

Home Affairs Committee

Oral evidence: [Investigation and prosecution of rape](#) [, HC 193](#)

Wednesday 23 June 2021

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[Watch the meeting](#)

Members present: Yvette Cooper (Chair); Dehenna Davison; Laura Farris; Andrew Gwynne; Dame Diana Johnson; Tim Loughton.

Questions 1 - 43

Witnesses

[I](#): Dame Vera Baird QC, Victims' Commissioner for England and Wales; Duncan Craig OBE, CEO, Survivors Manchester; and Emily Hunt, campaigner and independent Expert Advisor to the Ministry of Justice.

[II](#): Ellie Ball, ISVA Manager, Independent Sexual Violence Advocacy Service, Cambridge Rape Crisis Centre; Amelia Handy, Policy Lead, Rape Crisis England and Wales; and Rosie Lewis, Head of Policy, Imkaan.

Written evidence from witnesses:

[Rape Crisis England and Wales INV0009](#)

[Victims' Commissioner for England and Wales](#)



Examination of witnesses

Witnesses: Dame Vera Baird QC, Duncan Craig OBE and Emily Hunt.

Q1 Chair: Welcome to this evidence session for the Home Affairs Select Committee as part of our inquiry into violence against women and girls, and in particular a specific inquiry into rape and rape prosecutions. We are taking evidence today following the publication of the Government's rape review. We are very grateful to our witnesses for joining us this morning. In our first panel we have Dame Vera Baird, the Victims' Commissioner for England and Wales, Duncan Craig, the CEO from Survivors Manchester and Emily Hunt, campaigner and independent Expert Advisor to the Ministry of Justice. Welcome to all of you. Thank you very much for joining us this morning. I will begin by asking for your response to the Government's rape review.

Dame Vera Baird: Good morning and thank you for inviting me to be here. I described my response to it as underwhelming and I will stick with that non-existent word. What is powerful is the apology that has been made by all three of the Ministers who signed the foreword. I am seeing that as a declaration of intent.

The debate in the House about the report on Monday also showed the Lord Chancellor emphasising the need to reverse the cultural barriers that have seriously impeded those investigations and prosecutions, and of course shattered public confidence. It is a combination of apologising, identifying and uttering very clearly these major problems that, frankly, the sector has been talking about for the last five years but have now been made clear by the establishment. Some of the proposals—and I emphasise only some—are capable of being powerful, albeit the rest of the report is underwhelming. The rest of the proposals will not make a great deal of difference and there is a very large amount of kicking the can down the road, having more pilots and causing delay in there.

None the less, this is a watershed. As long as the strength of that apology, the strength of what the Lord Chancellor said about his determination and that of other Ministers, survives and is publicly scrutinised as it goes forward, I hope that we can bring a change and we can push from the outside to improve on some of the weaker recommendations in the rape review and drive the Government further and further and further. Of course funding will be absolutely key and there is precious little of it.

Q2 Chair: Can you give a very quick overview of the key measures in it that you think have the potential to be strong and have an impact and the key gaps of where we still need something substantial?

Dame Vera Baird: I have homed in on two proposals that seem to me to have potential. The first is what they have called Operation Soteria, which is to roll out to four more forces a pilot called Bluestone at the time, which has happened in Avon and Somerset, where the police—with great



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courage and tremendous honesty and determination—invited in a group of academics to see how they were investigating rape cases now.

One of the examples of the findings quoted by Professor Betsy Stanko, who has led the Bluestone operation, was that they did not have a rape investigation section, they had a complainant belief section. Unless you could get yourself through that, there wasn't even an investigation of the defendant. To expose themselves to that and then keep the academics in play while they reversed that process, according to a plan set down by the police and the academics, looks as if there is a definite intention and a definite plan going forward. If that can be rolled into four more forces, we can test it out in a rural one, in a big urban one and so on.

I feel positive about that but, first, there is only about £3.5 million allocated to roll it out to those other forces for one year, which is just hopelessly insufficient and one year will not make the difference. Secondly, the person who led it in Avon and Somerset is the NPCC spokesperson about rape and she has very unequivocally intended to drive this forward. One has to hope that the other forces have the same commitment to it and also that they are as ready as Avon and Somerset have been to let the academics in, but I do think that has potential.

It talks about defendant-focused investigation. Shocking as it is in 2021 to learn that the way that police should be investigating it is to focus on the defendant and less on the complainant, that is its essential nature. As long as it is driven with great determination, it has to have potential, because that is exactly what has to happen and should have been happening. That is pretty pleasing.

The other thing I am interested in is this scorecard. I think it has to be handled with enormous care. Justice is the most important consideration here, but if they are going to track how all of these moves have impacted on the appalling prosecution rate and the appalling treatment of victims now, with that over-disclosure of documents, with all the myths that there are, if the scorecard is going to be able to track that—and Ministers have recently acknowledged that it should not just be led by Ministers, who have not been doing, frankly, very much about the collapsing prosecutions for the past few years—there should be some external scrutiny from me, from the Domestic Abuse Commissioner, from the sector, we can watch whether these things are having an impact or not and we can beef them up if they are not. I feel those are the two most positive.

What is hopelessly missing is a move to get section 28 properly in place. This is the ability to prerecord your evidence and the cross-examination, so you, as the complainant, having got that far with a case, your two videos are your evidence and you go on your way. Somebody who has complained of rape now looks at a trial date likely to be one year, two years and I have even heard of three years away. If instead of that you can say to somebody, "We can do your cross-examination and get you



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out of this case entirely in six months and then when the trial comes, you won't even be there" and they can get on with lives, they can take the therapy that they might need, they can just shake themselves out of this and go forward. That is merely being piloted again.

It has been piloted twice, so this is a kicking down the road exercise, I am afraid, in which I am a bit worried that the judges are against it. The right approach to it is not to just kick it down the road, but to engage with the judges and say, "Yes, there are listing issues about using your court for this kind of cross-examination and then moving over to a proper trial". But that does need to be done. That is a very key disappointment.

There is awful stuff coming in the Police, Crime, Sentencing and Courts Bill about digital download, which will frankly make the position of disclosure of mobile phone information worse than it is now. That is a shock, not just a disappointment.

Q3 Chair: I want to come back to that issue shortly. I will go to Duncan Craig for your response to the Government's rape review.

Duncan Craig: Thank you, Chair. Thank you to the Committee and hello from sunny Manchester. We don't often get the opportunity to say that.

I was thinking about trying to separate out, as Vera was talking about, my response as a professional, as a leader in this area or my response as a victim. I think they are both the same and I am saddened by it. I am saddened as I read through the report that 1.6% of reported rapes have resulted in someone being charged. I think it is abhorrently shockingly low, but I am also not surprised. I am finding it very difficult at the moment hearing people say that they are surprised by this. Not a lot of people, and certainly not from our sector, but some people are saying that they are surprised because we have been talking about this for years and years and years.

Back in 2012 and 2013 I did a piece of work with the MoJ when we lodged the male rape support fund. We did tons of work on that and we were saying at that point things like the concern around the number of prosecutions, the number of reports that boys and men were being ignored and they were not stepping forward. We are now in 2021 essentially saying exactly the same thing.

I echo what Vera said, particularly the apology that the Lord Chancellor and Home Secretary have made and the statement in the report of, "We owe it to every person whose life has been changed forever by rape to make these changes happen. Now is the time for us to step up, to do better". Absolutely, I could not agree more and I want to see us step up and do better.

It is not necessarily all doom and gloom. As a sector leader, I have to recognise where there is good practice as well. One of the things that I am very encouraged by—I want to see the granulation of it—is that they



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are talking about removing limits in current guidance on ISVA specific case knowledge. I think sometimes for ISVAs—independent sexual violence advisers—some of the worries that we have about the ISVA knowing a bit too much about the case can hamper relationships between the ISVA and the victim.

I always have to prequalify this and that makes me sad. When I am talking about boys and men, I am not saying let's forget women and girls, but the very fact that every time I have to precede anything I say with that makes me incredibly sad, because while we talk about violence against women and girls—and of course there is a significantly huge issue in this country and across the world that we need to deal with—I am sick to death of being referred to as a woman or a girl when we talk about what happened to me, when we talk about what happened to the other men and boys. When we are talking about this issue, when we are talking about rape and violence against women and girls, I think women and girls deserve to be focused on and to be talked about without them having our data lumped in. I also think that men and boys, my fellow survivors, my fellow victims, deserve to be seen and not lost in data.

