual Violence Advisers have been pivotal in improving the care and support available to victims. The role of the third sector, rightly acknowledged in the Stern Review, has been key in ensuring that victims are supported and heard.

However, Baroness Stern's findings point to the scale of the challenge still ahead in improving prevention, better protecting vulnerable groups and achieving a consistently high quality response to reports and support for victims. This is a challenge which requires sustained and focused action.

Baroness Stern's report makes wide-ranging recommendations for ongoing improvement. In putting together a comprehensive response to these recommendations, the Government will focus on eight key areas.

- **Tackling misconceptions**

Achieving better results is important; getting the response to rape right across England and Wales will deliver a better service for victims and, we hope, encourage more victims to come forward and report this crime. However, we agree with Baroness Stern's observation that too often the way in which statistics on convictions for rape are reported do not reflect the reality of what happens in the courtroom – 58 per cent of cases which go to court result in a conviction for rape or another offence. We agree that getting the statistics right is important and will look at what more can be done to improve this.

- **Forensic examinations**

Both Baroness Stern and Professor Sir George Alberti have highlighted the importance of ensuring that forensic physicians who examine rape victims are accredited to the right standards. That is why we have set out the minimum elements recommended for SARCs, including forensic physicians, in the *Revised National Service Guide: A Resource for Developing*

*Sexual Assault Referral Centres.* We expect that from now on, whenever a forensic physician is contracted, these minimum elements should be built in as a matter of course. We published our response to the Taskforce on the Health Aspects of Violence against Women and Children (VAWC) on 11 March and have committed to drawing up an implementation plan by autumn.

- **Joining up services**

This is key to delivering improvement in preventing rape and in ensuring an effective response to rape complaints. How the different partners – including the NHS, police, CPS, local children’s safeguarding boards, children’s social services and the voluntary sector – join up to work together in shaping the local response to rape is something which we will look at carefully, including role of Community Safety Partnerships (Crime and Disorder Reduction Partnerships) and Local Criminal Justice Boards.

- **Confidence in the response to rape**

We welcome the comments made in the Stern Review about performance management. Improved performance in the response to rape is essential to building confidence in the police and the criminal justice system generally. It is important we work to secure greater confidence in the response to rape and in doing this look at what more can be done to ensure effective joint working between the police and CPS. As part of our approach we have committed to continued funding for the Rape Support Programme in 2010/11. In achieving this, we will look at how we can improve joint working to share intelligence, good practice and to ensure an effective response to rape and victims of sexual violence.

- **Special measures**

Special measures have played an important role in changing the way we support victims to take a case and give evidence about the crime, recognising that often this can be traumatic and difficult. Baroness Stern points to a number of ways in which the operation of special measures could be improved and made smoother. Government is already committed to revising the practitioner guidance for achieving best evidence. We will seek to include guidance for the police on assessing the effect and impact of special measures for each case and the importance of ensuring that victims are supported to make an informed choice about which special measures, if any, they would like to apply for in the revised edition.

- **Support and advocacy**

The Stern Review particularly highlights the value victims place on the support provided by ISVAs. We fully recognise the need to provide dedicated one-to-one support for victims of the most serious crimes in the criminal justice system and beyond. Getting support for victims of rape and sexual violence right is an important element of ensuring the response to rape is effective. We will consider Baroness Stern's findings on this point carefully.

- **Prevention and support for particularly vulnerable groups**

Baroness Stern highlights the vulnerability of particular groups, including people with learning disabilities and those who consume excessive amounts of alcohol. While rape is overwhelmingly perpetrated against women and girls, Baroness Stern also draws out important messages about services and support for male victims. In considering our response to her review and implications for policies and services we will build in consideration of these points.


- **Compensation**

The response to rape victims does not simply end with a court case. The Stern Review highlights misunderstandings about the operation of the Criminal Injuries Compensation Authority in relation to claims by victims of rape and sexual assault. We agree it is a concern if it is wrongly thought victims of rape have their awards reduced because they were under the influence of drugs or alcohol. We will examine how we can ensure that this guidance is made clear.

Much has been done but Government recognises that there is more to do in improving both the way in which reports of rape are handled and the victims' experience of reporting. The Stern Review highlights implementation of policy, and consistency in its implementation, as critical to effective complaint handling.

Good practice exists, but this is not consistent across England and Wales. Wherever a rape is reported victims should be treated with dignity and respect and feel reassured they are receiving best possible response and that the crime they have reported will be thoroughly investigated.

The programme of action outlined here is a first step in addressing the issues raised by Baroness Stern. An action plan detailing a full response will be published later this year. We will continue our work with the public and voluntary sectors and the health and the criminal justice systems to build on good practice and improve the support available to victims of rape and sexual violence.



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JN301054