



Ministry
of Justice

Justice Statistics Analytical Services
Ministry of Justice
London
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www.gov.uk

Michael Buchanan

mike@j4mb.org.uk

Our Reference: 635-14 FOI 92683

8 September 2014

Freedom of Information Request

Dear Mr Buchanan,

Thank you for your email of 12 August 2014, in which you ask for the following information from the Ministry of Justice (MoJ):

This FoI request concerns the justice system's treatment of men and women suspected of having committed sexual assault offences.

For the last full year for which records are available, what were the numbers of outcomes for (a) men, and (b) women, suspected of sexual assault offences – including rape and attempted rape – reported to police by the alleged victims of those assaults?

The outcomes: 1. Reports made to police. 2. Prosecutions undertaken against complainants' expressed wishes not to prosecute. 3. Matter settled through community resolutions. 4. Matter not progressed. 5. Police caution. 6. Criminal charges brought. 7. Accused people found guilty on some or all charges. 8. Suspended prison sentence and/or other penalties. 9. Prison sentence.

What were the equivalent figures for the individual years 10 years previously, and 20 years previously? What were the equivalent figures for (a) rape and (b) attempted rape, for the last full year for which records are available, and for the years 10 years previously, and 20 years previously?

Is it a criminal offence for a woman to coerce a man into having (or attempting to have) sexual intercourse with her, and if so, what is the offence called?

What are the sentencing guidelines for women convicted of this offence, and what are the sentencing guidelines for men convicted of rape and attempted rape?

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

I can confirm that the Department holds some of the information you requested. With reference to points 5 to 9 and your queries concerning the figures for rape and attempted rape I am pleased to provide the tables referred to below.

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Table 1 provides the number of male offenders cautioned and defendants proceeded against at magistrates' courts and found guilty and sentenced at all courts for offences of rape, attempted rape and sexual assault

Table 2 provides the number of female offenders cautioned and defendants proceeded against at magistrates' courts and found guilty and sentenced at all courts for offences of rape, attempted rape and sexual assault.

The Sexual Offences Act 2003 significantly modernised and strengthened the laws on sexual offences in England and Wales to provide extra protection to people from sexual exploitation. The sentences available to the courts for offences under the Act are significant and reflect the seriousness of the offending.

With regard to your question concerning women potentially coercing men into having sexual intercourse, please note that the Sexual Offences Act 2003 contains a range of offences that capture sexual offending against men. I attach a link to the Sexual Offences Act 2003 which I hope you will find helpful:
<http://www.legislation.gov.uk/ukpga/2003/42/contents>

It is a matter for the Crown Prosecution Service to decide whether it is appropriate to proceed with charges in each individual case

To establish whether information on recorded crime, charging data (including the views of whether or not complainants wished to proceed), community resolutions and whether or not the matter was progressed prior to coming to court was held I conducted a thorough search, and made enquiries within the Criminal Justice System Statistics Team within Justice Statistics Analytical Services.

If the information was held by MoJ it would have to be held by the above mentioned business area. It may help if I clarify that information is not held by MoJ because there is no legal or business requirement for MoJ to hold the information being requested.

Responsibility for statistics concerning recorded crime (your question 1) in England and Wales falls within the remit of the Home Office. You can contact or make a request to the Home Office by using the following link:

crimestats@homeoffice.gsi.gov.uk

Meanwhile, responsibility for statistics on charges (your question 2) falls within the remit of the Crown Prosecution Service. You can contact or make a request to the Crown Prosecution Service by using the following links:

FOIUnit@cps.gsi.gov.uk

Please note that information on 'Community resolutions' (your question 3) falls within the remit of the Home Office. Should you wish to contact them please use the following link:

foirequests@homeoffice.gsi.gov.uk

Please note that information on the progression of cases (relating to your question 4) may be held by either the Home Office or the Crown Prosecution Service. The 43 police forces in England and Wales may also hold data on cases not being progressed and they have their own FoI procedures. Please note these

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organisations may wish a clearer definition of what you define as 'matter not progressed' in order to answer your query.

Also, sentencing guidelines are a matter for the Sentencing Council, which is independent of the Ministry of Justice for Freedom of Information purposes. If you wish to submit an FoI request to them, please use the below link:-

<http://sentencingcouncil.judiciary.gov.uk/about/contact-us.htm>

Please be advised that the FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. It does not place a duty upon public authorities to answer a question unless recorded information exists. The FOIA duty is to only provide the recorded information held.

You can find out more about information held for the purposes of the Act by reading some guidance points we consider when processing a request for information, attached at the end of this letter.

You can also find more information by reading the full text of the Act, available at <http://www.legislation.gov.uk/ukpga/2000/36/contents>.

You have the right to appeal our decision if you think it is incorrect. Details can be found in the 'How to Appeal' section attached at the end of this letter.

Disclosure Log

You can also view information that the Ministry of Justice has disclosed in response to previous Freedom of Information requests. Responses are anonymised and published on our on-line disclosure log which can be found on the MoJ website: <http://www.justice.gov.uk/information-access-rights/foi-requests/latest-moj-disclosure-log>

The published information is categorised by subject area and in alphabetical order

Yours sincerely

<name redacted by J4MB>
Justice Statistics Analytical Services

How to Appeal

Internal Review

If you are not satisfied with this response, you have the right to an internal review. The handling of your request will be looked at by someone who was not responsible for the original case, and they will make a decision as to whether we answered your request correctly.

If you would like to request a review, please write or send an email to the Data Access and Compliance Unit within two months of the date of this letter, at the following address:

Data Access and Compliance Unit (10.34),
Information & Communications Directorate,
Ministry of Justice,

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102 Petty France,
London
SW1H 9AJ

E-mail: data.access@justice.gsi.gov.uk

Information Commissioner's Office

If you remain dissatisfied after an internal review decision, you have the right to apply to the Information Commissioner's Office. The Commissioner is an independent regulator who has the power to direct us to respond to your request differently, if he considers that we have handled it incorrectly.

You can contact the Information Commissioner's Office at the following address:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF

Internet address: https://www.ico.gov.uk/Global/contact_us.aspx

EXPLANATION OF INFORMATION HELD FOR THE PURPOSES OF THE ACT

We have provided below additional information for information held for the purposes of the Freedom of Information Act. We have included some of the guidance we use when considering requests for information. I hope you find this information useful.

Is the information 'held' for the purposes of the Act?

A person may request any information 'held' in any recorded form by a public authority (or held by another on behalf of a public authority).

If the requester is asking for an opinion on an issue or asking for information that is not already held to be created, this is not a Freedom of Information Act request.

Information covered by the Act

All recorded information 'held' by a public authority is within the scope of the Freedom of Information Act. It includes files, letters, emails and photographs and extends to closed files and archived material.

Recorded information

The right of access applies to information recorded in any form. This includes:

- information that is held electronically (such as on a laptop computer or an electronic records management system)
- information that is recorded on paper (such as a letter, memorandum or papers in a file)
- sound and video recordings (such as a CD or videotape)
- hand-written notes or comments, including those written in note pads or on Post-it notes

Is the information 'held' under the Freedom of Information Act?

'Holding' information includes holding a copy of a record produced or supplied by someone else. However, if a public authority only holds information on behalf of someone else, for example a department holding trade union information on their computer system, then that public authority may not have to provide the information in response to a Freedom of Information Act request.

In some cases, it may not be clear whether information which is physically present on your premises or systems is properly to be regarded as 'held' by your public authority, for the purposes of the Freedom of Information Act. Examples include:

- private material brought into the office by ministers or officials
- material belonging to other people or bodies
- trade union material
- constituency material
- material relating to party political matters.

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