There is a big road ahead of us. The sector, the police, the CPS and Ministers' Departments have to have some very honest and very uncomfortable conversations. I think we are brave enough to do it. The pandemic has taught us that we are brave enough to engage in difficult conversations. I would say let's go forward and make sure that now is the time to step up and now is the time to do better.

Q4 Chair: Thank you. I will come to Emily Hunt for your response, thank you.

Emily Hunt: There are four things that I was proudest of from the review that I helped work on and helped bring into the review itself. That is the apology, which I think we all needed to hear, and the apology also as part of setting out the ambition and recognising the intention of what needs to happen and that where we are now is not good enough. As Duncan said, 1.6% of reported rapes are resulting in a charge and that is just not okay.

The second thing that I am quite proud of is the target and the fact that the review is very much focused on getting to at least 2016 levels of charging by the end of the Parliament. It is "at least", because again the intention is that none of this has been good enough. I think a lot of the things that have come out of conversations have been that none of us thought the 2016 numbers were good enough then. The idea that we are where we are now is something that none of us could have imagined then.

The third thing that I am very proud of—and it is something that I got a little obsessed about back in November—is the suspect-focused investigation model. I think it completely transforms the way we deal with rape in this country. We need to focus on it as the key part of the



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review, because it is the thread that goes from beginning to end. The work that has been done in Avon and Somerset proves the point, essentially. Other countries have shown that rapists are often repeat offenders and we absolutely need to be looking at them instead of victims.

Similarly to Dame Vera on the Project Bluestone launch, when it was described as the reality that police forces are not investigating suspects, they are victim credibility definition units: that is just not okay, it is just not okay, because fundamentally these cases need to not be about whether or not the victim is credible or likable. It needs to be about what has happened and whether the suspect is guilty and if this is a pattern of behaviour.

The fourth thing that I am very proud of is the scorecards. For me, when we talk about any of this, if it is just on paper and if we are just saying the policy is "do better", if a piece of paper saying "do better" was going to work, we would not be where we are right now. It is having not just accountability but granular understanding at every step of what is going wrong and what is going right. For me, it is very important that we are looking at the police investigation, the handover to the CPS, how long cases take to be listed and to be able to look at that on a regional level, on a force level so that we know where the reality is. For me, the scorecards aren't an output, they are a diagnostic tool to make sure we are getting to where we need to be.

I think maybe the biggest bit for me is that everyone has said that this is the beginning. I have said in the press that this is not the time to take a pat on the back or take a victory lap. This is the beginning of a battle to fix this problem. The review itself is about saying we have to fix this, we have to prosecute more cases and these are the tools that can be used to fix it. It is not a finite list. If they are not working well enough, we need to do more. As the Ministers wrote in the foreword, none of this has been good enough. I have been very privileged to be a part of this and to be the voice of a victim in the room making sure that we are doing better.

Chair: Thank you very much. We want to come now to cover some of these further issues in detail. I am conscious we have quite a lot of issues to cover in a short time, so I will ask you to focus on the specific questions and then we can come back to any further issues we don't get to cover at the end.

Q5 **Andrew Gwynne:** Thank you to the witnesses for their involvement in this inquiry. I want to touch on some of the barriers for victims and survivors and will start with Dame Vera. What do you believe are the barriers for victims and survivors who might want to report rape and serious sexual assault to the police?

Dame Vera Baird: The whole culture is very clear from the way Robert Buckland set it out in Parliament. It is discouraging; it is about investigating the complainant and not the defendant. The fact that the



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prosecutions are 1.5% speaks volumes to anyone who is interested. It is an extraordinarily difficult thing to do. We did a survey last year about victims of rape. We had about 500 who joined in this survey. Bear in mind that this is a very small number of victims who do complain. We think one in six women and probably only one in five men who are raped ever even approach the justice system, but looking at those who do, many didn't report and they said that they didn't report because they didn't think they would be believed. They said that they didn't report because they didn't think it would be investigated or prosecuted because of "my gender, my sexuality or my lifestyle", a strong sense that only the perfect victim—who does not exist—would be given any kind of support.

We also did a bit of analysis of people who withdraw and we found—mostly Rape Crisis data in 2020—that the key reasons for withdrawing after plucking up the courage and going to look for help and justice were a belief that the process will be too distressing. Disclosure, privacy concerns were extremely powerful and also the need to move on, because the delays were perceived to be very, very large.

Reporting and staying in the process are doubled if you have an independent sexual violence adviser standing by you. It is imperative that those are properly and thoroughly funded and that the courts accept them, because there is still a problem—recognised in the review—that many judges don't let ISVAs stay with their client during the court process. They do not seem to understand that they are professionals. There is an awful position that happens and is also well known, I am afraid, and can be a deterrent oddly wrapped around the benefit that ISVAs bring, which is that you don't know when you are going to court whether the person you have had supporting you perhaps for 12 months, dealing with all your practical and emotional issues for you, is going to be allowed to be with you or is going to be sent away. It depends which judge hears the case when it arrives. That is obviously completely unacceptable. Support from ISVAs is extremely key to helping people sustain a prosecution.

I should add—and I do very strongly—that I invite the Committee to read a document from Imkaan called *Reclaiming Voice* which shows that BME women and girls are likelier to be attacked and are much less likely to have the confidence in the system to come and report, and that those who have any kind of disability, from deafness to any mental instability in their past, are highly unlikely either to report, but if they do, to be supported to bring a complaint right to fruition. I have seen police officers saying, "There is a whole coterie of people who we simply just couldn't get a conviction for in rape so that is not our fault, it is their inherent problems" and that is not correct.

You have to look at minoritised communities with particular interest, you have to ensure culturally sympathetic ISVAs and organisations are available and practically sympathetic ones as well. They have particularly keen barriers, but you have to look at disclosure and the overdemand



that there is. You do have to look at police officers looking askance and requiring proof of credibility before they will swing behind you and try to bring your case. You have to look at the CPS, which the people in this review found was devastatingly indifferent and made decisions on no explanatory basis not to prosecute. When it was pressed to say why and people tried to liberate the victim's right to review, it really had nothing to say and seemed to feel that it was entitled to take decisions and that the victim was just fodder in that process.

All of this is of course a huge barrier to justice. If you wanted me to pick one out, it is the fact that CPS hardly prosecute rape at all these days, which is very well known. It has been the case since 2016-17, and you do have to ask where the Ministers' apologies have been for the last five years about that. I am glad to have them now, but it has taken a very long time to work through, as I think Duncan has already said. That is the ultimate deterrent.

Q6 Andrew Gwynne: Thank you. Duncan Craig, do you think that there are particular barriers for male victims and survivors? If you do, what are they?

Duncan Craig: I think we have to start with culture, but let's peel it back a little bit. When we talk about sexual violence, when we talk about RASSO—rape and serious sexual offences—in this country, we talk about it under the realms of violence against women and girls. Sometimes I think that is all I need to say and then walk away, because that is a barrier in itself. If you are not identified, you are not seen. We spend so much time, quite rightly, talking about BAME communities within health: why are young black men not turning up at mental health services and why do we have specific issues around cancers and HIV and very important issues? What we come up with time and time again is that if they are not on the poster they don't know it is for them.

The same applies to boys and men. If we don't know that we can go there, if we don't know that the crime itself affects us, how are we ever going to step forward? I think that has to be the starting point when we talk about barriers, then we move on to culture. I think it is interlinked. I have said for many years across the world, as I have been very lucky to speak at various different conferences, unless we tackle intrinsic homophobia and misogyny within society, we are never going to tackle the barriers affecting boys and men from stepping forward. Time and time and time again when you ask boys and men what was the reason for silence—silence roughly around 20 years, according to some of the peer-reviewed academic work—it comes up with fear of judgment.

When you get underneath that judgment, what that judgment is about, the number one fear of judgment from men is, "I didn't want anyone to think I was gay". If we look at that and say, "Well, if somebody thought you were gay, so what? What is the problem with that?" the fact that people are fearing being labelled as being gay, it somehow says to me that people are thinking that is a bad thing and therefore not stepping



forward. We have to tackle that. In some ways when we think about sexual violence, when we think about rape and boys and men, we have to separate it out from women and girls because again it is something about, "Well, it is something that happens to girls and I don't want anyone to think of me as a girl or as a woman" and there is a whole load of misogyny in that. We have to tackle that as well.

I know that that is a key issue because of what happens when we do the opposite, when we talk about it. I work with "Coronation Street" and "Hollyoaks", for instance. When we did the story on "Coronation Street" where the character of David Platt was raped, we saw a 1,700% increase in calls to the National Male Survivors helpline in 72 hours. It is not that men don't want to talk, it is that they don't know they can.

