



## Home Affairs Committee

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

Wednesday 15 December 2021

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Members present: Tim Loughton (Chair); James Daly; Andrew Gwynne.

Questions 226 - 277

### Witnesses

I: Rachel Maclean MP, Minister for Safeguarding, Home Office; Jerome Glass, Director-General Policy and Strategy Group, Ministry of Justice; Jae Samant, Director-General Public Safety Group, Home Office.

Written evidence from witnesses:

- The Ministry of Justice, the Home Office and the Attorney General's Office ([INV0020](#))



## Examination of Witnesses

Witnesses: Rachel Maclean, Jerome Glass and Jae Samant.

Q226 **Chair:** Welcome to the latest meeting of the Home Affairs Select Committee, which will, hopefully, be the last of our sittings on the review we are conducting into the investigation and prosecution of rape. I am very pleased that we have here this morning the Minister for Safeguarding at the Home Office, Rachel Maclean. She is joined by Jerome Glass, director-general of policy and strategy at the Ministry of Justice, and Jae Samant, director-general of public safety at the Home Office.

Apologies to the public. We are reduced in number this morning due to a combination of factors. We do not have a Chair, since elections for the new Chair are happening today. One of our members who is a Committee member is seeking election, so she is rounding up votes. We also have several Covid casualties. We have the crème de la crème of the membership here, who will make up in quality what we do not have in quantity of our members this morning. Apologies for that.

Minister, as you know, we are going to talk mainly about the rape inquiry and the very worryingly low conviction rate for rapes. We also want, if we have time, to touch on some of the recent child murder cases that come under your responsibility for safeguarding, as well as spiking, where we have just announced a new review as well.

We are aware that your colleague from the Home Office, Victoria Atkins, was hoping to join you today and is not able to. We are fully aware that there may be issues that she would have been able to answer in more detail. You are a new Minister as well and this is your first time in front of us, so a particular welcome for that. If there are things that you need to refer to in further correspondence, we will understand the reasons for that.

Could we just start off with you giving us your take on the very low prosecution rate for rapes and what is going on with the rape review? As the Minister responsible at the Home Office for sexual violence, what is your initial assessment of why we are in such a parlous state in terms of successful prosecutions and all the problems about time delay that the Committee has been hearing about from various witnesses over the last few weeks and months?

**Rachel Maclean:** It is a pleasure to be here. As you know, my colleague Victoria Atkins does send her apologies. She sits in the Ministry of Justice now but used to have the role that I have, so she was very much involved in all of this work.

It is really clear from the end-to-end rape review and the recent progress report that rape prosecutions are nowhere near where they should be and that the system is failing victims. All Ministers who have been in front of



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your Committee and elsewhere in Parliament have made that crystal clear.

The system is not doing what it needs to be doing. Victims are not accessing justice or seeing their cases progressed. The system, at all points, is really nowhere near good enough. That is why the rape review and its ambitions are so important. They set out a number of aspirations and ambitions. I hesitate to use the word “targets”, because I know that there is a problem with that, but we have set ourselves measurable goals, if I can put it like that, across the whole system to bring transparency for the first time.

When I have looked at the transcripts from your previous sessions and all the witnesses who have been in front of you, you started by asking them what is going on here. Pretty much everyone has made some version of the same remarks—that there are problems across the whole system, and that its parts are not really talking to each other. When I look at how we are going to fix this, the first step is acknowledging that there is a problem, being upfront and honest, and saying that it is not good enough. Most Ministers—I am happy to add my words to that—have apologised and said that the system is failing, that we need to fix it and that we are determined to do it.

Bringing together the data in the way that we are starting to do in terms of the scorecards and the progress reports, and tracking those across Government and with those operational independent partners, is essential and does shine a light on the whole system. That is where we need to start, but we clearly have a long way to go. I know that you are going to get into some of the details of what we are doing and, of course, I will be happy to expand on those.

**Q227 Chair:** On the scorecards, which are very new, the DPP, who was here on Monday, kept referring to them repeatedly. Clearly, he is very excited by them. Would you like to explain how they work, why you think they will make a difference and exactly what impact they are intended to make?

**Rachel Maclean:** First of all, it is important to say that the DPP and all the other partners in the system have agreed that it is necessary and essential that they are all taking part in this project, initiative or workstream—whatever you want to call it. There is a balance, which has come out in some of your evidence. These bodies and partners are and have to be operationally independent, and it is not for the Government to direct, in a very detailed way, their day-to-day work, but they have all agreed and said, “We need to work collaboratively and to do our best to provide this data that you, the Government, are asking for to achieve the overall result”. That is the first thing that I would say.

You will also know that the scorecards are monitoring progress across the whole system, from the very first stage that a crime is recorded to when it then goes into the Crown Prosecution Service’s remit and as it tracks through into the court system itself. It is tracking progress across the



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whole system. It perhaps might be helpful if we refresh our memory of the overall objective and what the scorecards are designed to help us do, which is to more than double the number of adult rape cases reaching court by the end of this Parliament, and to increase the number of cases referred by the police, the number of CPS charges and the Crown Court receipts back to where they were in 2016. That is the ambition that the scorecards are tracking.

**Q228 Chair:** On returning to the rates back in 2016, which does not seem particularly ambitious, Dame Vera Baird, the Victims Commissioner, as you know, has suggested that, at the current rate of progress, it would take them more than 17 years to get back to that level, well beyond just this Parliament. Is she right?

**Rachel Maclean:** I would like to say that we have set up this system so that we can increase the current rate, as Dame Vera has referred to. If we just stick to what we are doing at the moment across the whole system, it is not going to get us to what we need to do. With the work that we are doing through Operation Soteria, the work that you will have heard about within the Crown Prosecution Service, and the work that the Ministry of Justice is doing with the ISVAs and other support in the system, we want to increase those rates. We need to drive them up because, if we just stay where we are, we are never going to get there.

We are at the stage now where we have published the first iteration of those scorecards, and they definitely do not show a very rosy picture, which is to be expected, because we are only just starting to put in train the measures that we have identified in the rape review. It is going to take time to feed those through. Of course, Dame Vera is very experienced and is right to challenge us, but that is why we set ourselves these targets and set out the actions that we are going to take to improve those rates across the system.

**Q229 Chair:** You have said yourself that there is a problem with the system per se not really working. The various components and players within the system are not properly communicating. We have had evidence suggesting that the increase in successful prosecution rates is something of a mirage, because it is just reflecting the fact that the police are only passing on to the CPS their stronger cases, so it is artificially massaging the success rate up. Mr Daly may come on to this later but, talking to the DPP, in excess of 90% of cases where victims are brave enough to go to the police never end up making it all the way to court and a successful conviction. Is there massaging of the figures going on, which means justice denied for genuine victims, simply because the case, on the face of it, would not be as successful to be prosecuted? That is not a good way of meting out justice.

We have also heard of severe strains on the legal service. Witnesses said that there are now 800 fewer legal aid solicitor firms taking on these cases than there were in 2010. That is out of 1,861, so it is a sizeable reduction of practitioners to do this. If you are to get through these



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cases, you are going to need a willing and well-resourced legal system to be able to do the cases.

