

Police decide whether to send the case to the Crown Prosecution Service for a charging decision

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1. Who is this document for?

This practice guide is primarily for the Officer in the Case during a police criminal investigation of child sexual abuse, to help them communicate the investigation's outcome to the child¹ who may have been abused.

It is also relevant for other professionals involved with the child, to help them understand and explain what will happen at this stage of the criminal justice

¹ In this document we use the term 'child' to refer to anyone under the age of 18. See [An introduction to the child sexual abuse response pathway](#) for more about terminology.

process to the child and their family. Section 5 explains how these professionals can support the child during this time.

2. How will the police make their decision?

After completing their investigation, which may include more than one formal (Achieving Best Evidence) interview with the child, as outlined in the CPS guidance for prosecuting child sexual abuse, the police decide whether there is enough evidence to present the case to the Crown Prosecution Service (CPS). The police should already have consulted the CPS at earlier stages of the investigation, including seeking Early Advice on avenues to be pursued in the investigation before charge.

If the police think that the case does not meet the statutory tests for prosecution, they will not pass the case to the CPS.

If the police think that the case meets the statutory tests for prosecution – that there is sufficient evidence for a realistic prospect of conviction, and that a prosecution is in the public interest – they will pass the case to the CPS. The CPS will then make its own decision on whether the case meets these statutory tests.

In either case, the Officer in the Case should visit the child to let them know the police decision that has been made, why it has been made, and what may happen next.

3. How may the child be feeling?

At this stage, the child is likely to be anxious about what will happen next. Will the case be taken forward? If not, does this mean that they aren't believed – and will they and/ or their family be in fear from the person who abused them?

The child's anxiety is likely to be greater if some time has elapsed since the criminal investigation began and they have not been kept up to date on its progress.

"I really wanted to know what were going on, do you know what I mean, they'd left it for three months." (1)

"My police officer came round and told me, which I appreciated rather than just a letter or something." (1)

"It's just the way [the police officer] were, innit, and then the way she told me that my case had been dropped. She did it over the phone. I was in college as well, it was so bad." (1)

Where the case is sent to the CPS, the child will be better able to manage their emotions if they have realistic expectations of what will happen next.

“I wasn’t even warned of the time period [for the CPS to make its decision]. I asked [the police] and they were, like, ‘it could be up to two months’, that’s what they told me. If they warned me that it could have been over a year then I would have been aware of it and not so much worried the whole time.” (2)

It is important that all those involved with the child support them in understanding how decisions are made and the time this may take.

4. How can the Officer in the Case best help the child when communicating the police decision?

If you are the Officer in the Case, your response to the child and their family should continue to be tailored to their individual characteristics and circumstances. See our practice guide [An Officer in the Case is assigned to the police investigation](#) for details of the considerations to bear in mind, and think about how they relate to this stage – particularly in relation to any communication needs around **disability, age** and/or **language**.

Inform the child of the decision as soon as practicable, and **in person** unless they have said they do not want face-to-face visits. You and the family should have previously agreed how you will update them on developments in the investigation.

It is good practice to speak to a younger child in the presence of their non-abusing **parent(s)**² – or, if the child is older, to ask them whether they want their parent(s) to be present. Bear in mind, though, that a parent can refuse to allow a child under 16 to be spoken to alone; if this happens, ask the parent why they have refused. If you are *not* talking to the child and their parent(s) together, you must speak to both separately.

If a parent is suspected of sexually abusing the child, or of being complicit in the abuse, they should *not* be present when you speak to the child.

If the family has an allocated social worker and/or support from an independent sexual violence adviser (ISVA) or a child and young person’s sexual violence advocate (CYPSVA³), you can ask them to be with you when you talk to the child

² By ‘parent’ we mean someone in a parental or principal care-giving role to a child; this may be their biological parent, step-parent, adoptive parent, foster parent or other relative fulfilling that role. We use the term ‘non-abusing’ to mean a parent who is *not considered to have been involved in sexually abusing the child*, even if they may have previously come to agencies’ attention for other reasons.

³ Also abbreviated to CHISVA or ChISVA.

– but remember it is *your* responsibility to tell the child about the police decision and what will happen next.

a) If the police are sending the case to the CPS

When you speak to the child and their non-abusing parent(s), clearly explain **what has been done** and **what will happen next**.

