



Home Office

Rachel Maclean MP
Minister for Safeguarding

2 Marsham Street
London SW1P 4DF

www.gov.uk/home-office

Dame Diana Johnson MP
Home Affairs Select Committee Chair

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Dear Dame Diana,

May I take this opportunity to congratulate you on your recent election as chair of the Home Affairs Select Committee (HASC). I look forward to working with you and recognise the experience on violence against women and girls issues you will bring to this and the wider VAWG inquiry.

I am writing to you in your capacity as the new chair of HASC to follow up on some points raised during the course of the oral evidence session on 15 December.

Released Under Investigation

One of the matters raised related to the number of people alleged to have committed rape who have been released under investigation by the police. The Home Office published statistics last month on individuals released under investigation (RUI), voluntary attendance and pre-charge bail. This is the first year RUI data has been published, and, as such it has been collected on a voluntary basis. The data returned by forces is therefore incomplete as not all forces could provide all of the information requested. These are experimental statistics which should be treated with caution while the quality of the data is still being developed.

Based on 23 forces for whom we have data, in the year ending March 2021, 147,334 individuals were RUI. Around two-thirds (68%) of individuals were RUI for 3 months or more. There were 218,128 offences linked to individuals RUI; of these 27% were violence against the person offences, and 19% related to drug offences (when unknown offences were excluded). Almost two-fifths (38%) of individuals RUI were 24 years and under. Those aged under 18 accounted for 14% of individuals RUI. Approximately 6% of offences were sexual offences (this includes rape cases - the data is not published at offence level). The Home Office is working with forces to improve the recording and extraction of this data from their systems.

Child Protection

Secondly, I committed to write to you about whether there is a joint committee or joint ministerial group looking specifically at issues around child protection, in light of the tragic death of Arthur Labinjo-Hughes. Leadership on child safeguarding is principally shared between the Home Office, Department for Education and the

Department of Health and Social Care, with other departments (including the Department for Levelling Up, Housing and Communities, Ministry of Justice and Department of Work and Pensions) engaged on specific issues as necessary.

A number of structures are in place across Government which facilitate oversight and joint working between departments with responsibility for child safeguarding policy. These range from ministerial and senior official groups which oversee specific programmes of work (including delivery of funding, cross-Government strategies and Government-commissioned reviews), to regular engagement between officials and Ministers on cross-cutting policy issues. Specific examples include the Vulnerable Children and Young People Programme Board (established in April 2020 to shape the government's strategic approach to support and safeguarding vulnerable children during the pandemic), and the Cross-Government Ministerial Board on Care Leavers, created to drive action across departments for this vulnerable group, for whom the Government has a corporate parenting obligation. Many issues relevant to child protection are devolved to Scotland, Wales and Northern Ireland (for example, health, education and local authority children's services). The focus of these groups therefore generally relates to safeguarding policy in England.

Specialist police officers

Thirdly, in the course of the session a question was asked about the number of police officers and investigators that are specially trained to deal with rape and serious sexual offences.

As you will appreciate, the deployment of officers is a matter for Chief Constables. Chief Constable Sarah Crew, the National Policing Lead for Adult Sexual Offences, highlighted when she gave evidence in October, she is engaging with Chief Constables across England and Wales to help ensure this specialism is recognised across forces. In addition, the Government is funding Operation Soteria to help establish an effective, evidence-based way of driving improvements in the investigation of rape cases across policing. A key pillar of this work involves examining the current learning and development opportunities provided to officers in each pathfinder force and improving understanding of how these can be enhanced to ensure officers can develop their skills. The five initial Operation Soteria pathfinder forces each have different working arrangements and the findings of this work will allow us to improve our understanding of what works best to ensure officers nationally have the right skills to investigate rape thoroughly and effectively.

We are also funding the Vulnerability Knowledge and Practice Programme (run by the National Police Chiefs' Council, which drives improvement in the policing response to all safeguarding crimes (including adult sexual offences)); supporting the appointment of DCC Maggie Blyth as a full time National Lead on Violence Against Women and Girls; and our commitment to support the recruitment of 20,000 additional police officers will enable more resource to support this speciality and keep the public safe. Over 11,000 additional police officers have been recruited to date and work is on track to recruit the remainder by March 2023.

The Home Office does not currently collect data on number of officers working specifically on or who have had specialist training on rape and sexual offences cases. However, as part of the annual '[Police workforce, England and Wales](#)'

statistical bulletin, we collect and publish information on the number of officers working in the role of “Protecting Vulnerable People” – this includes those working in domestic abuse units, violent and sex offender management teams, and vulnerable person protection officers. The latest statistics show that as at 31 March 2021 there were 9,017 full-time equivalent (FTE) officers working in these roles, an increase of 8% on the previous year, when there were 8,347 FTE officers working in these roles.