The other issue is about timeliness and the number of victims who throw in the towel, effectively, because they are waiting many years to get through an investigation, which may then lead to a court case, and then waiting for the court case. All that time, they have the reliving of the trauma that they went through in their assaults. Potentially, the perpetrators are still in their vicinity and causing problems to them. In many cases, they think that they do not want that and, therefore, they up and leave, so the case is dropped. There is a very high case dropout rate there.

Finally, the other thing that everybody mentioned was the resourcing issue and how resources have, effectively, been taken out of this area over recent years. Are all of those factors correct or are some more pertinent than others?

**Rachel Maclean:** I think I have noted down all those questions. There were quite a lot.

**Chair:** It was a very long one.

**Rachel Maclean:** I will try to answer them and will ask my colleagues to come in, because this spreads over a huge area.

The first thing you said was about whether we are putting more resources into the police, which we are doing. You will know that we are more than halfway through our commitment to recruit extra officers on the streets and making sure that those officers are properly trained. I am sure we will come on to that later.

Q230 **Chair:** Just on that specifically, out of the 20,000 target for new officers, of whom the Government announced we have over 11,000 in place so far, how many are going to be assigned to be specialists in rape investigations?

**Rachel Maclean:** I have a number of statistics on that. I am happy to come back to that, because there is quite a lot in that question, or would you like me to answer it now in detail?

**Chair:** You go through your list and we will pick apart some of the specifics.

**Rachel Maclean:** I definitely have an awful lot of information on that, which I am happy to share with the Committee, and it was picked up a lot in your earlier evidence sessions.

Clearly, the big picture is that we are going to get more people coming forward to report to the police, which we would all agree is a good thing. That is partly because we have more police officers and a greater awareness of this. Of course, the tragic events of Sarah Everard's killing and some of the other atrocious events we have seen over this year in particular, and the Government's focus more broadly on violence against



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women and girls, which is also my remit, are starting to drive up people reporting to the police. That, in a sense, is what is happening.

You were talking about massaging inside the system.

**Chair:** Your word, not mine, Minister.

**Rachel Maclean:** What were your words, then, Chair?

**Chair:** I cannot remember, but “massaging” will be fine, if that is the word you want to use.

**Rachel Maclean:** I do not want to be held to that word. I just want to be clear that I have heard from the evidence from other witnesses that they are all acutely aware of that and have all made it very clear that everybody in the system needs to be clear that the system is fair to both defendants and victims. There are very eminent practitioners in the system who are sticking to their professional standards to make sure that that does not happen.

I know that, when you had the DPP here, he was talking very much about this issue of how he and his team of colleagues can work with the police on the early advice, which, from my understanding of the system, is very helpful in terms of helping the police to get the case to the stage that it really needs to be at, so that it goes into the court system and stands a good chance of proceeding and that victim getting justice. That approach is part of the Soteria work, which we can come to later. That is very helpful.

You talk about the strain on the legal service, the evidence from some of the legal firms, and resources generally in the system. I think we would all accept that, and I will probably ask Mr Glass to talk about the legal system itself. In terms of resourcing, it is not helpful to go back to where we were in 2010 and rerun those debates about why the Government at the time had to do that.

However, we are now in a much better position, where there is a recognition that resources are going into the system. We are seeing that through the support for victims services, not only in the pandemic but the commitment from MOJ to support victims to a much greater extent with funding. We are seeing funding going into addressing the court backlog and into frontline police officers and the police as a whole. We would all accept that the funding has been a problem, but we are now going forward, and that is shared by all my colleagues across Government.

You talk about victim attrition, and victims dropping out and not feeling that it is worth their while pursuing the case, because, as you said yourself, having to be constantly reminded of those traumatic events over a period of one, two, three or even four years is just appalling. I cannot imagine what it is like for a woman to have to go through that—or a man. It is absolutely appalling. We all understand the trauma. I am a trained psychologist and a counsellor in a previous life, and I fully



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understand the impact of trauma on a witness going to court, and how that affects their ability to give evidence. Everybody in the system is mindful of that, and we do need to take steps to address that.

I hope I have answered your questions, but I will ask my colleagues to come in and perhaps amplify.

**Jaee Samant:** We do agree that there are not enough police referrals, in brief, and we do want there to be more. We want the police to be seeking early investigative advice. We want them to be working even more closely with the CPS than they have been. Soteria and all the lessons coming out of that are precisely about that. We are at the foothills of the changes that we want to make, and we have some way to go.

Q231 **Chair:** Why are we at the foothills? This is not a new problem. The figures are starker now than they ever have been before, to the extent that there have been claims that the system has given up prosecuting rape cases. How did we get to the foothills? Why has this not been on the radar and dealt with much more aggressively in the last 10 years?

**Jaee Samant:** Forgive me; I have been in post for a month, so I cannot quite answer that question.

**Chair:** That is plenty of time to know the answer to the question.

**Jaee Samant:** What I can say is that, in the month or so that I have been here, I am seeing from Ministers, from my colleagues across the different Departments, and from the police, CPS and other colleagues, a huge determination to try to make that change. The rape review was published just under six months ago, and there is a lot to do, but people are putting real energy and commitment into it.

**Jerome Glass:** Would it be helpful for me to pick up some of those?

**Chair:** Please do.

**Jerome Glass:** You are right that what has happened over the last 10 years is a significant increase in the number of recorded rapes. In some cases, that is a sign of, counterintuitively, a positive trend, which is that there is better recording and reporting of rapes, and that victims are, hopefully, feeling more confident in coming forward and that the criminal justice system will take those cases seriously. That accounts for some proportion of that increase.

The answer to why we are in the foothills, though, is that—which is why we are focused on it now, and this is well documented in the rape review—post 2017 and post 2018 with a particular case involving an issue of disclosure of digital evidence, the number of referrals, charges and prosecutions declined significantly. What we were trying to do when we commissioned the rape review was to say, “As a system, we are letting victims down”, as the Minister has said. “Right across the piece, how are we going to deal with this? It is not just what is happening in the CPS and



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in the police. It is right across the system. Why are we not supporting victims through the system?”

If I can pick up just a couple of the other points you made, you talked about the prosecution rate.

Q232 **Chair:** Before you do, just to pick up on a point you made just now, that part of the figures are explained by more people having the confidence to come forward, is there potentially the danger, because of all the publicity that there has been, and with the rape review itself showing how appallingly low the conviction success rate is and how terrible the delay in getting justice is, that you have advertised to more victims that, if they are going to come forward, they face a huge challenge with a minimal likely success of the perpetrator being prosecuted? It might have acted as a deterrent to more victims coming forward.

**Jerome Glass:** I do not think that it is wrong in any situation for us to shine a light on what is happening in the system, and that is what the scorecards are trying to do. You are right that that is a potential risk, but one of the things we are asking ourselves is what we do about that. There is a lot of evidence—and you have heard from the Victims Commissioner on this point—that victims getting support, even before they report a rape, means that they are much more likely to report the rape in the first place, and to carry on through the system.

As you said, in terms of attrition, partly because of timeliness—and it is completely true that timeliness is not where we would want it to be—and partly because of some of the issues that you are talking about, there is a risk that people drop out of the system through the process. It is understandable.

We are putting in a lot more money. We have 700 independent sexual violence advisers, rising to 1,000 over the spending review period by the end of 2024-25. There is evidence that there is a 50% reduction in victim attrition for people who receive that help. We are trying to deal with the issue as it is right now, but I do not think that the answer is to hide the numbers. There is benefit in shining a light on the whole system and saying, “This is what is happening and we want to try to tackle every part of the system”.