Give as much information as possible about the next steps, using language appropriate to the child's developmental and cognitive level. Take care to explain:

- what the Crown Prosecution Service (CPS) is, and what its role is (reviewing the evidence gathered so far)
- what decisions the CPS is able to make – to charge the suspect(s), to direct the police as to further lines of enquiry to pursue, or to take no further action – and what each decision would mean for the child
- what updates the child can expect while the CPS is making its decision; the decision process has no fixed timescale, so you should advise the child and their family that it may take several months or more, they should not worry if it takes longer than they expect, and you will regularly update them on progress.

Managing expectations is vital, in terms of both the time that the CPS may take to make its decision and what that decision may be. Be careful not to overpromise – it may be reassuring in the short term for the child to hear that the person who abused them is a step closer to being prosecuted, but that will make their disappointment and sense of betrayal all the greater if the CPS decides not to authorise charges. You may want to point out that, **in a significant number of criminal investigations into child sexual abuse, the suspect(s) are not charged**, because the CPS feels that the evidence is not strong enough to take the case to court or that pursuing a prosecution is not in the public interest. Make clear this does not mean a child has not been believed.

Where the harm has been from another child the CPS has additional factors to consider in line with the principal aim of the youth justice system which is to prevent offending by children and young persons but also to consider their welfare. More detailed guidance from the CPS can be found [here](#).

While you are awaiting the CPS's decision, good communication with the child and their family remains crucial; they may be apprehensive and anxious, especially if the CPS is taking some time to reach its decision. To minimise delays and help the case progress, it is also important for you to respond quickly to any requests for information from the CPS.

b) If the police are not sending the case to the CPS

Under the [Victims' Code](#), the child has the right to be informed of a decision not to proceed with the case within **one day** of the decision being made – but it may be appropriate to balance this against the value of having the information communicated by the Officer in the Case, with the child's social worker or ISVA/CYPSVA present, if any of those professionals are not immediately available.

It is likely to be extremely distressing for the child to hear that an investigation is not going to progress through the criminal justice system, so it is vital to be sensitive to their feelings when you break this news to them.

The child and their non-abusing parent(s) must be told clearly **why this decision has been made** – whether it was on evidential, public interest or other grounds – and how they can get further information.

The child and/or their non-abusing parent(s) **must be told** that they have the right to seek a review of the police decision not to proceed with a prosecution, under the Victims' Right to Review Scheme. They should be sent written information about the scheme, and it should be explained to them orally at this meeting as well. The [Victims' Code](#) states that the police must offer to refer the child to a support service (an interpreter service, for example) in these circumstances.

Point out to the child and their non-abusing parent(s) that the criminal investigation can be **reopened** at any point if further evidence comes to light. Make sure this is built into any ongoing child welfare decision making such as child in need, child protection processes or children who are cared for by the local authority.

Bear in mind that the child may **blame themselves** for the police's decision, and/or think that the decision means they **have not been believed**; it may be helpful to explain to them that there are special rules governing what evidence a jury in a criminal trial can hear, and the evidence must satisfy a very high standard of proof for a guilty verdict. It is particularly important that the non-abusing parent(s) also understand this, and can provide support to the child and explanations to the wider family where necessary. Ensuring that those working with the child understand this and reinforce this issue is critical. Other agencies have a responsibility to safeguard and support the child whether or not the case is proceeding through the criminal justice system.

Bear in mind that the child may struggle to take in all the information, and may not know what to ask at the time of your visit. It will be helpful to leave them a **written record** of the decision – like your spoken communication with the child, this written record should be child-focused, taking account of the child's age and

cognitive abilities and whether English is their first language. Whether or not you leave a written record, ensure that the child and their family know:

- **how to contact you** after the meeting
- **what they can do if they are not happy** with the decision that has been made.

In addition to explaining the decision in person (or instead of doing so, if they have said they do not want face-to-face meetings), you should write the child and/or their parent(s) a **letter**, written in a way they can easily understand with explanations of police terminology, which outlines the decision and why has been made. While you should not write a letter directly to a child aged under 12, it may be appropriate in a case involving an older child to write to both them and their parents.

Communicating with other professionals

Immediately after the decision not to progress the criminal case (i.e. when there will be no further police action at this time) is made, consider whether there are any ongoing **safeguarding concerns** – and, if there are, share these with children’s social care as a priority.