Accountability of Operational Partners

The Committee also asked about the accountability of operational partners in the context of the Rape Review Action Plan.

Our Rape Review Action Plan recognised that greater accountability and transparency would be critical in driving improvements to the system. That is why on 9 December we published the first of our six-monthly progress report reports and first ‘scorecard’ on adult rape cases. We will use the scorecard and progress report to monitor progress on our ambition to more than double the number of adult rape cases reaching court by the end of this parliament and the actions we are taking to make this happen. In addition, the ministerially chaired Rape Review Taskforce, of which I am a member, meets on a regular basis to drive progress. Members include senior representatives from the Crown Prosecution Service and police.

This is complemented by bimonthly cross-Government meetings chaired by the Deputy Prime Minister and with attendance from the Home Office and the Attorney General’s Office to review progress and unblock issues. Sponsorship and superintendence relationships exist to hold to account whilst preserving the independence of operational partners. The governance structures we have put in place ensure the continued independence of decision making of operational partners while enabling frank conversations about corporate matters and performance.

Division of Government Responsibility

I note that the Committee has taken evidence from victims and survivors who have been advised not to access certain forms of therapy and counselling in case their notes are then disclosed to the defence. This can then have an impact on their mental health.

The Attorney General’s Office is currently conducting a review of the operation of the Attorney General’s Guidelines on Disclosure, which includes guidance on the access of third-party material, including access to therapy and counselling notes. While a defendant has a right to a fair trial, victims are entitled to protection from unnecessary and unjustified invasion of their private lives. It is crucial that only the reasonable lines of inquiry are pursued, beyond those that are purely speculative. The ongoing Review will look to see how this is working in practice and if any amendments are necessary to assist officers and investigators to conduct this delicate balancing exercise.

A recommendation that has been made by some voluntary and community sector organisations is to make complainants’ therapy and counselling notes non-disclosable. This issue is also being looked at during the Attorney General’s Review into Disclosure Guidelines. There is a balance that must be achieved when

undertaking an investigation, ensuring the need to pursue all reasonable lines of enquiry are followed to guarantee a fair trial with the right to privacy. It is vital that victims and witnesses feel confident to come forward, but it is equally important that police and other agencies have access to the evidence they need to fully investigate crime and guarantee a fair trial.

The Committee has requested an update on when the work linking data across the criminal justice system will be complete, so that it is possible to track individual offences or defendants throughout the system. The Ministry of Justice is working collaboratively with partners across the system to improve the linking of our data, including the way it is collected and analysed. This is still in its scoping stages and timeframes for completion will be clearer once scoping has been completed.

Police, Crime, Sentencing and Courts Bill

In response to your questions about the impact of the Police, Crime, Sentencing and Courts Bill, the Government is doing much to reduce the intrusiveness of requests by the police to access digital evidence. With so much more of our lives being lived online, the ability to extract information from devices can be a crucial factor in bringing offenders to justice. However, it is vital that information is only requested where necessary and proportionate in response to a reasonable line of enquiry.

The Bill includes provisions which clearly set out the duties of authorities to respect privacy and ensure that information is only requested from victims as a last resort. We are working with the NPCC and College of Policing to develop means of monitoring the use of these powers, for example through the use of Digital Processing Notices (DPNs). We must ensure that police officers can access training and support to ensure the powers are used correctly and that all requests for individuals' devices are made as a last resort. We will also continue to engage on the Thames Valley Police pilot in which victims in rape cases can request a review when the police make a request for personal information during the investigation stage.

As set out in the Rape Review, another key ambition of the Government related to the processing of digital forensics, is to ensure that no victim is left without a mobile phone for more than 24 hours. Home Office allocated £5m of existing funding towards the rollout of digital forensics technology to 24 forces covering all regions of England and Wales. Rollout of this technology will be complete by the end of this financial year and we will closely monitor its impact.

Progression of cases

Finally, in the course of giving evidence, the Chair of the Bar Council Derek Sweeting QC told the Committee that cases with defendants on remand are being prioritised over other cases. This impacts upon rape and serious sexual offence cases as it seems most defendants are on bail or released under investigation.

We recognise the challenges that the pandemic has created for all users of the justice system, including those for whom access to justice has been delayed, and continue to work to reduce the length of time victims and witnesses wait for their cases to be heard. Judges continue to work to prioritise cases involving vulnerable complainants and witnesses, to seek to ensure that domestic abuse, serious sex

cases and those with vulnerable witnesses (including youth cases) are listed at the first available opportunity, as well as custody time limit cases.

I hope that this has assisted in clarifying the additional areas the Committee expressed an interest in and look forward to working with you in your new role.

A handwritten signature in black ink, appearing to read 'R Maclean', with a small dot at the end.

Rachel Maclean MP
Minister for Safeguarding