Q233 **Chair:** When will the 700 ISVAs be going to 1,000?

**Jerome Glass:** We are funding 700 now, who are in post, and we are going to be funding an additional 300 up to 1,000.

Q234 **Chair:** By when?

**Jerome Glass:** By the end of the spending review period, so by 2024-25.

Q235 **Chair:** So it is up to a three-year wait to get the extra 300. How many rape cases are the police dealing with in a year, very roughly? How many victims are there?



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**Jerome Glass:** The number of recorded adult rapes is something of the order of 40,000 a year.

Q236 **Chair:** There are 40,000 victims per year and currently 700 experts to be able to give them support, increasing to 1,000 but not until 2024. That is not a very good case rate for them to deal with, is it, if they are to get the full support that many of them will need?

**Jerome Glass:** There are two things that I would say on that. First, those are the ones we are funding centrally as Government, but the police and crime commissioners, who receive £100 million of victim funding from the Ministry of Justice, will also be funding. Independent sexual violence advisers were not invented when we started funding them two or three years ago. They have been around for many years. There are lots of groups that provide that sort of advice. What we want to do, and this is one of the things that we put into the Victims Bill consultation, is to try to provide—and I hesitate to use the word “standardisation”—a bit more guidance and to codify what they do and the support that they provide. To answer your point, we want every victim to be able to access an independent sexual violence adviser, if they need or want one.

Q237 **Chair:** Is there any timescale for that? We would all agree that ISVAs are a good thing. You have alluded to some evidence that shows that the dropout rate is much lower as a result, so it should be a good thing. If your determination is to reduce the dropout rate further, so that we can get some successful prosecutions, we want to focus on them. Those 700 are the ones who are being directly funded through police, presumably, from the Home Office or Justice. Otherwise, we are relying on a bit of a hotchpotch of whether local police commissioners are able and inclined to use their budgets to deploy some locally, which, I guess, would be relying on third sector groups.

Is this not of such importance—and all of our witnesses have said that they are a really important and valuable resource—that trying to get an extra 300 is woefully unambitious, if you are to hope to achieve the sorts of impacts that you claim, and we all agree, would happen with them? Are you relying on not enough, and not enough locally, given that budgets have been stretched in other areas by police commissioners?

**Jerome Glass:** The key number that I do not have is how many independent sexual violence advisers are funded from the £100 million that we funnel through police and crime commissioners on top of the £27 million that we are putting in to fund those extra 1,000. It could be that the numbers are going to be much higher than 1,000. It is also worth saying that they will have multiple people whom they are supporting. We are confident that 1,000 is a large number to help and should provide sufficient support for people who need it.

Q238 **Chair:** You just said that the number will be much more than 1,000. You do not know. Is it not a bit odd that, in planning for how many additional ISVAs the Home Office is going to fund—and you have come up with a



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figure of 300 by the end of 2024—you have done that without any knowledge of exactly how many existing ISVAs are being funded separately? The figure may be 10, 1,000 or 557. Why on earth have you not done that piece of work to find out exactly the level of resource that is being provided not directly through Home Office funding already?

**Jerome Glass:** Part of the reason is that it is difficult to know what the demand is, almost by definition. We think that we have a bit of a sense of how much unmet demand there is. ISVAs are not employees of the Ministry of Justice. A lot of them are funded by third-sector groups, and we fund them via that route. We pick up from those conversations how much pressure those groups are under and how much unmet demand there is. It is not just an additional 300 but an additional 1,000 from two years ago, so that additional 1,000 would help to meet that unmet demand. It is a fair point that I do not know the total number of demand, but we have been working with groups to understand that.

Q239 **Chair:** Minister, I will come back to you but colleagues would agree that it is rather a strange way of going about it that you have come up with this figure of an additional 300, with no knowledge of the supply that is already there or the real demand that is there. You have come up with this figure and this commitment without knowing whether it is going to be nearly enough or whether it could saturate the market because it is well catered for already. It is a strange way of spending public resources, is it not, particularly on an issue that everyone has agreed is of great importance in addressing a very serious problem within the rape investigation system?

**Rachel Maclean:** Can I comment?

**Chair:** You may, yes, please.

**Rachel Maclean:** I am sure that Mr Glass and probably Minister Atkins, in her previous role, would be able to provide a bit more context on some of that. The numbers that you have alluded to are very important, and the support given to victims is vital in this whole picture. The rape review has seven levers, if you like, to achieve change and improvement in the system. All of those will improve the experience of victims. One of the reasons why we need to have these ISVAs in the system is that, currently, the system is not really working very well, and navigating through it is traumatic, difficult and stressful, for all the reasons that we have given.

If we are going to improve the system, we are in a position to make structural changes to it in the way that it operates, in order to relieve some of that stress on the victims. The point here is that I am sure we will always need those ISVAs, but, because we are improving the system as a whole, the need for them may well change.

That brings me to my second point, which is that we have to take an agile approach, as much as it is possible to be agile in any form of Government. We have to look at the scorecards, see how the progress is



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going, and then make changes. We have all been clear right from the start that if what we have set out—whether it is ISVAs or anything else—does not deliver the change that we need to see, we are going to have to change our approach or hold those operational partners to account to change their approach, so that we do get the outcomes that we need.

Q240 **Chair:** I understand that. I just think that there is a specific issue, and it would be worth going away and considering whether you need to do a rather clearer audit of the existing supply and demand, in order for you to be able to say confidently that the 300 additional ones being resourced, albeit not until the end of 2024, will be enough to address the problem—it is not a perfect science—before finding that you have not unpicked the specialist additional police officers.

**Rachel Maclean:** Yes, that is a very important point. When you had Sarah Crew before your Committee, she talked about some of the work that she is doing as a lead across the police force to ensure that those police forces are training and putting in place those specialist people. She also highlighted some of the challenges in the system of getting and developing inspectors who are in those particular specialisms.

I cannot locate my paper with the specific points on, so I wonder if Jae could perhaps come in and help me while I find the relevant statistics.

**Chair:** That is a good pass, Minister.

**Jae Samant:** We do not have a number for how many police officers are already RASSO-trained, and nor do we have a number for how many of the new police officers who have been recruited will be RASSO-trained, primarily because, as you will know too well, the operational deployment of police officers is a matter for chief constables. They are operationally independent.

We are, however, via Operation Soteria, via all the guidance that we are giving to the police service, and via all the conversations that Ministers are having with chief constables and the National Police Chiefs Council, strongly encouraging police forces to RASSO train their officers and to have specialist teams. A number of forces are doing that. What I do not have is a number, I fear, and it is a source of data that we do not collect.

Q241 **Chair:** Is that not a weakness again? Just following on from the conversation we had with Mr Glass about the supply and demand for ISVAs, the Minister has again emphasised the importance that we have a better trained police force, if we are to get the system working better way upstream, which is when the victim knocks on the door at the police station and has an initial conversation with a police officer. If that police officer is very ill equipped to deal with what can be a very sensitive and traumatic experience, the whole system gets off to a poor start.

I just find it extraordinary that you do not know how many RASSO-trained officers there are now, which I would have thought would be a fairly standard thing to collect, if the rape review is serious about wanting



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to solve this problem. Given that the Minister gave, as one of the criteria for taking this more seriously, the recruitment of 20,000 more officers, there is no idea of how many of those officers there is even an intention to make sure are RASSO-trained and in what sort of timescales. These are fairly essential elements of improving the rape prosecution system, but you do not have the basic data, which is quite worrying, is it not, Minister?