Where children’s social care are involved with the child and their family, ensure that the allocated **social worker** fully understands why it has not been possible to take any further criminal justice action at this time. Explain fully the reasons for this and advise them to alert the police immediately if further evidence emerges in the future. It is important for the social worker and other professionals to understand that the inability to take police of action *does not* mean the police believe the child hasn’t been sexually abused or doesn’t require ongoing support and action to ensure their safety. Remind children’s social care and other professionals that the child and their family is likely to need ongoing safeguarding and support.

If the child does *not* have ongoing support from a social worker or an ISVA/CYPSVA, decide whether any **other professionals** in the child’s life for example school or health services need to know about the decision that has been made. This decision should be made with involvement of the child and their family and should involve careful consideration of their ongoing support needs – see section 5 below.

Ensure that the child and their non-abusing parent(s) are told about the **Criminal Injuries Compensation Scheme** – again, see section 5 below.

Protecting the child

Although the suspect(s) in the case are not being charged, you can still use **civil orders** to restrict their activities. The Home Office's [Child exploitation disruption toolkit](#) extensively outlines the range of civil orders available (not only in cases of exploitation).

5. How can other professionals best help the child?

Supporting the child

Whether the police decide to send the case to the CPS or not, the child and their family can and should continue to receive ongoing safeguarding and support, including therapeutic input. (And, if the case is *not* progressed, they may require additional support.) Think about how you can help to support the child with:

- their [emotional health and wellbeing](#)
- their [education](#)
- their [physical health](#)
- their [relationships with family and friends](#).

If the police are not passing the case to the CPS, it is important for other professionals to make clear to the child and their non-abusing parent(s) that this does *not* mean that the child hasn't been sexually abused, nor that the agencies involved disbelieve or haven't listened to them, and that further support and safeguarding is often still required.

It is also important to tell the child and their parent(s) about the Criminal Injuries Compensation Scheme (CICS). This offers **financial compensation** for victims of violent crime (including sexual abuse) that has been reported to the police; there does not need to have been a prosecution.

For more information about supporting the child in this situation, and about CICS, see our practice guide [When criminal justice agencies are no longer involved](#).

Communicating with the child

If you are the child's social worker or ISVA/CYPSVA, the police Officer in the Case may ask you to accompany them on their visit to tell the child of their decision – and, in cases where the case is not being sent to the CPS, may ask you to tell the child why this decision has been made. Remember, the officer is responsible for leading the conversation, and for informing the child of the decision and what will happen next.

Our [Communicating with Children Guide](#) contains advice for all professionals on communicating with the child, both while their case is proceeding through the criminal justice system (Chapter 17) and when criminal justice agencies are no longer involved (Chapter 18).

6. Where next?

- [The CPS decides whether to charge the suspect\(s\).](#)
- [When criminal justice agencies are no longer involved.](#)

Or [return to the response pathway](#).

Source of quotations

The quotations in this practice guide, from children who have received a criminal justice response after being sexually abused, illustrate how the child may be feeling at this point and how your actions can make a difference:

- (1) Marsden, H. (2017) [Journey to Justice: Prioritising the Wellbeing of Children Involved in Criminal Justice Processes Relating to Sexual Exploitation and Abuse](#). Barking: Barnardo's.

Procedures to be followed in cases of child abuse are set out in the UK Government's statutory guidance for England, [Working together to safeguard children 2026: statutory guidance](#) and in the [Wales Safeguarding Procedures \(2020\)](#). Also relevant are the College of Policing's [Authorised Professional Practice on investigating child abuse](#); the Ministry of Justice's [Achieving Best Evidence in Criminal Proceedings](#) (updated 2023); and the Crown Prosecution Service's [Director's Guidance on Charging](#) (2020) and [Rape and Sexual Offences - Overview and index of 2021 updated guidance](#) (2022).

*This practice guide outlines specific considerations when there are concerns of child **sexual** abuse. It is underpinned by the above documents, and is not intended to repeat or replace them. It should be read alongside your local child protection procedures.*

This guide is part of our [child sexual abuse response pathway](#), designed to ensure that professional responses to concerns about child sexual abuse meet the needs of children and their families. It aims to bring clarity to key response points, helping you keep the child's needs and perspectives central.