Q7 Andrew Gwynne: Thank you. Finally to Emily Hunt, we have heard from the other two witnesses about the barriers to women, girls, people in the BAME community and men and boys. What, in your opinion, should the police be doing to ensure that these barriers are overcome?

Emily Hunt: I think this is just going to keep coming back to a suspect-focused investigation. Everything that happens at the beginning of an investigation, when a police officer goes to take a victim's phone, is the beginning of us thinking that we need to look at whether or not the victim is worthy or credible instead of running the name of the suspect. That is one of the things that came out of Project Bluestone and I know the Home Secretary has written a letter to the chief constables about it. Quite literally the way we approach rape investigations is that they don't run the name of the named suspect through any sort of database to see whether or not they have been named in anything else until towards the end of the investigation. A victim is feeling like they are the one being investigated, because they are, and that is not okay, and that in and of itself is an absolute barrier.

We should quite genuinely start seeing a massive change here if the police start running the suspect's name at the beginning of an investigation because, as I was saying earlier, rape is often a serial offence. Even in Somerset they found that nearly a quarter of named suspects were named in at least one other sex offence and 60% were already known to the police for something, but those cases were investigated in the standard way, where we looked at the victim first and the suspect's name was almost never run.

Chair: Thank you very much. Can I just apologise to our panel and ask you to give short answers so that we can cover all of the issues?

Q8 Dame Diana Johnson: Thank you to all our witnesses this morning. I want to ask some questions about specific support for victims and survivors. Emily Hunt, you have already spoken about the need to be supported throughout the entire process. Can you say something about what you would like that support to look like?



Emily Hunt: It is very important, as Dame Vera was saying earlier, that we have 57% of victims dropping out of their own cases, disengaging after they have gone through reporting of rape. It is quite scary and horrible to report a rape and for those of us who have had to go through a forensic medical exam it is daunting. The support people need is to feel like they are not the one being investigated. As Dame Vera was saying, you have a 49% increase in staying in a case if somebody has support through an ISVA and that is absolutely key.

At the end of the day, we need to approach supporting victims as fundamental and required to make sure rapists go to trial. If we do not have rape victims feeling like they can stay in their cases we will have a continuation of people who are committing rape and are not being punished. If we have a greater than coin toss chance of a rapist going on to rape again if they are not prosecuted, every single victim needs to be viewed as somebody who is stepping up not just to help themselves but to help all the rest of us in society.

Q9 Dame Diana Johnson: That last point is very powerful. I am conscious of what Yvette said about being concise so I appreciate that answer. Duncan Craig, what support does Survivors Manchester deliver to male victims and survivors who want to pursue their case through the criminal justice system?

Duncan Craig: First, ISVAs, and you will probably hear that time and time again. We were the first organisation to have male-specific ISVAs in the UK and that is something I am really proud of. ISVAs have to be end to end. They have to allow someone to go right through the whole process. Essentially, they are the lynchpin of engaging in support. It is not just about people going through court and the investigation process.

We must also make sure we have properly trained, properly experienced and qualified therapists, trauma-informed therapists, therapists who are not scared to engage in therapy with victims. For three years now I have been involved in pre-trial therapy guidance with the CPS and I am still waiting for it come out. I do not know how many more conversations we can have about it. It stops people going forward.

ISVAs, really good therapy, and the other thing we often miss out is facilitated support, peer support, what we talk about within the NHS as social prescribing. Something really simple during lockdown as an example was that we were not able to get a whole lot of people in a room so we had to close our drop-in service. Our drop-in service is a way of men engaging in support by dipping their toe in—they do not need to give us a whole load of information. But we had to close that down for obvious reasons because of social distancing, so we moved it to health walks. Smaller groups of men, with some of the staff, went out and did walks and were able to share and talk.

Essentially, human beings are social creatures. We need to feel like we belong, and belonging and being with people is often the antidote to the



isolation that we feel as victims of our victimhood. Rape and abuse happen in isolation; healing has to happen together.

Q10 Dame Diana Johnson: Thank you for that. Dame Vera, you were saying that there should be access to specialist services tailored to the needs of particular minority communities. Does that happen anywhere? Are there examples you could point us to where there are specific services for some of the groups you mentioned in your earlier answer?

Dame Vera Baird: You might hear from Rosie later on about specific BAME women's services, from Newcastle when I knew her, although I think she has moved now. Yes, there are. There is an organisation that specialises in looking after deaf and disabled people so they can be mobilised, and people who understand not only mental health issues but also rape issues or who work with an expert rape organisation when they themselves are understanding mental health. Sometimes it is important for more than one expertise to come into play.

ISVAs are hugely important and everybody has agreed that. Duncan's great point, and it is absolutely unarguable, is that you need counselling as well and I do not think the Government ever grasp that point, frankly. They think if you have an ISVA you have the job done but it is not the case. You need counselling to underpin and support. You also need ISVAs who are properly qualified, as many are, properly accredited and a protocol with the courts so they will be received as the professionals they are.

One more hugely important element of support for victims in the criminal justice system now is independent legal advice to deal with the over-demands there are on disclosure, not only of digital material from devices but also of health notes, school reports, any mental health notes, any social services reports that exist. If you look at the research report that underpins the rape review you can see on page 50 the CPS saying that they want every piece of digital download and every piece of third party material, which is the stuff I have just set out, before they will even consider charging.

That is a breach, almost inevitably, of Article 8 rights that have to be balanced with Article 6. The way to do that is to make sure when that happens, there is the independent legal advice that we piloted in Northumbria, and the police, the CPS as well as victims all thought was excellent, saved a lot of time and narrowed the issues. That, too, is a key part of support for complainants in the criminal justice system.

Emily Hunt: I want to comment on what Duncan and Dame Vera said. One thing we do not talk about enough is that 50% of rape victims go on to develop PTSD. In scale, that means that a similar number of people in England will be diagnosed with breast cancer this year as will get PTSD as a direct result of rape. PTSD is a complex mental health issue and it needs to be dealt with by proper mental health professionals. That is



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definitely something we need to look at and that is under consideration when we talk about things like the victims Bill coming forward.

At the end of the day, this is not something that can be fixed with a cup of tea and a biscuit. We have a 13 times increase for rape victims in attempting suicide than for people who are not subject to that crime. This is a public health issue in addition to everything else.

Q11 Dehenna Davison: A huge thanks to witnesses today for some really powerful evidence. Dame Vera, can I come back to you about the pilot scheme you ran in Northumbria? Can you give us more detail about the outcome of that and whether it is likely to be rolled out further?

Dame Vera Baird: The evaluation is available and I think the Committee already has it but I can certainly send it across. It involved engaging solicitors in private practice to give legal advice for complainants in rape cases. There was no other way of doing it. It was a pilot and you cannot employ people as specialist lawyers and sack them in a year when the pilot is finished. That is how it was done.

It was far from perfect but they were extremely good. When there was a request for digital download that the complainant was not content with, the understanding was that the police, just as for a defendant, would summon legal advice if they requested it. The police summoned the sexual violence complainants advocates, as they were called, and then one would come in and negotiate about what was appropriate, what was necessary, what was proportionate.

Let me make clear that the advocate thought that 50% of the requests were reasonable and simply was able to talk to the complainant to aid better communication. But it follows that in 50% of cases, as has been extensively found by the Information Commissioner, by the CPS themselves and so on, they were irrational, they were over-intrusive. It was only by having a lawyer there who was able to quote cases, able to quote Article 8, able to combat pressure from the CPS—because the police tend to be piggy in the middle there—that it was possible to filter down to what was a reasonable line of inquiry.

Twenty-three out of the 25 professionals who were involved with this approved totally of it. That is the police, CPS as well as ISVAs who were involved in seeing it. The police were for rolling it out because it cut their task down. So much material is consistent with the quote I gave you a short time ago from the CPS where they want just everything, even if it is a stranger rape it seems, before they will even go forward. The police found that completely unwieldy. It could take them years to get it and no amount of digital technology is going to remedy that.

What was needed was a considered discussion between experts about what was realistic, and it did the police a lot of good to be able to field that against the CPS. It was very positive. The recommendation was to roll it out nationally. The cost is quantified in the evaluation and is not



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huge. I think I am right in saying it is £6.9 million to roll it out nationally but I might have that figure slightly wrong.

What is stopping this from going forward? We have found that digital disclosure deters people from going forward. It also grossly over-influences decisions not to prosecute because if you look at absolutely everything in search of the perfect victim, following the way the police do, driven by the CPS as we found in the Avon and Somerset experiment, you will find something. For instance, there was a case in Newcastle where a young woman, then 14, wrote a letter to the school saying she could not go to the swimming pool because she was not well that day and forged her mum's signature. That was unearthed in a report and used as an argument why the case should not go forward. It did go forward but she was cross-examined on the basis that she had always been a liar and she was a liar now. You can see, if you look for that material, not you or I or anybody else on this screen at the moment has never told a lie, has never said something they can be criticised for.