**Rachel Maclean:** Yes, I would agree entirely.

**Chair:** Good.

**Rachel Maclean:** We have asked for that data. In the discussions I have had, as the Minister, with my officials and with policing leaders, I have asked for it. There are issues with how it is being collected, and this is the conversation that I have had with Sarah Crew.

Clearly, there is work going on in terms of the CPS's focus on that, and I do have numbers about CPS prosecutors, but you are asking me specifically about the police. You are right to say that there is an issue with how the police collect that data. What they do collect is the number of officers working in the role of protecting vulnerable people and, within that, you have officers who are working on rape and serious sexual offenders. I have numbers for that.

Q242 **Chair:** That is going to be a figure that encompasses a whole host of other things that are nothing to do with sexual crimes.

**Rachel Maclean:** It does indeed—absolutely right. It is fair to say that, for me, it would be my clearly stated ambition to this Committee and to anyone else who is watching to enable us to get better data on that. There are barriers, as Ms Samant has set out very clearly, because the police have their own operational requirements and priorities in their local force area, but it is very important that we understand how—

Q243 **Chair:** It is not a big thing to ask each constabulary how many of their existing officers are RASSO-trained and for you to have an ambition as to how many new officers should be RASSO-trained by a certain time. You are ambitious, which is great, but ambitious by what date to have secured that information?

**Rachel Maclean:** Look, I am doing everything I can to get that information. It covers the whole of my portfolio. I also lead on domestic abuse, for example, and so, again, we want to make sure that police officers have the right training for that. There are a whole host of things that we need to make sure that police officers have the right training for. This is one of them, and it is a very important one. I am going to do absolutely everything I can to ask for that data and ask them to collect it, through the levers and the channels that I have.

Q244 **Andrew Gwynne:** We are all agreed that it is the whole system that is letting victims down, and that it is going to be challenging to pull all those



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things together to get things right, but a good starting point is the rape review. I just want to go through some of the recommendations in there with you.

First, when she spoke to us back in June, the Victims Commissioner expressed to the Committee some dismay that the Government were not being more ambitious about offering independent legal advice to complainants. Why do you think she is dismayed at that? What would your answer be to her?

**Rachel Maclean:** Clearly, she has a huge amount of experience in the system and it is right that we listen to her comments and feedback, as we have done through the whole process. I will ask Mr Glass to comment a little on the independent legal advice side of things. It is my understanding that we are looking at that very closely, not only in this rape review but also in the Victims Bill consultation work. If I may, I will ask Mr Glass to come in now.

**Jerome Glass:** You heard some evidence from Max Hill on this on Monday. I will say two things and then answer the question very specifically. The first is the thing that we have just been talking about. We would hope and expect that the independent sexual violence advisers, who are not lawyers but expert advisers, would help provide some support and guidance to victims.

The second thing, which is to the point that Max was making, is that, in the longer term, you would hope that there is sufficient confidence in the criminal justice system and that everyone is sufficiently sensitive to victims, from police all the way through the system, and that people would not feel the need to have the additional advocate help.

However, in the rape review we did commit to looking at the role of advocates. There is quite an interesting potential role for advocates, which I think the Victims Commissioner was referring to, with respect to when victims' previous sexual history is being looked into under section 41 of the Youth Justice and Criminal Evidence Act. As we said in our progress update that we published last week, we are going to consult on that in February 2022, so in the next three months.

Q245 **Andrew Gwynne:** Thanks for that clarification. In terms of the review, though, there was reference made to a specific sexual violence complainants' advocate scheme that has been piloted in the Northumbria Police area. Why did you not decide to roll out and pilot that in other areas? Clearly, it is working, so why have you not accepted that model for other parts of England?

**Rachel Maclean:** It is fair to say that that is a really useful model. My understanding of that is that it is still at quite a small scale, so we do need to look at it. It is a relatively small number in terms of the scheme. It is undoubtedly very helpful but, in terms of making wider policy for the whole country, we need to take the steps that Mr Glass has just outlined. It definitely will feed into the work that is going on.



Q246 **Andrew Gwynne:** I understand that, Mr Glass, in answering my question a moment ago, was saying that, if you get improvements to the system, it should lessen the need for the kind of legal advocacy that people are saying is required now. I still think there is a role for legal advocacy, which is very different to other help and support that you would expect as a victim in the system. Have the Government looked at providing any form of legal advocacy for victims of rape?

**Jerome Glass:** That is exactly the question that the consultation is going to be looking at, so the short answer to the question is yes. We are looking at it as part of that consultation, but, as I say, there is a real question about the interaction between the independent sexual violence advisers and advocates. To exactly your point, there might be some cases where that is desirable. The pilot that you referred to has some very interesting and encouraging results, but it is right that we ask the question and explore that, which is what we are going to do in February.

Q247 **Andrew Gwynne:** On the consultation, the Government have, as you have alluded to, said that the independent sexual violence advisers could have a greater support in helping victims to understand the requests for data. As a Committee, we have heard from other witnesses who have said that they specifically—the ISVAs—are not the best placed to do that. What is your view on that information that we have had from other witnesses? Why do you think that ISVAs are appropriate to help victims understand the requests for data?

**Rachel Maclean:** My understanding of this—and I caveat this by saying that I am not a lawyer and have not worked in the criminal justice system, and I am aware that there are people here who have—is that, sometimes when you are asking a victim to give up their phone, for example, which I think you are referring to here, there may be a really good reason for that. It may help that victim to get a prosecution, which is clearly what we all want to happen. If that request is made in an insensitive or abrupt way, it can have a completely negative impact on the victim, and they may feel, rightly, violated. They may, of course, fear what is going to be found. These are well-rehearsed issues in the system.

The work that we are doing on the Home Office side and on the Operation Soteria side is to really improve the whole way that that phone data is handled in the first place in order to really address the longstanding issues of the digital disclosure that you are referring to. From reading the evidence that your witnesses have given, it is clear to me that, in some cases, if you have someone who understands the system, who can help a victim navigate around it, provide that support and just explain to them that it is a helpful thing for them to provide their phone at that time, that can be helpful. I hope that that answers your question, but I will perhaps ask Mr Glass or Jae for the technicalities.

**Jae Samant:** I was merely going to say, Mr Gwynne, that you are right that independent sexual violence advisers are not always legally trained. Some might be. We are very struck by the fact that victims who have had



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specialist support from them are 49% more likely to remain engaged. That is a pretty strong figure in terms of the crucial part that they are currently playing in supporting victims. The Ministry of Justice consultation will cover the wider issue of whether legal advocacy is also appropriate in addition to or alongside.

**Q248 Andrew Gwynne:** Absolutely, I do not believe it should be either/or. It may be that that figure is even higher if they have both the sexual violence support and care—that wraparound—and legal advice as well. That figure is very encouraging.

**Jerome Glass:** We are funding quite a lot more independent sexual violence advisers. There is a wide range of independent sexual violence advisers, who will have different sets of experience. One of the questions, which I think your witnesses have previously alluded to, is whether there ought to be a bit more standardisation or guidance about what it is that they do. Last week, we published a consultation on a Victims Bill, and one of the things that we explore in that is precisely the question of whether there ought to be a bit more standardisation. Then, hopefully, between that consultation and the one on advocates, we can unpack exactly who is doing what in the system.

