This guide is designed to give you information about your right to request a review of certain decisions made by the police or Crown Prosecution Service (CPS).
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Rights of Women publishes a number of other guides that may be useful. For further information about these contact us or visit our website www.rightsofwomen.org.uk

**Reporting an offence to the police**

If you believe you have been the victim of a criminal offence, you can report this to the police for them to investigate. See our guide *Reporting an offence to the police: A guide to criminal/police investigations* for information about how to report an offence and what you can expect the police to do.

When the police have finished their investigation, a decision needs to be made about what will happen next.

This decision will be made by the police or the Crown Prosecution Service. The CPS give the police legal advice and manage the case up to the trial.

Both the police and CPS have responsibilities to victims of crime which are set out in ‘The Code of Practice for Victims of Crime’ also known as the **Victim’s Code**. See our **Useful Contacts** section at the end of this guide for details of where to find the Victim’s Code.

**How are police and CPS decisions about charge made?**

The police and CPS have to apply a test when making a decision about whether to charge someone with a crime. This test has 2 stages:

**The evidential stage**: Prosecutors and police decision makers must be satisfied that there is enough evidence to provide a realistic prospect of conviction against each suspect on each charge.

**The public interest stage**: In cases which pass the evidential stage, the decision maker must go on to consider the public interest stage. They must balance factors for and against prosecution carefully and fairly, decide how important each factor is in the circumstances of the case and make an overall assessment. Each case is unique and must be considered on its own facts and merits.

The police and CPS can only base a decision on the evidence available at that time. This test is the one that is usually applied and is called the ‘full code test’. You can read about on the CPS website.
What is the Victim’s Right to Review?

The Victim’s Right to Review is a system put in place by the CPS and all police forces in England and Wales. It allows victims to ask for a decision not to continue a criminal case to be reviewed to see if it was the wrong decision.

The types of decisions that can be reviewed under the scheme are limited.

When does the Victim’s Right to Review Scheme apply to police decisions?

The Victim’s Right to Review Scheme only applies to police decisions made on or after 1st April 2015 where the police have identified and interviewed a suspect and decided:

- not to charge the suspect with any offences at all, or
- that the case does not meet the test for referring it to the CPS for them to make the decision instead. You should be aware that the police should refer all cases about serious domestic violence or serious sexual violence to the CPS for a decision.

The police will be strict about whether the decision qualifies for the Victim’s Right to Review within one of the categories above. If you are not happy about a decision that does not qualify, you should ask the police how to make a complaint and/or look at the Independent Police Complaints Commission (IPCC) website. See our Useful Contacts section at the end.

The types of decisions that do not qualify for the Victim’s Right to Review are:

- where the police have not been able to identify and interview the suspect
- where the police have given the suspect a caution
- where the victim has retracted the allegations or refused to cooperate with the investigation
- where the police have charged the suspect with some offences, but not with all of the offences you reported.

For example, you reported that your ex-partner was harassing you and assaulted you once. The police charge him with assault but not harassment. This decision cannot be reviewed under the scheme.

‘...This decision will be made by the police or the CPS. The CPS give the police legal advice and manage the case up to the trial...’
How do I ask the police to review a decision?

The police should write to you informing you of their decision not to charge within 5 working days of making the decision. If you are a victim of domestic violence and/ or most sexual offences, they should inform you within 1 working day. If you are not happy about the decision, you are entitled to request a review under the Victim’s Right to Review Scheme.

Each local police area has their own Victim’s Right to Review Scheme. You can find the details of this online or by asking the officer dealing with your case.

You must lodge your request within 3 months of being told about the decision but it can be helpful to lodge it as soon as possible so you don’t miss the deadline. The police officer dealing with your case should provide you with the correct contact details or you will find them online. You should include:

- your name
- your date of birth
- any reference number the police have provided
- contact details for how you want the police to contact you.

You do not have to provide any reason for your request but if you feel able to provide further information, this may be helpful. For example, you may be aware that the police did not speak to a witness who can provide relevant evidence. If possible, you could explain this in your request and provide the police with the witness’ contact details.