The proportionality is absolutely critical as is, it seems, legal advice at that key stage. You are not bringing in another general supporter, you have your ISVA in place if that is what happens, and bear in mind there are not that many ISVAs even now and there needs to be a lot more. You bring in the lawyer for that purpose and the lawyer goes out again and the support continues. But that obstacle is got over and the hope is—and the CPS thought this too—that if you did that often enough the CPS might start to limit their claims for material and the whole process gets better.

Q12 Dehenna Davison: How disappointed were you not to see this included in the end-to-end review in promoting the rollout?

Dame Vera Baird: I was deeply disappointed. I thought it probably should be repiloted in a number of other areas. It was just one in Northumbria, but it could have been done in a rural police force, a big city police force, maybe six or eight at a time, given that it is very cheap and everybody was in favour of it. It seems to me shocking that it is not going forward. The things I have said about the apology and the declarations of intent come close to being undermined when something that is so obviously excellent has not been taken up. You wonder what the quality of the commitment really is and that is how that oversight made me feel.

Q13 Dehenna Davison: I have one quick question and quick answers are needed. Dame Vera, do you think it is ambitious enough to say you want to go back to 2016 levels or do you think the Government should have gone further?

Dame Vera Baird: I am noted for my short answers. Obviously, it is a first step we are looking at. The fact is that the CPS took the decision that led to a collapse in prosecutions in 2016-17. There were 5,090 prosecutions that year with 2,991 convictions, and this last year there were 2,100 prosecutions with 1,400 convictions. You can see the scale of



the drop is really big across that short period, so understandably it is safe to think that you can go back to that level and have justice in place because in the meantime rape complaints have shot up. I think it is just a start.

Q14 **Dehenna Davison:** Duncan, do you think we should have been more ambitious?

Duncan Craig: Absolutely. Reach for the moon and if you miss you will fall in the stars. But the reality is, going back to what Dame Vera has said, I think we have to get back to that. It is small steps. If we become too ambitious to begin with, I think we will fail. I want to see 2016, get there. That is not just a promise, not just a commitment. We make it happen and I think at that point we become more ambitious.

Q15 **Dehenna Davison:** Emily, you were advising the MoJ throughout this report, so what is your stance?

Emily Hunt: I think we need to do better and we need to be prosecuting rapists. Fundamentally, as they are serial offenders, if at least half of unprosecuted rapes are likely to result in another rape, we need to do as much as we can. However, I am also aware we cannot just flip the switch. The culture needs to be changed within the police and CPS to make this happen and I think that is key.

I want to say something on the legal advice. There is a bit in the review about consulting on providing legal advice for victims and that is because everyone is for it. We need to look at the right way to do it. A lot of Dame Vera's argument is absolutely acknowledged. It is just a matter of looking at the structure of what that looks like because it is really important to help with disclosure.

Q16 **Laura Farris:** Many thanks to all our witnesses this morning. I want to pick up on the things all of you identified as the positives about the rape report and I wanted to talk about Operation Bluestone, the Avon and Somerset exercise. Everybody in the Committee session this morning is familiar with what a victims focus looks like. It takes into consideration credibility. Dame Vera, you just gave an illustration of what that can involve. Intoxication, whether they have had alcohol or drugs that night, their previous behaviour and sexual conduct—I know that is not meant to be [inaudible]—and also in the modern dating age, whether they have messaged the perpetrator previously, whether they had agreed to meet them, all those things are relevant.

Moving to a perpetrator focus, Dame Vera, could you say the kind of things that either will be or you think should be considered as a starting point about the conduct of the perpetrator?

Dame Vera Baird: What needs to be envisaged is how they go about their crime, what their pattern of thought and pattern of behaviour is.

Q17 **Laura Farris:** How would you assess that? What would you look for?



Dame Vera Baird: What Emily Hunt said is imperative. I agree with her. They do not run the defendant across any kind of records to find if he has been mentioned in an earlier investigation. If they might have done something that has not produced a prosecution but has shown a pattern of behaviour that is replicated by a person who does not know the person who said it at all, you are beginning to build up a picture. If there is intelligence about a person hanging round, sober as can be, in pubs late at night when women tend to get intoxicated, following them around, whether anything has happened or not, and this is such an offence, that is all the start you look at and build up a picture about.

I am not a police officer, but the real problem is that kind of stuff has not been being done. Let me give you a good example. There is a woman who had shed her anonymity deliberately to make a point, Bonnie Turner, who says she was raped when she was asleep by a man with whom she was having a casual relationship in a hotel. She was very shocked by this and she wrote to him and complained about it and he wrote back and apologised and accepted what he had done. She went to the police and the CPS would not prosecute. The position is they spent a lot of time looking at her first. She was having a casual relationship. Was she a person who had casual relationships? Could perhaps her previous sexual history somehow creep in? Had she had too much to drink? What about her writing to him several days later and not rushing straight to the police? All those credibility barriers were looked at.

Laura Farris: Even though he had effectively admitted it.

Dame Vera Baird: He was not interviewed, not arrested, not spoken to. The CPS got no further than looking at her, and this must happen time and time again. Police do not start with the victim when a house has been burgled. They look and say, "This has the fingerprints of Mr Smith, who has done this 10 times before", or "Can we find somebody who looks like this burglar who we have on record?" and they do a serious investigation there first. That is the priority and the focus. What is needed is a massive cultural change and we will not be rushing back to getting it right.

Q18 **Laura Farris:** Emily, I read all about your case when it was reported and about your personal statement and I know you have been heavily involved in this. Did you have conversations with the MoJ or anyone else about what a perpetrator focus should involve? Is there anything you could add to Dame Vera's answer?

Emily Hunt: I have been very much driving and making sure that the suspect-focused investigation model is at the heart of the review, partially because of cases like Bonnie Turner's and all the other victims I have met through the process of being a public rape victim and speaking about this, and advocating in this area. In my own case, my attacker was arrested with illegal drugs on him that he told the police were a certain drug and they did not even bother to check. This was a man arrested on suspicion of drugging someone for the purpose of sexual assault. Instead,



they looked at that I had apparently kissed my attacker on the street and therefore that is all they need to know. This is quite literally ongoing in conversations with the CPS where they still refuse to look at my attacker and his behaviour and instead continue to look at me and all the different ways a defence case could be brought instead of what the prosecution case should look like.

Q19 Laura Farris: That is very interesting. My next question was going to be about failures in policing. I know we have had some answers around this, but before the rape review was published I looked at *The Times* report on rape convictions and it had the 2019-2020 annual data that showed 55,000 reported rapes, of which less than 5% were referred to the CPS for a charging decision. Max Hill gave evidence to the Justice Select Committee last week and he said that of those 2,500, about 50% resulted in a conviction. He made the point all of you will be very familiar with, that it has always been a difficult offence to convict because of the hidden element. He said the conviction rate, once the case has reached the CPS, had not changed that much but what had collapsed was the number of cases being referred to the CPS.

I tried to push him a bit on the police and he would not really answer me, so I will push you a bit, if you do not mind. What do you think is the reason why the throughput from reporting to the police to referring to the CPS has collapsed? Duncan, I am aware I have not come to you yet and I will do but I will start with Dame Vera.

Dame Vera Baird: I am sorry, but Max Hill needs to face the reality now. There was a deliberate decision taken by the CPS in 2016-17 to increase the conviction rate, as they set it out, and the Lord Chief Justice recites in the JR that was brought by End Violence Against Women. That was to take 350 weaker cases out of the system and not prosecute them in order to get more convictions for the prosecutions they brought. You can read the Chief Justice saying this was the case. The most important thing was to get a 60% conviction rate. The CPS's reputation was under attack because three or four cases had produced very quick acquittals so they developed the idea that they were taking cases that were too weak.

Everybody was told to take cases out of prosecutions. The director of legal services went out to every single area and spoke to every RASSO person they could find to tell them they were being judged on this conviction rate and to take weaker cases out. Simultaneously, something self-evidently called the merits-based approach—and I think you can work out what that is—was removed entirely from all reference. People were left with a need to up the conviction rate without the merits-based approach and what, of course, has begun to happen. There were 20 cases that demonstrated this so strongly produced in the judicial review, and there was a dossier of 600 cases that a whistleblower from the CPS pulled together of decision-making that shows that decision-making was being done on the basis of myths and stereotypes. It was about credibility of an individual.