**Chair:** Can I come back on this mobile phone issue? It was an area that we pursued with witnesses before. What I found very surprising is that, when a victim is asked to produce their mobile phone, they may lose it for weeks or months. When I need a new mobile phone, I go down Victoria Street to Vodafone—other good mobile phone providers are available—and, within the space of an hour or so, every bit of data from my phone is transferred to the new handset that I am given. Why on earth can that approach not happen with a simple thing like the police getting the records off a mobile phone? If even basics like that are not happening, it is no wonder that the rest of the system is so inefficient.

**Q249 James Daly:** Minister, that is fundamental. That is causing delays throughout the system—the very basic analysis of telephone evidence and suchlike. We cannot have a scenario going forward where that is not addressed. It has to be done in a far more efficient and quicker way. I am just picking up on the Chair's point.

**Rachel Maclean:** Yes, Mr Daly. Look, I can only agree with you. I know that you have a huge amount of experience of these trials in practice. Coming to this as a layman, that was the first question that I asked my policing colleagues. First of all, I will say that it is a huge focus for Operation Soteria. There clearly are ways that we can improve that massively. My colleague Kit Malthouse, along with the Home Secretary, is working directly with tech companies in order to improve it and to bring to bear the expertise of Vodafone and others on solving this problem.

Going back to the basic question, the answer that I have been given by operational colleagues is that there are higher standards in terms of those forensics and the requirements. That is not something that I have



really had time to test fully, but can I just assure you and Mr Daly that we are completely focused on this? In fact, it is one of the key aspirations and pillars of the Operation Soteria work. We have an ambition, as we said in the rape review, that no rape victim is left without a mobile phone for more than 24 hours. We have been very clear that we want to get to that point and we have set out a series of actions to drive that change.

**Q250 Andrew Gwynne:** Going back to Operation Soteria, the rape review update suggests extending Operation Soteria to another 14 force areas that coincide with 14 CPS areas. How are you going to decide which areas have that extended to them? What are the criteria?

**Rachel Maclean:** I am going to ask Jae to answer that question in terms of the details. From my perspective, it is really important that we have a good spread of different force areas, so that we understand the different demographics, requirements and crime types. There are discussions going on in terms of funding allocations across Government, which will help us to deliver that. In terms of the detail of that, I will perhaps turn to Jae.

**Jae Samant:** It is exactly that. It is trying to come up with 14 forces that are quite widely representative in terms of their geography and demographics, and also, importantly, a combination of the very enthusiastic and perhaps the not so enthusiastic.

**Q251 Andrew Gwynne:** Minister, you mentioned funding. Already £3.2 million is allocated to Operation Soteria. We have had evidence from others that that is not enough. I am sure that you are aware of those concerns. Given that, how will extra funding be made available for the 14? You are in discussion with the Treasury, presumably, but are you confident that there will be extra resources as this rolls out?

**Rachel Maclean:** Yes, indeed. We already have allocated funding from the police uplift programme. Because tackling violence against women and girls and rape prosecutions are a priority, funding will be made available to enable Operation Soteria to be rolled out. It is really important to also say—and you have heard this from witnesses—that, while we have this focus on the five pilot forces, including the original force, Avon and Somerset, they are working very closely with their colleagues in other forces. It is not that the work is just happening there and not being disseminated.

I know that you have heard from PCCs who have attended learning events, looking at what their colleagues are doing in those forces. Even though you might have a force that is not a Soteria force, it can learn from what is happening, because, quite frankly, some of the work that the academics are doing is ground-breaking and really gets to the bottom of why these things are taking so long. There is no reason why that cannot be shared. It does not necessarily take specific resource. We need to get that learning embedded across them and that commitment, and then, of course, the funding as well.



Q252 **Andrew Gwynne:** It is really important that the best practice and the lessons coming out of the forces that are part of Operation Soteria are not just kept with those forces but are spread out across the whole country. Will you be making an argument to Government, and to the Treasury in particular, that, where police forces are not part of Operation Soteria, in order to take on some of what is learned from Operation Soteria, which is going to take a financial resource, more resources are made available generally to police forces to be able to expand this best practice?

**Rachel Maclean:** Of course. I will ask Jae to comment on the budget point specifically, but I would come back to the point here that what I hear from my colleagues in policing—whether that is Maggie Blyth, who is the lead for violence against women and girls, Cressida Dick, or Sarah Crew, who leads on this—is that they are all committed to doing this. I hear an awful lot from them that they want to fix this issue. That leadership is vital. Yes, resources are a vital part of the picture, but it also comes down to culture and leadership.

It comes down to police leaders saying, “We need to get to the bottom of this. Look, there is a force over here that is doing a great job. Let us find out what they are doing and start doing it”. Not everything in this costs money. A lot of this is about working practices, doing those basic things properly and making sure that their colleagues are held to account for doing it. I am hearing that desire from those policing leaders, so it is my job to hold their feet to the fire and make sure that they are continuing to do that.

Jae, perhaps you could comment on the budget issue.

**Jae Samant:** The new spending review settlement secures an additional £540 million for the police uplift programme, which is in addition to the Government grants to police and crime commissioners and funding through local council tax precept, et cetera.

On the point about disseminating the lessons from Soteria more widely, we have already started to do that. There is a national rape and sexual offences learning network. We had an event in November that was attended by 37 police forces, so already wider than the five that are engaged in Soteria, and by the CPS and Home Office colleagues, to spread some of the key points that are already coming out of Project Bluestone in Avon and Somerset, and out of Operation Soteria.

Some of those are about the benefits of the specialist approach to RASSO investigations; the need for a team approach that has a supervisor, a dedicated officer to focus on immediate investigation of the suspect, an engagement officer to target repeat offenders, and an analyst; taking a procedural justice approach, meaning really focusing on engagement and improved communications with the victim; and a greater focus on officer wellbeing, as well as learning from the data that is available.



Q253 **Andrew Gwynne:** On the 14 forces that you have to choose to expand, you mentioned that there would be a mix, including those that may be a bit reluctant to be part of this. Are there many police forces that are reluctant? What can you do, given the operational independence of the police, to break down that reluctance? What can Government do to ensure that all police forces are not only taking this seriously but tackling it in a way that it turns around some of these shocking figures that we all know about?

**Rachel Maclean:** It is a really important question. As a Government Minister, it is something that I am sure I and other colleagues grapple with. If I can perhaps distil it down to a couple of points, the first one is that the Government make the law. We set the frameworks and a number of priorities, whether it is talking about the serious violence duty or strategic policing requirements. We allocate the funding. We have those levers.

We also have projects like the rape review, where we have required them to shine a light on their practices. Clearly, we cannot go into every police station and ask them what they are doing on a daily basis, but we can require them to be transparent about that. There is a lot of peer pressure in terms of policing colleagues. They do not want to be exposed for not caring for victims of rape and serious sexual offences. We are going to move towards a situation where we not only have the national scorecards but we are also going to require a level of regional data publication. We are moving towards that and just agreeing what that is going to look like. That will really shine a light down to the much more regional and local level. These are very powerful tools that I, as a Government Minister, and other colleagues and the Home Secretary have.

