

Supplementary written evidence submitted by Max Hill QC, Director of Public Prosecutions, Crown Prosecution Service (INV0036)

1. I would like to take this opportunity to offer my congratulations on your recent appointment as Committee Chair. I am writing to you in your new capacity as Chair to reiterate my priorities and follow up on specific issues raised during my session on 13 December to assist your inquiry.
2. The Crown Prosecution Service is at the heart of the criminal justice system in England and Wales, working with our partners to protect the public and create a safe society. We have engaged with a number of the Committee's inquiries over the past year and I was grateful to have been given the opportunity to set out our ambitious programme of work for members. I look forward to continuing this in the future.
3. I want to reiterate my determination to drive an increase in the number of rape cases going to court. We know that too few victims are seeing justice and we are working hard to charge that. This is an absolute priority for me personally, and for the CPS, and we are making improvements in every aspect of how we manage rape prosecutions.
4. As I set out during my appearance, without doubt, all of us in the criminal justice system must work together to radically change the way RASSO cases are managed. I am determined to lead that change, and at the CPS we are focusing on the following three main areas of work:
 - **better collaboration with the police** from the very start of an investigation with the aim of building stronger cases more quickly to achieve more justice outcomes, which we are delivering through our Joint National Action Plan with the police and Operation Soteria pathfinders;
 - **Supporting our prosecutors** so that they are properly resourced to respond to these challenging and complex cases in a rapidly changing world; and
 - **Improving the support given to victims** – we have listened, and we understand that for many people their experience in the criminal justice system can add to the already great trauma they have suffered. We have already launched a new commitment and guide to victims of RASSO, published a new framework for working with Independent Sexual Violence Advisors, and designed new letters to better engage with victims at key moments in their engagement with the CPS.
5. I also wanted to address some of the topics we discussed in greater detail. I hope this will be of assistance.
6. First, Operation Soteria and no further action (NFA) scrutiny panels. During the session, Mr Holloway and Mr Daly both asked about the number of rapes that are not referred to the CPS but could be charged. While it is not possible to know this exactly – and it would not be right for me to speculate on cases the CPS does not see – we are working with the police as part of Operation Soteria to review the effectiveness of scrutiny panels in each of our pathfinder Areas; that will mean reviewing cases where a decision for no further action has been taken so that we can bring forward as many viable cases for a charging decision as possible.

7. These panels bring together senior officers, CPS managers, and victim representatives to analyse randomly sampled cases to ensure the decisions to NFA were correct, and to enable learning to be shared on key considerations for our prosecutors. In these pathfinder Areas, we have already identified through the scrutiny panel process a number of NFA decisions in cases that were capable of being further investigated and made recommendations to reopen and investigate these with a view to building a case for consideration to charge. I am aware that there are assertions that the problem with rape cases progressing is that CPS does not charge cases. This demonstrates that we absolutely do, where it is clear that the case can be built.
8. The scrutiny panels, along with the other transformative approaches we are piloting under Operation Soteria, are showing the way for us and the police in how we will improve our operating model for the future – so that we can work in partnership to progress cases that would otherwise not make it to the CPS for a charging decision.
9. Second, I wanted to provide an update on resourcing. The Acting Chair commented in questioning that resourcing has been a recurring theme during your inquiry. As you will be aware, recent funding uplifts for both the police and CPS will help to address the resourcing issues we have faced. The extra investment given to the CPS means we can expand the size of our specialist RASSO Units and, as a starting point, by March we will have more than 70 additional staff in RASSO posts in the five Operation Soteria pathfinder areas. The Spending Review funding will allow for further increases after that. It will take time for the impact of this investment to be felt across the system, especially for these specialist roles, but this will help us drive the volume and quality of rape prosecutions. As we recruit into our teams it is also vital that we have structures in place to support new colleagues and build expertise. We are working with the police on a detailed training needs analysis and have already produced joint webinars on important areas, including, digital disclosure and reasonable lines of enquiry, and third-party material.
10. Finally, I wanted to correct a minor point made in the session on pre-trial therapy. We are working to finalise our revised pre-trial therapy guidance as soon as possible. During my evidence to the Committee, I mistakenly referred to the Victims' Bill Consultation as being the reason for the delay to the publication of our pre-trial therapy guidance. The reason that publication has been delayed is in fact because the Attorney General's Office is currently undertaking its annual review of disclosure, which may result in changes being made to the Attorney's Guidelines on Disclosure. If changes are made to those Guidelines, we may need to make further changes to our guidance. As we are keen to avoid a situation where we publish guidance and then have to amend it in very short order, we have made the decision to further delay our guidance. This approach will provide clarity and be more straightforward for prosecutors and practitioners who use or refer to our guidance.
11. The Committee has previously heard that victims have been advised not to seek counselling until after a trial has been completed. I can assure members that we will continue to be clear in our public messaging that victims should **not** delay obtaining therapy for any reason connected with a criminal investigation or prosecution and that this key principle will be reflected in the revised guidance.

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12. I reiterate my thanks for the Committee's time and focus. I would very much welcome the opportunity to meet with you in person to discuss further our work in prosecuting rape and other aspects of our work that may be of particular interest to the Committee.

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