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What started the fall away of police referrals was the CPS, as senior police have repeatedly said in recent times, stopping taking many cases. In the first year, instead of 350 cases being taken out of prosecution, 850 were removed. In the second year, 1,000 cases were removed. To be fair to Max Hill, the decision was taken under the previous DPP, but he took over the post in 2018 and if he looked at his data, the first thing he would have seen was that utter collapse in rape prosecutions over the preceding two years.

It is truly not about the police, because the proportion of cases sent by the police that they decided to prosecute dropped by 20% in those two years. You have this many, they were prosecuting this many. If you have a smaller number, they are still prosecuting this proportion.

Q20 Laura Farris: I see. Thank you, Dame Vera. Your answer is materially different from the one we heard on the Justice Select Committee. Emily and Duncan, I will let you come in if you would like to.

Emily Hunt: I want to echo what Dame Vera said. Fundamentally, this is a problem of the CPS deciding not to prosecute cases and I have some concerns about them not recognising that. In conversations with prosecutors, I have been told there is an unfounded myth—and that was the phrase that was used—circulated by the police that the CPS was no longer prosecuting cases and that is why the police stopped sending. I can hear Dame Vera laughing because I started laughing too. Forty-three police forces do not agree on much. They certainly did not all come together to create this unfounded myth.

I think there is a lot of people in the CPS who genuinely believe that and that is worrying. It is definitely one of the driving factors behind the granularity of the scorecards. I need us to be able to dispel that sort of thinking pretty immediately because there is no more time for this kind of stuff.

Q21 Laura Farris: I think I am out of time but can I make a request for a written response from Dame Vera? I want to ask a technical question about the process of giving evidence within the first six months, and perhaps you could put it in writing. How would a victim respond to things the defendant said at trial that they might otherwise have the opportunity to if they were part of the trial, even if it was years later, through either examination-in-chief or cross-examination? I am concerned about Article 6 rights and whether giving evidence too early impedes on that. You could probably answer that.

Dame Vera Baird: I will write. Thank you very much.

Q22 Chair: Some quick follow-up questions from me. How far are the police and CPS using specialist teams to do rape prosecutions now and has that changed over the last few years? Is that significant at all as part of this?

Emily Hunt: I am probably not the person to comment on this because Dame Vera will have a lot more of the detail.



Chair: Duncan, do you have any perspective on this?

Duncan Craig: Only locally, and the answer is that we used to have very good specialist teams. We used to have very good specialist units and now we have generic units. Now everything is locality-based and the data and figures have got worse and the practices have got worse. A case we were dealing with was where a male victim was asked to undertake an AVA, a video interview, on a Saturday evening at 9.00 pm, knowing that it was not going to really start until about 9.30 pm, knowing how long an AVA will take, which will roughly mean that the victim will be leaving the police station at probably about 1.30 or 2 o'clock in the morning. My question was: would we have treated a female victim like this? Nobody has been able to answer.

Q23 **Chair:** That was a specialist policing team. You used to have a specialist policing team, and do not anymore.

Duncan Craig: That would not have happened under a specialist policing team.

Dame Vera Baird: I agree with Duncan. There used to be specialists. We have had cuts over the last decade. We are now getting 20,000 more police officers but that is because 22,000 or 23,000 have been cut over the preceding decade. We now have a general, omniscient police officer who has to try to do everything. At the very best, public protection units are there, but they deal with everything from child sexual exploitation right through and are insufficiently specialist to do it well. That is definitely a symptom of the cuts that have occurred.

The CPS has specialist rape and sexual assault lawyers. I do not want to suggest, in having said, as I have, that undoubtedly the CPS is responsible that they are not good specialists, but they are driven in this highly centralised organisation, if they have a career ambition at all, to fulfil what they are told to do from central office, which is to have a high conviction rate, so their specialism gets subordinated to the ambition that is being thrust on them. I know some are quite unhappy about that, but I also know that Emily is completely correct, there is a total culture of denial. Indeed, I have seen some internal memos describing from on high to SOs how to explain the decline in prosecutions, that it simply is not their fault, it is some magic factor that happened to emerge and is not related to their decisions. Specialisms have been, on the one hand, lost to the police and, on the other, undermined by central direction from the CPS head office.

Q24 **Chair:** Thank you. You raised some additional concerns earlier about digital disclosure in the police and courts Bill. We probably do not have time to cover that now, because we need to move on to the second panel. Would you be able to write to us further, if that is not already in the evidence that you have sent to us, on the specific issues around the police and courts Bill?



Dame Vera Baird: Yes. The police have accepted an amended draft that I have done to try to give them the power they need and protect privacy, but the Home Office will not accept it. I am baffled as to why. Yes, we will write to you, thanks, Chair.

Q25 **Chair:** If you could send us a copy of that as soon as possible, given that the Bill is being debated at the moment, that would be really helpful. Thank you. I will ask all three of our first panellists: are there any other issues that we should have asked you about or given you the chance to raise? We are quite short for time, so any short answers on that would be very helpful.

Emily Hunt: I want to add one last thing on the CPS and the specialism point of view. I have had conversations with the CPS on the specialist prosecutor side, with policy people and leadership. There seems to be a distinct uncertainty on what the law on consent says and what it means. That was the one thing I could get from a prosecutor on what could potentially, on an on-the-ground level, be driving some of the difficulties in these cases. It is that they perhaps do not individually understand the law on consent. That is obviously huge in these cases, and that is definitely something that should be looked into further.

Q26 **Chair:** Thank you very much. Thank you to all three of you for your time this morning. Sorry, Duncan Craig, did you have one last thing you wanted to raise?

Duncan Craig: Sorry, Chair. Thank you. Yes, just very quickly. Today we have talked about women, and I have talked about men and boys. We need to talk about trans and non-binary people. We also need to be very brave and start having conversations about rape in secure estates, in prisons and secure hospitals. It always seems to be left out. If we are going to be brave and we are going to have decent conversations, let's put it all on the table.

Q27 **Chair:** Thank you very much for your time, and thank you all of you for the work that you are doing in this area, which is immensely important, and for the powerful evidence that you have given us. Thank you.

Examination of witnesses

Witnesses: Ellie Ball, Amelia Handy and Rosie Lewis.

Q28 **Chair:** We move on to our second panel now. I welcome Amelia Handy from Rape Crisis, Rosie Lewis from Imkaan and Ellie Ball, ISVA Manager from Cambridge Rape Crisis Centre. Thank you very much for joining us. In opening, I will ask the same question I asked at the beginning of the first panel. What is your response to the publication of the Government's rape review? We will begin with Amelia Handy.

Amelia Handy: First of all, thank you to the Committee for your keen interest in this really important area. It is very much appreciated. Our response at Rape Crisis England and Wales is that the review does not go



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anywhere near far enough. We have been waiting two years. We have been on a stakeholder group, and unfortunately there has been a number of issues around participation in that group and having effective stakeholder engagement. I feel that that is manifested in the ultimate publication of the review. I welcome very much the apology from the Lord Chancellor and other Ministers. It is very much welcomed, but not before time.

A significant gap in the rape review, and one that is of ongoing concern, is around CPS governance and accountability. It is very much written into the review that police and CPS are independent bodies, which is true, but to speak very plainly, there is a risk that the CPS is a rogue entity and that it can make decisions with absolutely no mechanism to hold it to account. Unfortunately, within the CPS there is institutional victim blaming, which I do not think has been effectively shone on in the review, around CPS culture in particular. That is a real gap. The main concern is around CPS governance and accountability.

Scorecards are being launched, but we have had no detail on what these scorecards contain, so we cannot really comment on them in any meaningful way, unfortunately. There is a very keen and active stakeholder group that has been keen to have consultation on these issues, but unfortunately we have not been able to engage in that way.

Q29 **Chair:** Thank you. We will come back to you on many of these issues further in the course of the session. Rosie Lewis.

Rosie Lewis: Hello. Thank you for the invite today, and for wanting us to speak to this Committee about our concerns about the many iniquities black and minoritised women and the services that support them are facing. I completely agree with the other witnesses today that the review does not go far enough. We are really wondering if lessons have been learnt. As we know from the "Decriminalisation of Rape" report from the Centre for Women's Justice, Rape Crisis England and Wales, Imkaan, and EVAW, who are experts in this field, there are many issues structurally with the way that the criminal justice system works but also the lack of support for survivors. Although there is an acknowledgment of issues that is very important within this report, we do not think there has been a considered attempt to engage with survivors or specialist services and experts to scrutinise and truly review the elements of this report.