There is also that constant conversation that I have with them, just holding their feet to the fire and saying, "Look, Maggie Blyth, you have been appointed to lead on this. What are you doing? What is the progress? Why have you not done these things?" Those things are very powerful and we must continue to do that. This is not just me as one junior Minister. This is the Prime Minister, the Deputy Prime Minister, the Home Secretary and all of us bearing down on these really important priorities.

Q254 **James Daly:** Minister, 90% of complaints of rape that are made to the police are not referred to the Crown Prosecution Service. On the basis of the figures that we have just heard, approximately 36,000 complainants out of a total of 40,000 do not even have their case considered by the Crown Prosecution Service. Why do you think that is?

**Rachel Maclean:** I do not know if I recognise those numbers.

**James Daly:** The DPP told us that on Monday.

**Rachel Maclean:** Thank you. Yes, I think that was in the transcript. It goes back to all the things that we have been talking about so far in this



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session, and I know that you will probably have your own view, because I think you were a practising rape solicitor.

**James Daly:** I was a criminal solicitor for 16 years and dealt with a lot of these cases.

**Rachel Maclean:** I am aware that I should probably be asking you the question.

Q255 **James Daly:** No, not at all. The point is that, if we look at the total number of cases that are prosecuted in court, they are a relatively small number. I would have to go back to the transcript but I think that about 5.5% or 6% of the total number of complaints make their way to a court. The conviction rate for those cases is less than that. The figures are appalling, Minister.

**Rachel Maclean:** They are, yes.

**James Daly:** It simply cannot be the case that 36,000 complainants should not even have the ability to go to a court to have their case heard.

**Rachel Maclean:** I agree.

Q256 **James Daly:** The Director of Public Prosecutions made a very curious comment, I thought, on Monday. One of the really important issues here that the Government have to focus on is the charging standard and why the police are deciding not to send cases through. On Monday, the DPP said to us—to me and the Chair—that he was referring cases of people who were guilty. What is your view on the fact that the CPS will only put forward cases for charge of people who are guilty? It seems a rather curious view of life, does it not?

**Rachel Maclean:** Could I perhaps come back to your original challenge to me, which is why so few people who are coming forward with a rape allegation are getting justice? I think that that is what we all want to tackle.

You are right to say that it is poor, which is why we have this overall objective to drive up the number of rape cases going to court. That is what the rape review sets out to do. On the data that we have, our figures from the week before last are telling us that there has been a drop in the number of cases charged in this quarter. When we published the quarterly scorecards, we saw that drop, but the trajectory over the past year is slightly upward. The proportion of cases being charged is now consistently around—

Q257 **James Daly:** Sorry to interrupt, Minister, but we do not have much time. I want to put two scenarios to you. The reasons why it is happening are, first, incompetence or, secondly, problems within the system. It cannot be anything else. Since I became an MP, and for many years before that, there have been reviews and all sorts of things in this area and others. I have just been looking at the recommendations of Operation Bluestone. I could have told you those. We knew, 10 years ago, in respect of those. I



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was astounded on Monday when it was put to us as a revelation that forces were now going to take an offender-centred viewpoint of offending. Is that not what we have been doing for the last however many years? Is it incompetence, which somebody has to be held accountable for, or what is it?

On Monday, the DPP was claiming that one of the things that could improve things was if people picked up the phone and spoke to each other. Unless phones did not exist five years ago, we are struggling. This is not revolutionary stuff, Minister. I know that you are only in place now, but we should not be looking at this like it is some great mission where we need academics to tell us. We need people who are going to carry out investigations in an efficient, proper manner. Why is that not happening?

**Rachel Maclean:** It is very difficult for me to disagree with any of the comments that you have made, on the face of it. I hope that what I have tried to do for the Committee in the evidence I have given so far is to set out, first, that we agree the system is failing victims. Secondly, your key point is that none of this is revolutionary on the face of it, but we are determined to tackle it.

Your challenge to me, which perhaps you are trying to get at, is that these are things that everybody knows and that they are not—

Q258 **James Daly:** What I am saying to you is that I suspect that people will continue to tell you, “We are doing this review and doing this strategy” and, in two or three years’ time, we will be having the same conversation when the strategies and discussions have been going on forever, when it is a very clear issue of accountability.

The Chair is going to come back in terms of ministerial accountability, but I want to say to you—again, I am sounding rather harsh here; I do not mean to be—is that I find the fact that you are unable to give us really basic figures regarding RASSO teams and what is going on really worrying. Unless there is accountability at a local, regional and national level for these things, nothing is ever going to happen.

One of the great things that worries me is that, for example, police and crime commissioners are not accountable to Government for anything. They have a responsibility at a force level.

**Rachel Maclean:** They are accountable to the electorate, are they not, which is very powerful?

Q259 **James Daly:** That may well be the case but that is not improving rape convictions. I would hope that the Government would want some sort of accountability. How do you review a chief constable? How are they accountable to Government in terms of this? If you are setting targets and saying to forces, “We want this driven up; we want to get back to 2016 charging levels”, is that within a year or two years? What are you going to do to ensure that somebody, if they do not deliver that, comes to you and tells you why that has not been the case?



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**Rachel Maclean:** I would totally accept all of the challenges that you have set out. This is not an easy thing to fix. You are right to say that some of these issues are longstanding. In the transcripts, I saw people saying that these are things that they have seen for 20 years. This is not just this Government or the last Government, or any of that. These are longstanding issues.

What I would also say, coming into this job—and part of this is the answer I gave to Mr Gwynne about the levers I have as a Minister—is that it would be dishonest of me to sit here and say that I or any Government Minister can fix it overnight, because we have a whole system here to tackle. It was also very clear from the work that has been done to set up the rape review that this the first time that this type of approach has been taken, bringing together the whole system. You are right to say that reviews have been done in the past; I accept that. I have not been a Minister—

**James Daly:** Let me—

**Rachel Maclean:** If you could, just let me finish.

**James Daly:** Of course.

**Rachel Maclean:** This is a new approach in terms of this kind of level of transparency and what is required. You have also highlighted the tension in that they are all independent. The CPS and the DPP are independent people, so what power and control we have over them is a question of the overall approach that we take to it. I do not want to repeat what I said to Mr Gwynne, but there are levers that we have and we are fully apprised of the need to use them.

Q260 **James Daly:** As an example of what we can do at the moment—and I suspect that your officials do not have this information—I asked this question of the DPP on Monday as to how many people facing allegations of rape are currently released under investigation. I suspect that number is thousands. If you do not have the number—

**Rachel Maclean:** I think I have some numbers on that, but it may take me a little while to find them. I am more than happy for my officials to come in.

Q261 **James Daly:** That is a practical example of what we can do to address a problem that is not going away, that is there now. People have been waiting for months and months for their cases to be dealt with, which is impacting those who are accused and the complainants. What are we going to do in terms of addressing those cases now? What message are we sending out to police forces about how we should deal with those cases now?

**Rachel Maclean:** We are sending a very clear message. This is not just about rape but about any violent crime in the remit of violence against women and girls. Anybody who has been paying attention can see that



this Government are prioritising this, from the response to the Sarah Everard murder and those other horrific cases we have seen over the summer, to the way that we have put resources and focus at the highest levels of Government into tackling violence against women and girls, of which this is only one unfortunate aspect.

