

National Operating Model for the Investigation of rape and serious sexual offences

A note on terminology

The scope of the National Operating Model

The NPCC set the scope of the National Operating Model to address adult¹ victims of rape and serious sexual offences (RASSO).

The definition of “victim” in the National Operating Model

The National Operating Model for the investigation of rape and serious sexual offences was introduced in July 2023. To ensure overarching clarity, we provide this explanatory note on terminology that is used throughout the documents found accompanying this National Operating Model.

Under the National Operating Model for the investigation of rape and serious sexual offences **we use relevant part of the statutory definition of ‘victim’** as set out in the Victims’ Code², and the Victims and Prisoners Draft Bill (as at 13 June 2023)³. When the word ‘victim’ appears in any of the National Operating Model’s documents it is to be understood to have this definition.

Who is a ‘victim’ under the National Operating Model for the investigation of rape and serious sexual offences?

The Victims’ Code⁴ (as at 13 June 2023) specifically acknowledges that the terms ‘complainant’ and ‘survivor’ are often used in the criminal justice system to describe a person who has made a criminal allegation to the police. However, for the purpose of this Code, the definition of a ‘victim’, the first part of which we adopt is, is:

“a person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence.”

At the time of writing (June 2023), the government is debating the Victims and Prisoners Bill. There is a potential for an expanded definition of ‘victim’ to be introduced into legislation in the near future. Should the Victims and Prisoners Bill reach Royal Assent, the definition of ‘victim’ for the National Operating Model will be updated accordingly, if necessary, and in a timely fashion.

¹ Victims aged 18 and above

² <https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime/code-of-practice-for-victims-of-crime-in-england-and-wales-victims-code>

³ <https://bills.parliament.uk/bills/3443>

⁴ <https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime>

Protected Characteristics

The National Operating Model uses the term 'sex' and 'race' as per the Equality Act 2010⁵, ss. 1-10, which specifies and defines the following statutory protected characteristics:

- Age
- Gender reassignment
- Being married or in a civil partnership
- Being pregnant or on maternity leave
- Disability
- Race, including colour, nationality (including citizenship), ethnic or national origins
- Religion or belief
- Sex
- Sexual orientation

Police data recording systems typically use the terms 'gender' and 'ethnicity' (instead of 'sex' and 'race') which do not fit the statutory protected characteristics. Police data recording systems typically also do not have recording fields for all protected characteristics. Some National Operating Model products refer to the recording of data on systems by their current labels and variables (such as "gender" and ethnicity"). The NPCC has agreed a national data standard for the recording of protected characteristics in recorded crime and other record management systems.

Further, in victim-oriented and facing products (e.g. the procedural justice brief and Victim Information Guide) we depart from an exclusive use of the protected characteristics to describe aspects of victim identity that might impact on victim experiences and/or increase the risk of marginalisation or discrimination. For example, in these products we refer to both sex and gender as being potentially relevant to victim identities and/or experiences. We took this careful approach following many months of consultation with stakeholders (including national third sector organisations and victims) and in-depth consideration to ensure these victim-oriented facing products are inclusive for all victims.

Protected Characteristics in the NOM context

The NPCC National Operating Model for the investigation of rape and serious sexual offences emphasises a framework for investigation that is victim-centred, suspect-focussed, and context-led. Victims, suspects, and contexts are complex. A victim or a suspect, like all persons, does not have just one characteristic. Victims and suspects have a wide range of protected characteristics and these overlap with social, cultural, geographical, and economic circumstances. The Operation Soteria Year 1 research findings⁶ show that there are some dominant demographic features of the victims and suspects in rape and serious sexual offences.

Victims of recorded RASSO are overwhelmingly **female** and RASSO suspects are overwhelmingly **male**. To reflect this empirical reality, examples in the NOM tend to be about

⁵ <https://www.legislation.gov.uk/ukpga/2010/15/contents>

⁶ <https://www.gov.uk/government/publications/operation-soteria-year-one-report>

female victims and male suspects. This does not mean that all victims are female or that all suspects are male. The NOM applies to all adult victims and adult suspects. The NOM places the intersection of protected characteristics at the heart of the investigative complexities through the context-led approach. We do not aim to produce guidance on the numerous variations and combinations of demographic characteristics. We aim to make the need to understand these complexities central to the investigation strategy.

The European Convention on Human Rights (ECHR) and the Human Rights Act 1998 (HRA)

The NPCC National Operating Model for the investigation of rape and serious sexual offences emphasises a framework for investigation that is victim-centred, suspect-focused and context led. The NOM seeks to reflect the framework of the ECHR, as incorporated by the HRA, and requires that where human rights are engaged, in relation to both suspects and victims, that they are upheld throughout the investigation process. The NOM recognises that the rights of the suspect can sometimes conflict with the rights of the victim. It is the balancing of these qualified rights that is a demonstration of the rule of law. Additionally, the NOM recognises that the ECHR places positive duties on police officers in certain circumstances, including investigative duties in RASSO cases, and expects the standards as set out in the domestic and Strasbourg case law to be adhered to⁷.

⁷ See for example, *Metropolitan Police Commissioner v DSD* [2018] UKSC 11