We absolutely commend the involvement of Emily Hunt. Her input has been invaluable, but there are multiple survivor experiences that are often informed by structural inequalities. We really need to be looking through an equalities framework, and I do not know that the report reflects that enough. If we are not listening to the voices of survivors, we cannot truly know what is needed and the change that is needed. We know that there has been a lack of movement. This regression we have, going back to 2016 numbers, does not go far enough. We should be looking at an overhaul of the system. I will drill down on a few points that have come through.



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There is this idea about returning to the volume of rape cases in 2016, which I have mentioned. I would like to point out that austerity and the lack of funding for specialist services has had a massive impact on the whole system and the failure of the system. Mentioning the scorecards, while we are interested to see how this rolls out, we are very concerned about the possible subjectivity of the way that scorecards would be used. We need to really have an assessment and scrutiny of the way this is going to be rolled out and it needs to be evaluated. We know there is a lot of issues about data extraction from mobile phones, so we need to ensure this is approached with due diligence and sensitivity.

We would really push for there to be an external accountability system throughout this process. On the idea of the ministerial-led criminal justice taskforce, we are supportive of that involvement but we agree with many of the witnesses and Dame Vera Baird that this needs to be externally scrutinised and reviewed. The idea of timescales of review throughout the reports—six months, 12 months, and 24 months—is really important, but will there be flexibility for challenges and adjustments made if things are not working? We do not want to see in two years' time that nothing has changed.

Ellie Ball: Thanks again for having me to speak to you today. The overall picture is really clear from all of the witnesses that the end-to-end rape review does not go far enough. It not only lacks ambition, but returning to 2016 charging rates is a reaction to the criticism of the CPS around what happened in 2016 when they dropped off the map. It is clear that 2016 was not when everything was fine. We have gone from really bad to non-existent, and the Government ambition set out in this report is to return to really bad levels. I cannot see that that is a solution. The report reflects a gradual erosion of standards in this area of policing and this area of prosecution. It is not always easy to see that over time.

Project Bluestone was originally piloted in 2009 in a different format. The new Project Bluestone certainly has a lot of positives that the original one did not have. When it was first piloted in 2009 it was because it was felt that detection rates were woefully low. They were 25% in 2009, and if we are saying that in 2009 25% was not good enough, why are we saying that in 2021 a much lower bar is our ambition? The rape review really fails to get to grips with the extent of the problem. It alludes to other measures that will be taken if these things are not achieved, but we are at the lowest point already. I am not sure we have another three years to wait and see if these consultations, pilots, and proposals work to improve the situation. What about the women and girls and men and boys who are being assaulted, and abused, and are going through the criminal justice system at the moment? They do not have another three years for the Government to wait to see if this is effective.

We have plenty of documents, policies and processes in place already that are not effective. The CPS has policies around not using rape myths. It uses rape myths in its decision-making. We have the victims code. Our



ISVAs are constantly putting the victims code under the nose of police officers, only for it to be ignored. It definitely does not go far enough, and greater accountability of the agencies involved is needed.

Q30 Tim Loughton: Thank you, witnesses. There is a clear consensus that the Government's plan is not ambitious enough. We have heard quite a lot from previous witnesses in particular about the failure of processes and the attitude of CPS and the police. I want to bring you back to the survivor experience, as Rosie mentioned. To start with you, Ellie, what things come up consistently as a barrier either to survivors reporting the crime in the first place or continuing and seeing it through over what, as we have heard, can be a very long, drawn-out process, and a few people throw in the towel before it ever gets remotely near court? What are those common factors from the survivor's end?

Ellie Ball: Yes. Survivors do not report for a lot of different reasons. Some of those reasons have nothing to do with the criminal justice system and might be around the relationship to the perpetrator or very personal decisions around criminal justice outcomes and if that is something they want to seek. However, a very large percentage of survivors do not seek a criminal justice outcome because they just do not believe they will get one. We have a lot of very educated young women, and men as well, out there who are aware, they can read, they can study, they can look at the statistics around these cases, and they are not going to be fooled into thinking that if they come forward their case will be successfully prosecuted. Sometimes people think that victims need more support for them to report, or that somehow victims need to understand how the system works and then they will report. Sometimes people do not report because they do understand how the system works.

For the people who have reported, the length of time is unimaginable. Part of our role as ISVAs is to explain and map out the process to survivors. The extent of where we are in the criminal justice system at the moment is really shocking for a lot of people. When someone reports to the police, they do not expect four, five or even six years later to still be part of the criminal justice process. For late disengagement, the length of time is really significant, and for earlier disengagement in the process, the police have to be held accountable for their response to survivors. The one thing I felt was missing from the end-to-end rape review was a view on the way that police engage with survivors and how that affects how they feel about taking part. We have supported survivors who have either felt or been dissuaded from pursuing their complaint.

If you look at the capacity within our policing teams, if the additional 50% of survivors asked for their cases to be seen all the way through, the teams would be drowning. I think capacity plays a big issue and that impacts on officers' ability to empathise, engage and want survivors to report. I honestly think there is a number of cases where when the victim chooses to disengage, the police breathe a sigh of relief, because it is one off their plate. I think they are demoralised as well by the lack of



prosecutions and feel unable to get these cases forward. The CPS's approach has had a knock-on effect on how confident and how proactive the police are around these cases, and those attitudes are picked up by survivors when they report.

Q31 Tim Loughton: You said they breathe a sigh of relief if the victim says, "I am not taking it any further forward". Are you saying that the police are actively deterring the survivors to go any further, putting barriers in their way, and saying, "Well, of course, this can take a long time, and of course there is a very poor prosecution record", and that sort of thing?

Ellie Ball: Yes, I would say that does absolutely happen, not as a policy and at management level that is not something that would be supported. But we absolutely see examples of that, where the problems are shown to survivors very early on in the process. I think part of that is around not having the energy and will to try to push some of these cases through, given how difficult the police find getting these cases to the CPS and prosecuted.

Q32 Tim Loughton: Interesting. Rosie, there are three things that I took out of your comments earlier. First, there is a deterrent factor, because the chances of somebody ending up being convicted and, therefore, hopefully off the scene and no longer in the orbit of the survivor are so low. Secondly, it is such a long, drawn-out fag and the pressure and mental pressures it is going to bring are huge. Thirdly, the support levels are not there from the outset to say, "Okay, this is going to be a difficult process, but we have all the resources to stand shoulder to shoulder with you and guide you through this. You need to be able to do this". Do you agree that those are the three main things? What order would you put those in? What would make the single biggest difference to people saying, "Right, I am going report. Right, I am going to see this through"?

Rosie Lewis: I will pre-empt this by saying I am a qualified ISVA. I have worked in frontline services and I have also developed specialist services for black and minoritised women around sexual violence. In addressing this, we have to look at a whole-system change. A systemic overhaul that includes many of these elements is very much needed, because we have these structural inequalities that are replicated within the criminal justice system, and they present a number of multiple imposed barriers. Some 65% of our service users at Imkaan, specialist black and minoritised services, have advised us that for them the prosecution of perpetrators is only one part of it and it needs to be understood and considered through the perspective of the survivor and the wider structures that may be causing them harm as well. For example, it could be policing and immigration systems, which we have not talked about, for migrant women.

In the frame of thinking about a systems approach, I agreed completely with the witness Duncan Craig that if we are not identifying the victims, we are not seeing them. But again we have to look at this by structure and equality, because victims are going to be tracked in very different



ways. If 6.5% of women are going to experience rape in their lifetime, we really need to specify what kind of support is needed. We also need to acknowledge that even when we are talking about male victims, we are also talking about the perpetration of male violence for the majority of victims. That lack of specialist support throughout the criminal justice system process, but also in the holistic support of survivors, and the regional disparities that Dame Vera Baird brought up, is having a real impact on black and minoritised women.

The deterrent is often informed by the many different multiple barriers that black and minoritised women are facing. Yes, the long, drawn-out process, and I hope we get the chance to talk about ISVAs, because without having wrap-around, holistic support that black and minoritised women's organisations provide, that will always be a problem with engagement. I have sat on many CPS sexual violence scrutiny panels where the constant message was the woman was not supported so she just did not turn up at court.

Q33 Tim Loughton: Thank you. Amelia, do you want to comment on that? I also want to go into a bit more detail on the scorecards. Perhaps you could explain your perception of how they would work and how they would need to be fashioned for them to have a material impact. We do not have the details yet.