Of course, there are a huge amount of actions set in train. The message I would send to anybody is this: "Come forward and report it. You should be receiving good treatment from your police officers and we are doing absolutely everything we can to make sure that, when you do come forward, you are treated sensitively and receive the treatment that you deserve".

Q262 **James Daly:** The reason why I asked the question is that we have 90% of cases that are not getting to the police. You have, very correctly, Minister, talked about the support that should be there for complainants coming forward from this point going forward, but we have a lot of complainants within the system in this world of release under investigation, where nothing is happening. Nobody is speaking to them. Nobody is supporting them. The people accused have very little contact with the authorities in respect of this. This is hundreds upon hundreds of people who are currently released under investigation, and something has to happen with the cases. It just seems to me to be a very acute problem that the rape review is not going to address. We need to get on top of these cases and to be dealing with them in an appropriate manner.

I was very concerned by the DPP's evidence on Monday. He is a good man and an eminent lawyer, but he did not know how many people were released under investigation. I was left with the impression that the level of communication between the Crown Prosecution Service and the police, as we sit here today, is very concerning. That is contributing to why people are now sat in these cases, which are going to go on for months, unless somebody does something about it. It is not a question that you can answer here today, I know, but would you accept that that is a problem and an issue in the system?

**Rachel Maclean:** I have some information about release under investigation, which I am happy to share with the Committee. On your core point about the communication between the police and the CPS, it is a problem, and all of the actions that we set out in Soteria and in the rape review are designed to address that through all the measures that we have talked about.

I will just share this information with you. This is the first time we have collected data on release under investigation, and my understanding is that it is being collected on a voluntary basis. We have data from 23 forces, and it is experimental data. Of the offences for which suspects were released on release under investigation, around 6% were sexual offences, which will include rape, but some individuals will have more than one offence recorded. I am not sure that it is helpful to go into all of this, but perhaps I could share this with the Committee in writing.



**Chair:** That would be helpful.

Q263 **James Daly:** Another thing that would be helpful, although you are not in a position to tell us this, to you and your officials is to understand the reasons why the police are not referring more cases, because there are reasons there. As you know, each case is bespoke and individual, and there are individual needs, but there is something wrong within the system as to why that is.

One of the questions I have not been able to get answered by anybody is what it is that is stopping people. The rape review, and what we have been talking about, talks about an offender-centred approach, rather than concentrating on the complainant—the victim. What that suggests to me, and what my personal experience is, is that the police are concentrating too much on the character or the perceived character of a victim of a crime.

A lot of people who are brave enough to come forward and support a rape are very vulnerable, for all sorts of reasons. The Chair heard some very harrowing evidence from victims who are deaf. People have all sorts of challenges, whether that is substance abuse or issues like that.

My great fear is that the police are taking the view and saying, because of those challenges—it might be mental health, or it might be this or that—"They are not reliable witnesses, so we are not going to even bother with them as complainants or give them the opportunity of justice". Do you have a view on that?

**Rachel Maclean:** My understanding is that that is a known issue and has been an issue, but it is also very clear that we need to move beyond that. We have talked about those specialisms and the training that is required, and all the work that is going on to make sure that police officers do respond appropriately. As a Minister, I want to be sure that, if I or my daughter or any of my friends are unfortunate enough to be in a situation where I would need to report to the police, I am going to get a sensitive response. Of course, that is where we need to get to. There are many issues in the system already that are not working as well as they should be, but that is why we are doing all of this work. I will ask Mr Glass and Jaeë to come in on some of these points as well.

**Jaeë Samant:** Mr Daly, you are absolutely right that that is an issue that we are really seeking to change. There are not enough referrals. Those do not turn into charges or convictions, and that is exactly the system that we really want to try to transform. All I can say is that Soteria, in Avon and Somerset, led to an increase of more than 200% in the police seeking early investigative advice, which can only be a good thing. I know that that is not the same as convictions at the end of that cycle, but it is a really good start and we really want to shake up and change the process.

Q264 **James Daly:** That is a very fair point. Having listened to the DPP's evidence on Monday and the use of the word "guilty", which was not a



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Freudian slip, if I can put it that way, the system is imbued with a viewpoint that, by only pursuing the cases where, essentially, it is a slam dunk or where the evidence is so strong, we can take out any risk within the trial process. Having dealt with thousands of these, I can tell you that that is not a concept within the criminal justice system. I am sure that there is no piece of paper in the police or the CPS saying that, but if that is becoming an ideological viewpoint—that we can only prosecute where the evidence is so good—we are going to continue to have this problem.

**Rachel Maclean:** I just want really tackle this head on. I have spoken to some of the victims and some of the people who represent them. What we hear time and time again is this idea that there has to be a perfect victim and that the only way you are going to get justice is if you have led a blameless life. Frankly, if I was going to go to the police and show them my phone, they would probably ask a whole load of questions about what I have been doing.

**Chair:** Too much information, Minister.

**Rachel Maclean:** I will share the rest later off the record. On a very serious level, we hear this from marginalised women, from those in black and minority ethnic communities, from people with disabilities and so on, who are doubly disadvantaged, because they also can be discriminated against at all stages in the system. That is why it is really important that we have this focus now in not trying to look at everything that the victim has done, trying to build a case against her, and saying, “Perhaps she asked for it” or whatever, in a nutshell.

We have to get away from that and focus on the suspect. This is a crime. This is rape. It does not matter what she has been doing in the moments beforehand. She does not deserve to be raped. That is coming over loud and clear from the work we are doing all the way through the system. I am completely focused on that, because it is absolutely wrong that someone goes to the police force and the first thing they say is, “Show me your phone and show me how many times you were texting this guy”. You will hear time and time again from victims that they are being let down. We have to change that. Can I perhaps turn to Mr Glass on that one?

**Jerome Glass:** Very specifically, one of the recommendations in the rape review was on this question of what are commonly known as rape myths—as the Minister was talking about, the idea of a perfect victim. We have specifically asked the Law Commission to look into this and to see whether there are things that we can do to address this. There is a lot of academic literature on it, but we really want to get to the bottom of it, and that was very much something that was in the rape review.

Coming back to your point on charges, it is a very astute point, and the Chair made a similar point at the start. The thing that we are consciously tracking in the scorecards is not the charge rate. We have the number in there, but the ambition is volumes, precisely because we do not want



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that potentially perverse incentive, as Mr Daly was saying, to put through only those cases that are a slam dunk. That is not right; we do not want that. We want to increase the number of charges, full stop, the number of referrals and the number of cases going into court, as an absolute number.

I do not want to speak for the Crown Prosecution Service, but I will say that, this year, the CPS and the police published a joint national action plan that was entirely about, to your point, making sure that the handoffs between them improve. Since then, we have seen an increase in the number of referrals, some of which are about getting early advice. Early advice is a good thing. It is the police asking the Crown Prosecution Service for a steer on things. That is a good thing and, we hope, leads to an increase in the number of charges and convictions going forward. As you have said, there is a huge cultural problem across the criminal justice system. The system needs to step up. While some of the steps may appear self-evident, we need to do them.

With respect to how we hold people to account, we published a national scorecard, but we want to publish a local scorecard. Ideally, we would put that down as local as we can get, because it might show where there are disparities between CPS areas and police forces. You would then hope that we could do the thing Mr Gwynne was talking about, which is learning about why the police forces that pioneered Bluestone, and Sarah Crew's force, are doing particularly well, whereas others have done less well. What is going on and how can we learn from each other? We hope that shining a light on it will help improve performance across the piece.