The police officer dealing with your case should provide you with the correct contact details or you will find them online. You should include:

- your name
- your date of birth
- any reference number the police have provided
- contact details for how you want the police to contact you.

The review should be carried out by an officer that was not involved in the investigation and is senior to the officer that made the first decision. You should be told the outcome of the review within 6 weeks of requesting it.

In complex or sensitive cases, it may not be possible for the review to be completed in this time. If that is the case, the police should keep you informed of what they are doing and how long the review will take.
What can I expect the police to do?

There are a number of possible outcomes to the review. These are:

- The original decision is upheld.
- The original decision is overturned and the suspect is required to go to court.
- The original decision is overturned and the suspect is dealt with by way of an out of court disposal, for example a caution.
- The original decision is overturned and the case is referred to the CPS for them to make a decision.
- The officer recommends that further enquiries are completed before they make a decision.
- The original decision is overturned but it is not possible to take the case to court for another reason, for example it has been too long since the offence happened.

If you are not happy with the outcome of the review, you may be able to challenge this in court. See the section on Judicial Review overleaf.

‘...If you are not happy with the outcome of the review, you may be able to challenge this in court...’
When does the Victim’s Right to Review Scheme apply to CPS decisions?

The Victim’s Right to Review Scheme applies to CPS decisions made on or after 5th June 2013 to do one of the following:

- **Not to bring proceedings against the suspect.** This is when the police have referred the case to the CPS and they have decided that no further action should be taken against the suspect. The case comes to an end with no court case.

- **Discontinue or withdraw all charges against the suspect.** This is when the suspect has been charged with an offence and the case is being dealt with by the court. At any point during the court case, the CPS can decide not to take the case further. This is called discontinuing or withdrawing the charges.

- **Offer no evidence in all proceedings against the suspect.** This sometimes happens when a case gets to trial in the criminal court. The CPS lawyer at court may decide not to go ahead with the trial by offering no evidence. This results in the suspect being found not guilty without the court hearing any of the evidence.

- **Leave all charges in the proceedings to “lie on file”.** This is when the CPS formally decide not to prosecute a crime that is already in court. It means the case will not go any further and the suspect will not be found guilty or not guilty. The fact that the suspect was charged with the offence will appear on his criminal record but it is not a conviction.

Sometimes the police don’t agree with the CPS decision either. It is worth speaking to the officer in the case where the CPS has made a decision not to charge (take someone to court) as the police can also request a review of the decision. This does not stop you asking for a review as well but it can be helpful and quicker for the police to also make this request. If the police ask the CPS to review the decision and they do not change the decision you can still ask for a review of the decision at this point. You do need to bear in mind that the time limit for review still starts running from when you are informed that a decision not to charge has been made.
The types of decisions that do not qualify for the Victim’s Right to Review are:

- where the victim has withdrawn the allegations or refused to cooperate with the prosecution
- where the CPS have charged the suspect with some offences, but not with all of the offences you reported
- where the CPS decide to proceed with a charge for a different offence than the one you reported or were expecting.

For example, you reported to police that a colleague sexually assaulted you. You make a statement to the police about this but you then decide to withdraw the allegation once you hear it is going to court, so the CPS decide to discontinue the case. This decision cannot be reviewed under the scheme.

When the CPS make one of the above decisions, they should write to you to tell you this within 5 working days. If you are the victim of domestic violence and/ or most sexual offences, they should write to you within 1 working day. They should include the following information in the letter:

- what decision they have made
- the reason for the decision
- how you can access further information about the decision if you want to, and
- your right to ask for a review of the decision and how to do this

Make sure you keep a copy of this letter.

What happens when I ask for a review of the decision?

If you believe that the CPS has made the wrong decision, you can ask them to review it. The letter you receive should have the contact details for the local CPS office that made the decision. You will need to contact them first to ask them to review their decision. This is the process:

1. Lodge the Request
   Using the contact details on the letter you have received, you can email, telephone or write to your local CPS to request a review of the decision (see Useful Contacts if you do not have the letter).