Amelia Handy: First, I want to make the point that there is a real need to ask what survivors want. Some 17% of victims and survivors will report to the police from the get-go. We need to start talking about and understanding parallel justice. Parallel justice to us at Rape Crisis means access to long-term, specialist sexual violence and abuse support services, Rape Crisis services, buy-in for services that offer holistic, wraparound support, such as those that Rosie was just discussing. We have 8,000 victims and survivors on our waiting list at Rape Crisis centres across the country. It is really astonishing. A very small proportion will be accessing the justice system. A very small proportion of them will even be accessing a SARC. About 75% of service users access a Rape Crisis centre six months or more after their rape or sexual abuse took place. We really need to start talking about what survivors want.

In our report, "The Decriminalisation of Rape", we made a special ask to the Government and for the review to do some equality research looking exactly into who reports and who does not report and why that is. We do not even know the basics, and this should really be bread and butter for a review of this size, stature and the length of time it has been going as well.

Q34 Tim Loughton: Do you want to say anything about the scorecards—or Rosie, I think you mentioned it—as to what form they should take and what form you think they will take?

Rosie Lewis: I will come in, unless Amelia wants to. The problem with the scorecards is that it could possibly be a tick-box exercise. We have



observed from the support of sexual violence survivors that initial response and assessment can have a massive impact on the outcome for the survivor and the support they provide. If we think about those issues of subjectivity and how that is conducted, we need to also apply that to scorecards. The outcomes might not be that beneficial to survivors if we do not have some kind of external scrutiny, review or evaluation of it and the way it is going to be rolled out. I think this idea is being rolled out without having any input from survivors and specialist services about how it would be conducted, be rolled out, used and utilised.

Q35 **Tim Loughton:** Who do the scores apply to?

Rosie Lewis: On the scores around the systems, yes, absolutely. But then what are the scores going to be picking up on?

Tim Loughton: Explain how the scorecards work. Who is being scored?

Rosie Lewis: As far as I understand from the review, the CPS and the police and how they are conducting their work around sexual violence in a broader sense. Having read through it, it gives an overview rather than the absolute details of the mechanisms that will be followed in how that is done.

Q36 **Tim Loughton:** Is it rating or scoring one constabulary against the neighbouring constabulary on how it is dealing with survivors and victims?

Rosie Lewis: It talks about metrics on timeliness, quality of cases, victim engagement and how the whole criminal justice system is performing. It is about the different cogs that make up the criminal justice system and providing transparency and accountability. But we want to know the detail of how that is done and to make sure that is informed properly.

Q37 **Tim Loughton:** Yes, I understand. I am trying to get a measure of what they look like. When I was Children's Minister we invented something called the adoption scorecards, because the adoption system then was largely being rated on how many kids got adopted. It was so much more sophisticated than that, because lots of people wanted to adopt nice, shiny young babies. Not many people wanted to adopt difficult teenagers, and particularly from BME minorities. There were huge differentials there. We had to do a very sophisticated scorecard, not just based on numbers but on how well local authorities were doing at getting the hardest to adopt children adopted, attracting new adopters, and so on.

Do you envisage something like that? It must not be a tick-box exercise: "Did that survivor receive support?" Tick. "A volunteer from a charity came along, made them a cup of tea, and gave them a conversation." That is not support. It has to be much more sophisticated than that.

Rosie Lewis: Yes. If it is already an inequitable response to black and minoritised women and women with disabilities or people who are marginalised across the board, you would really question how that would



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be rolled out without there being those same disparities within the system. The scorecard is something that is being brought around as Government recommendations come out of the review. As far as I am aware, this recommendation has not come out of the sector, and that is our concern.

Tim Loughton: Okay. Interesting.

Q38 **Dame Diana Johnson:** I want to ask some specific questions around ISVAs. Rosie, you were hoping for the opportunity to talk a little more about them. I will start with Ellie. We have heard this morning lots about ISVAs and how important they are. I think the Home Office has stated that access to support from ISVAs has emerged as an important factor, so there is recognition. Could you say something about the role that they play? Also I would like to know if there are enough of them. Are victims and survivors able to access an ISVA or not? Could you talk us through what they do?

Ellie Ball: Sure. They will all operate very slightly differently, depending on the commissioner and what they are commissioned to do, but there are basic essential elements that are designated by the Home Office. They support survivors within and outside the criminal justice system. They empower them around their rights. We encourage survivors to become aware of what their rights are under the victims code. We provide information and support around the criminal justice process. We will map out what that process looks like and do an informed choice session. If someone comes to us and says they are considering reporting, we can go through that for them and ensure that they know what might happen.

We support survivors throughout the process. We can attend their video interviews with them. We can go to any follow-up meetings they have with the police. If their case is closed, we can support around no-further-action decisions. We can support them to challenge the no-further-action decisions through the victim's right to review processes. If their case gets to court, we will support them at court and afterwards. In addition to that, we also do safeguarding work. We identify if any other individuals might be at risk, we make safeguarding referrals and we provide safety advice and practical help with things like housing benefits and accessing healthcare. That is what we do.

The role has changed a lot over the last few years. One of the problems that ISVAs have now is the lack of functionality within the justice system. Increasingly, we are supporting people to come to terms with the lack of justice rather than supporting people throughout the process to try to access justice. Our role has changed alongside the dwindling numbers of prosecutions. That is how we work. No, there is never enough and it very much depends on your locality.

On funding arrangements, ISVAs are commissioned slightly differently. Some areas have very good provision. We are lucky in Cambridgeshire at



the moment, we have a lot of provision for ISVAs, but other areas have waiting lists, there are closed waiting lists, and not everybody has access to an ISVA. The quality of the service that an ISVA is able to offer will depend on the capacity within the service. At one time, I was the only ISVA covering the whole of Cambridgeshire. Obviously I would like to think I was still doing a good job for people, but I was doing a minimal job. I was doing a little bit for everybody rather than a lot for some people and nothing for others. Services are used to expanding and contracting according to funding, which I think is one of the problems with the lack of sustainable funding.

When I became a manager I decided that I wanted to keep the majority of my open cases to myself because I wanted to see those women through the criminal justice system and I have people on my caseload now who have been open for four, five and six years. I am probably an anomaly in the sector for having done the job for the length of time that I have. The sustainability of funding is important because what you don't want, if somebody has to be involved in the criminal justice system for five years, is for them to have four or five different workers. The point of the role is that you are supposed to be able to support somebody from start to finish. That is why funding and increasing the provision of ISVAs is important.

While I am glad that our role has been recognised in the rape review, I think that sometimes too much is expected of the ISVA role. We are definitely holding the police and CPS to account on a daily basis but it is debatable how effective that is. We can cite the victims code, we can access legal advice on behalf of survivors that we support, but the lack of responsiveness and accountability within the police and CPS means that you could have as many ISVAs as you like but it will not fix the criminal justice system. It might make the survivors' experiences better, but it is not the answer to the problems with prosecutions.

Q39 Dame Diana Johnson: That is a very full account. Thank you. Rosie, could you talk about the particular needs of the survivors and victims you are dealing with? You have talked a little bit about the barriers. Could you expand on what you do as an ISVA?

Rosie Lewis: Yes. I am involved in policy work now but I am very much informed by my experience as an ISVA. We know that black and minoritised women delay reporting sexual violence. We know that multiple barriers might include being migrant women, women without recourse to public funds who face other forms of violence. We know from our research and evidence base that sexual violence, particularly for black and minoritised women, often involves other interlocking forms of violence, which can very much prohibit women from being able to disclose safely, which is why so few black and minoritised women come forward to disclose to the police.

I want to bring in the issues that black and minoritised disabled women face because often the perpetrator could be a carer or somebody with an



element of power over their day-to-day lives and that means that the women cannot disclose and report because it can come down to a choice for them between safety and survival. I want to bring in that extra element, which is important. It is an example of why we have to think about interlocking barriers, the interlocking forms of violence that the women face.

Coming on to how that feeds into the idea of ISVAs and the support that our specialist workers give, particularly in the black and minoritised women's sector, Ellie gave an excellent overview of ISVAs and the criminal justice system but the key thing about ISVAs is the word "independent". For black and minoritised women, or women who face multiple forms of exclusion or discrimination, there has to be that independence from institutions because we have to do a lot of institutional advocacy. I have seen at first hand the impact that systemic failure has on women. It is not just an impact on individual women, there is also an impact on the communities that women come from, so fewer and fewer women come forward to report.

I will cover some initiatives that we set up to improve the system, because there are issues. It is a model with very high caseloads, very little chance to engage and the specialist black and minoritised sector has developed a model that is holistic and has excellent outcomes. A positive change partnership based in the north of England, five specialist organisations, led by and for black and minoritised women, has rolled out a model of holistic support that includes not just the institutional advocacy but also response and recovery engagement, consistency, explaining the system and their rights to women. One of the main issues that women face is that they do not understand the system that they are being subjected to and they are not supported throughout it.