**Q265 Chair:** There is a precedent in scorecards. We brought in adoption scorecards in the DfE back in 2011 to achieve precisely that, although they did not last, for whatever reason. I am not entirely sure, but it was to get that sort of information.

Minister, we have limited time left. Can I just ask you about accountability, because it is not clear who in Government is ultimately responsible for implementing the rape review? The review itself names Kit Malthouse, the Policing Minister. Online, your portfolio includes responsibility for sexual violence, including the rape review. Victoria Atkins at the Ministry of Justice chairs the implementation advisory group for the rape review. Which Minister is making the decisions on the rape review and driving the change that you all want to see?

**Rachel Maclean:** You have set out the structures to drive the change. Like any decision in Government, we are all bound by a collective responsibility. The rape review itself sits under the Deputy Prime Minister as the Justice Secretary, but there are then a number of actions that will fall under various Ministers' portfolios. I have a number of detailed actions that are Home Office leads. Those are mainly in the policing sphere. They are around Operation Soteria, disclosure and victim attrition. We then have the Ministry of Justice leads, which are mainly around victim support and the ISVAs, as has been set out, and further



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upstream in terms of the legal advice and all of that work. There are quite a lot of different workstreams.

Q266 **Chair:** But where does the buck stop?

**Rachel Maclean:** Ultimately, it stops with the Prime Minister, as any Government work does.

Q267 **Chair:** Exclude the Prime Minister just for this case. Departmentally, where does the buck really stop? Part of the criticism of the weakness of the system is various components of the system not properly communicating with each other. Our concern is whether Ministers are properly communicating with each other, so that there is a clear line of management, decision-making and responsibility for those changes being made.

**Rachel Maclean:** The structures that we have are the rape review taskforce, which is chaired by Minister Atkins. She chairs that on behalf of the Justice Secretary. That brings together all those different workstreams that sit under there.

Q268 **Chair:** So the buck stops with her, are you saying?

**Rachel Maclean:** Yes, effectively. Of course it does. It would also stop with me. I take full responsibility for the issues within my portfolio, as I am sure Minister Atkins will do.

Q269 **Chair:** But ultimately, on behalf of the Justice Secretary, the buck stops with Victoria Atkins.

**Jaee Samant:** It is worth saying that the DPM chairs bimonthly meetings with counterparts from the Home Office and the Attorney-General's office to review progress and unlock issues.

Q270 **Chair:** Can I allude to one other thing briefly, because we must stop at 11.25, since Mr Gwynne has question 1 for Scotland? It is slightly frustrating. We had some very distressing and alarming evidence from a group of four victims of sexual violence who were deaf. We had a private session, of which we have written up a note, anonymised. It raised some very serious questions about the lack of availability of signing resource particularly, right from the outset. In one case, a woman had clearly not been able to communicate with the police officer at hospital straight after the attack took place, and that had a material impact on the case failing when it eventually went to court. There will be other people with protected identities who are suffering similarly, but this was particularly alarming.

The Committee has written to the Home Secretary and to the Justice Secretary, and we raised it with the DPP, to highlight that justice has clearly been undermined by a lack of sensitivity and resource in order to provide the very key support and approach needed there. Can I just ask you to pick that up and make sure that the letter to the Home Secretary, which we will copy to you, is responded to? That is an urgent and



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alarming thing.

**Rachel Maclean:** Yes, of course. Thank you very much for bringing that to our attention. I am fully aware of the need to address it and to make sure that that support is there.

Q271 **Chair:** There is just one other issue on child abuse and child murders, and the terrible case that we heard about two weeks ago of Arthur Labinjo-Hughes. There has been another case that may yet have further to run. I fear, from my experience, that these are just the cases that make the headlines. On accountability, if we take the case of Arthur Labinjo-Hughes, a National Independent Safeguarding Board review has been announced. I am slightly confused as to who, again, has responsibility here. It was a DfE matter, and the Children's Minister is responsible for social workers and child protection. You are the Safeguarding Minister within the Home Office who overlaps that. Of course, there is the local government Department, where it is local authorities who employ social workers and have responsibility and oversight for children's social care. What is your role in making sure that lessons are learned and action taken from the Arthur Labinjo-Hughes case?

**Rachel Maclean:** It is right to ask the question. It is the whole system that has let this child down. It is a shocking and absolutely horrific case. The police response specifically is that the national panel will be looking into all of the local agency involvement with Arthur's case, including the police, and the police response will be included in that work. We need to look very carefully at their findings when it is published. My understanding is also that West Midlands Police has referred itself to the IOPC, which is the right thing to do. We need to look at what happened there.

Q272 **Chair:** What is your role in this, though?

**Rachel Maclean:** As you said, I am the Safeguarding Minister in the Home Office, so I will be the Minister responsible for looking at those findings and taking any subsequent actions.

Q273 **Chair:** Only as regards the involvement of and impact on the police or beyond that?

**Rachel Maclean:** To be clear, I am the Safeguarding Minister, so I have a number of different responsibilities and a broad remit. In terms of safeguarding this child, where the police were involved, it is my responsibility as a Home Office Minister to look at that, to understand what went wrong, and to learn from those findings and work with the police to implement them. Does that answer your question?

Q274 **Chair:** No. The lead Department on making children safe is the DfE.

**Rachel Maclean:** Yes, correct.

Q275 **Chair:** Is there a joint committee or joint ministerial group between the



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DfE and the Home Office, and, potentially, the levelling up Department as well?

**Rachel Maclean:** I meet with my colleagues in the DfE on these issues. There are other cross-Government structures that will work across Government. In terms of whether there is a group just on this, I am going to have to ask Jae to perhaps come in.

**Jae Samant:** I do not know, I am afraid, Chair. May we write to you? I do not know the answer.

Q276 **Chair:** That would be very helpful, because, again, a key feature of this case—and it was a key feature of cases 10 and 20 years ago—was the lack of joined-up working between agencies, the absence of proper information sharing, and the complete absence of leadership from a key person picking up the ball, running with and persevering with it, until all the relevant questions had been answered. If it is not clear and you cannot even answer a question as to current liaison between the two key Departments, which are DfE and Home Office as well—

**Rachel Maclean:** To be fair, I can answer that question. I met Will Quince the day that this was made public to discuss the actions that we were taking jointly, so I can answer that.

**Chair:** That is a reassuring as a reaction, but I am much more concerned about what structural procedures happen to make sure that this happens.

**Rachel Maclean:** That is a fair challenge.

Q277 **Chair:** If you can write with the details, I would be very grateful.

**Rachel Maclean:** We will write to you.

**Chair:** We do not have time now to talk about spiking. You will have seen that we have launched a review into spiking, with a series of evidence sessions throughout January. We then have the Home Secretary coming to give evidence on 2 February and we will want to take up spiking as part of that review. I will just put on your radar that that is a key issue that we are now looking into and has become rather topical, unfortunately.

**Rachel Maclean:** It has.

**Chair:** I would be grateful if you could write to us with those outstanding things. That would be very helpful.

**Rachel Maclean:** Of course, I would be happy to do that.

**Chair:** I am afraid we are going to have to end this session now, but thank you very much, Minister, Mr Glass and Ms Samant, for your evidence.