   You should do this as soon as possible.

   You do not need to provide a reason for your request. If you would like to provide the CPS with information about the reason you are asking for a review, you can notify the CPS that you wish to have the decision reviewed but would like time to prepare the information. The time limit to ask for a review is no later than 3 months after you have been given the decision.

   In very unusual cases, the CPS may agree to review a decision more than 3 months after it was made but you will need to explain why you did not ask for the review within 3 months and the CPS may not agree to review the decision.
2. Local Resolution
The first thing that happens is the decision will be reviewed by a CPS lawyer who was not involved in the first decision. They will decide whether the decision was right or wrong and how to continue:

- They may decide the decision was wrong and try to re-start the case. There may be some circumstances where they are not able to re-start the case even though the decision was wrong, for example because the offence has a time-limit. If this is the case, you should be told why.
- They may decide the decision was right but provide you with more information about why they made the decision. Once you have seen this information, if you are not satisfied, you can ask for your request to continue to an independent review (see right).
- They may decide the decision was right and that no further information can be provided. If this happens, your request for a review will automatically proceed to an independent review (see right).

The local resolution stage should be completed within 10 days of lodging your request with the CPS.

3. Independent Review
If you are not happy with the outcome of the local resolution, you can request that the decision is independently reviewed. This is where a CPS lawyer from the Appeals and Review Unit or a Chief Crown Prosecutor will review your case from the start considering the evidence and what decision they would have made based on all of the information available. The CPS should provide you with the contact details or see the Useful Contacts section at the end of this guide.

The CPS should write to you with the outcome of the independent review within 6 weeks. In very sensitive or complex cases, they may take longer but if this is the case, the CPS should inform you what they are doing and how long it will take.

Judicial Review
If you have raised your complaint with the police or CPS through the Victim’s Right to Review Scheme and remain unhappy with their response, you may be able to challenge their decision in court. This is a complex area of law and you should speak to a solicitor as early as possible. See Useful Contacts section below for information on how to find a solicitor.

‘...If you are not happy with the outcome of the local resolution, you can request that the decision is independently reviewed...’
The law is complex and may have changed since this guide was produced. This guide is designed to provide general information only for the law in England and Wales. You should seek up-to-date, independent legal advice.

Rights of Women does not accept responsibility for any reliance placed on the legal information contained in this guide.

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For free, confidential, legal advice on criminal law including domestic violence, sexual violence and criminal law procedure:

For all women: call 020 7251 8887 the advice line is open Tuesday 11am-1pm.

For free, confidential, legal advice on immigration and asylum law or family law visit www.rightofwomen.org.uk for our advice line details.
# Emergency contacts

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| **24 hour free domestic violence helpline** | 0808 200 0247  
www.nationaldomesticviolencehelpline.org.uk |

# Information and Support

**Victims right to review scheme.**
Details of the Victims right to review CPS decisions can be found here: [http://www.cps.gov.uk/victims_witnesses/victims_right_to_review/](http://www.cps.gov.uk/victims_witnesses/victims_right_to_review/)

For the Victims Right to Review Scheme (Police) each police force publishes its own information on their scheme. You can ask the officer in the case for information or search for Victims Right to Review and the relevant police force on the internet e.g. Victims Right to Review Metropolitan Police

**CPS Public Enquiries**
020 3357 0899
Email: enquiries@cps.gsi.gov.uk
Search the website at: [http://www.cps.gov.uk/contact/](http://www.cps.gov.uk/contact/)

**The Law Society** (find a solicitor)
0207 320 5650
[www.lawsociety.org.uk/find-a-solicitor](http://www.lawsociety.org.uk/find-a-solicitor)

**Ministry of Justice** (find a solicitor)
020 3334 3555
[www.find-legal-advice.justice.gov.uk](http://www.find-legal-advice.justice.gov.uk)

**To read the Victim’s code:**

**Police Complaints**
Independent Police Complaints Commission (IPCC)
[https://www.ipcc.gov.uk/](https://www.ipcc.gov.uk/)