I want to quickly say something about a good model of support that we developed and set up to support women to disclose and engage with the police if they wish to. In Northumbria, I worked for an organisation called the Angelou Centre and we set up an amazing scheme. We had a plainclothes police officer who was a specialist—because specialism is important—to hold a drop-in session. Women could come in independently, ask questions or get a better understanding about the way the system worked and that works both ways. It is not just about the women and their experience; it also helps to better inform agencies working with victims of sexual violence.

Q40 Dame Diana Johnson: Have you struggled to get funding for these services? We have just been hearing about commissioners. Is funding a particular problem for the communities that you serve?

Rosie Lewis: It is a massive problem for our member services, the Imkaan specialist services, because although 100% are dealing with forms of sexual violence—again, that split between domestic and sexual violence is not very helpful for many of the victims we support—they are delivering support to victims of sexual violence but only 7% of the



organisations that are members of Imkaan get funding. I have to say that from the positive change partnership that I mentioned, because we worked on a consortium and did a lot of institutional advocacy, two of those services were successfully funded to have specialist sexual violence advocates where they had never had one before. That was because of the positive outcomes and also many of the statutory agencies truly understanding the value of the specialist approach and support.

Q41 Dame Diana Johnson: Thank you. Amelia, is there anything that you would like to add to what has been said about the role of ISVAs?

Amelia Handy: I think ISVAs are critical to holding survivors through the justice system but there is a risk that they are going to be seen as the panacea. I see that in the review. What concerns me is that an ISVA is not an ISVA across the piece. An ISVA who is co-located with the police will offer a very different service and will see a different client from an ISVA based in a buy-in call service or a specialist rape crisis service. Women and girls, men and boys too, who do not wish to access statutory services will most likely come to a specialist sexual violence and abuse service, because we are the specialists, and they know that, and they are community based. I think it depends very much on where the ISVA is based and we would, of course, advocate for ISVAs to be based in a women's centre model or a rape crisis centre.

On the justice system and funding going to the ISVA role is very necessary and very important, but the demand—coming back to the concept of parallel justice—is for long-term counselling and therapies. All the time that is completely neglected and ignored when we know that pre-trial therapy and emotional support work that is undertaken by a wraparound service will be the thing that supports a survivor through the criminal justice system and might even facilitate them reporting into the system. They might need some time, working on their issues, to get to a place where they feel able to report.

I want to make another point about funding of ISVAs in the criminal justice system and touch on the chronic underfunding of specialism for the police and CPS prosecutors. There is an important point to be made that a lot of resource goes into forming special police units and then months later or years later they disband and you lose expertise. There ends up being a very high turnover of staff and there are inexperienced police officers. The same thing happens in RASSO units with really inexperienced prosecutors who are not only inexperienced to start with but experience burnout and fatigue and that desensitises them to the issue and creates a culture of apathy, which impacts decision-making. You cannot get justice on the cheap. There has to be proper resourcing, right through specialist services—that would be my priority—but absolutely through the police and the CPS.

I want to highlight an important quote about apathy in decision-making, just to demonstrate the coldness and the institutional victim blaming that victims of sexual violence and abuse receive. This is from an official letter



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from the CPS to a victim, “There are difficulties with the evidence, including that you did not lock your door to prevent the suspect from entering the room and carrying out the rapes”. Also, “You were in a relationship with the suspect. The jury would be aware that you had an adventurous sex life with the suspect before the incident”. This is commonplace. These are myths and stereotypes that are endemic in the CPS response to rape and sexual abuse and I wanted to make the Committee aware of that.

This is part of a negative feedback loop where the CPS pre-empts jury decisions, and the police are therefore pre-empting whether the CPS is going to take the case forward. That is why—and I know you asked the first panel—the police are not referring into the CPS. There is an excellent quote in the research report that accompanies the rape review. A police officer says, exactly as Ellie suggested, “Oh, well, it is another one off my plate. I had a case that was like this. It didn’t go through to CPS, so I am not going to put this one through”. That culture is part of it.

Our call, at Rape Crisis, is for there to be compulsory clinical supervision, support for young police officers, support for RASSO prosecutors. Some of them are trying to do a really difficult job and some of them are doing it really well. Where is their support? We think that if they followed a Rape Crisis model, a therapeutic model, and, we say, gave them emotional support, allowed them to do their jobs, had a rewarded specialism in that career path, rape prosecutions would increase for sure.

Q42 **Chair:** I will follow up on that question. Is it your sense that the specialist units within policing have changed within the last five years? Amelia, would you like to finish on the point you were talking about?

Amelia Handy: Definitely. There is wide discrepancy across the geography. In some areas where you can report, you might get a SOIT, a specialist police officer. In some areas, you will get no such thing. In other areas, you will have a specially trained police officer and you might also be able to choose the gender of your police officer. In yet other areas, you might get a uniformed male officer. It is so varied. It is a postcode lottery.

Chair: Rosie, do you want to come in on that?

Rosie Lewis: Yes, I wanted to bring in regional disparity. Across the regions, if only 7% black and minoritised specialist organisations are being funded, it means we do not have a good geographical spread of support working with the police and institutions. We need to consider regionality and also the way the police and crimes commissioner areas and specialist services are being funded. It is important.

Chair: Ellie?

Ellie Ball: Yes, definitely. This is something we have seen in Cambridgeshire, that teams have changed over the last five years. The boundaries change according to the type of sexual offence. A lot of sexual



offences are now not investigated by a specialist team but will be investigated by generic CID officers, so even if you did have really good training and awareness within your rape investigation teams, it just does not exist in the CID teams. Our ISVAs can see a big disparity between liaising with specialised officers and liaising with officers who do not even know what an ISVA is first of all, so to get even a response to an e-mail is quite a challenge. We have to start right from the beginning, explaining that we are supposed to work together, that we are supposed to work in a multi-agency way. It is very unhelpful.

The other area where that has happened is domestic abuse and we have seen our specialist domestic abuse teams disbanded. Amelia is right, you lose the knowledge and the specialism through staff turnover, but you cannot have it at all unless you have those specialist teams so it is important that they are prioritised.

Q43 Chair: Thank you. If you were thinking about all the different possible measures, the ones that the Government have included in the rape review response but also others that you have been talking about, where are you thinking we need to go further, what would be at the top of your list? If you had one thing that you wanted to change by Christmas, say, what would be number one on your list?

Ellie Ball: I can't do one, sorry. I think if it was as simple as one, that would be wonderful, but I will keep it short.

The two most important for me are capacity building within the criminal justice team—so increase capacity within the police and the CPS—and also increase accountability. Just throwing money at these teams will not improve what we are looking for but neither will just requiring them to do better. We need to better fund the resource for teams and hold them to account. It can no longer be the case that we have double standards where we say we treat survivors this way, but we do something completely different. We need the police and the CPS to follow their own guidance and follow the laws around investigating and prosecuting sexual offences.

Rosie Lewis: There has to be a focus on the criminal justice system and the system itself needs to be reviewed. There has to be an understanding of the need for a sense of holistic response and recovery. We need to invest in that holistic support.

There is a need for robust, external scrutiny of this review. I think we have not talked about disaggregated data and the importance of improving our data and understanding what is happening on the ground. The numbers of women who are not coming forward are not even counted within the numbers we are talking about with charging.

Finally, we need investment in specialist services, and the review needs to involve survivors and specialist stakeholders with the expertise to review the progress. External scrutiny is absolutely critical to this review.



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Amelia Handy: I agree with what Rosie and Ellie have said. I would add that accountability, especially around the governance, of the criminal justice agencies, is critical.

One aspect of the rape review that has potential to be a huge success, if resourced, is Operation Soteria, but at this stage they should be looking at a national rollout and it should be very well resourced. There is no financial commitment to accompany the ambitions of the review at the moment, which is a concern.

I think that there needs to be a thorough understanding in the criminal justice agencies of the culture that is driving some of these decisions. We cannot talk about this meaningfully if we do not talk about sexism and misogyny. It all comes down to “women lie about being raped”. Those myths and stereotypes go right through to cross-examination in the courtroom, from the start with how the police treat survivors and perhaps treat the suspects as well—they have an impact throughout. I think there has to be some very thorough training about and analysis of myths and stereotypes at every stage of the system.

Chair: Thank you all very much for your time this morning and also for the work that you are doing to support rape survivors. We hugely appreciate your time this morning and the powerful evidence that you have given us. Thank you. This brings our evidence session to a close.