

The Crown Prosecution Service makes a decision about whether to charge a suspect

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1. Who is this document for?

This practice guide is primarily for the Officer in the Case on a criminal investigation into child sexual abuse, which has been sent to the Crown Prosecution Service (CPS). It aims to help them communicate the CPS's decision to the child¹ who may have been abused, and to support and protect the child regardless of the decision.

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.

It is also relevant to other professionals involved with the child, to help them understand and explain what will happen at this stage of the criminal justice process. Section 5 explains how these professionals can support the child during this time.

2. What is the CPS deciding?

At this point, the Crown Prosecution Service (CPS) has reviewed the evidence provided by the police, and decided whether to:

- charge the suspect(s) with one or more criminal offences
- request that the police pursue other lines of enquiry
- take no further action.

This decision will be based on whether the CPS thinks 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.

The final decision, and the reasons for it, must be communicated to the child and their non-abusing parent(s)² by the police.

If the CPS later decides to **drop or substantially alter the charges against the suspect(s)**; the CPS is responsible for informing the child. It is important that the reasons for this are made clear, and that other agencies understand the decision-making, including that this does not mean the child has not been sexually abused.

3. How may the child be feeling?

When their case was sent on to the CPS, the child should have been told of this, so they will know that the police consider there to be evidence against the suspect(s) – but they should also have been told that the CPS may decide not to prosecute, so they will be anxious to know its decision. It is important to check that this has happened.

The child and their family's anxiety is likely to be increased if the CPS prosecutors take a long time to make a decision; this frequently occurs in cases of alleged child sexual abuse, which tend to be complex and time consuming in order to

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.

ensure an appropriate decision is made. It is important that the child and their family understand this.

The child may be worried that they will **have to give evidence in court** if there is a prosecution – and/or that they or their family may be **at risk again** from the person who abused them, and any **support they are receiving may end**, if the CPS decides to take no further action.

A decision not to prosecute the suspect(s) is likely to be extremely distressing and confusing for the child and their family. The child may feel that they haven't been **believed**, that nobody **cares** about them, and that the adults around them can't be **trusted** to protect them or keep them safe.

“I was angry because they said he would get charged and they kept saying that he would get charged for it. Then when it turned out that he wasn't going to get charged for it, it was kind of, like, ‘Well you said to me and you said he would over and over again. So why is he still allowed to roam free?’ ... Yeah I felt angry, hurt, disappointed. But also at the same time I felt worried.” (1)

“I was, like, the most emotional when I was waiting [for a CPS decision] ... I went through like a different series of emotions – like, I was angry – then I was upset and then I'd have good days when I was, like, happy and I was, like, just able to wait and it didn't bother me – but they were very rare – I was just, like, angry and frustrated more than anything else – I just wanted to know – so I could be ready to prepare myself.” (2)

Make sure the child's feelings are acknowledged.

4. How can the police best help the child?

The CPS's decision is a key point in the criminal justice process, and understanding it will be crucial to the wellbeing of the child and their family.

Whatever the CPS decides, the child can still receive support from an **independent sexual violence adviser (ISVA)** or a **child and young person's sexual violence advocate (CYPSVA³)**. If this support is not already in place, you should make a referral.

Children may also need to be supported by child welfare processes such as child in need plans and child protection plans.

Your response to the child and their family should continue be tailored to their individual circumstances when talking to them about the CPS's decision. See our

³ Also abbreviated to CHISVA or ChISVA.

practice guide [An Officer in the Case is assigned to the police investigation](#) for more about the considerations to bear in mind, and think about how they relate to this stage – particularly in relation to any communication needs around disability and/or language.

a) If the CPS decides to charge the suspect(s)

Communicating with the child and their parent(s)

Unless they have previously requested otherwise, talk to the child and their non-abusing parent(s) **face to face** rather than by telephone when informing them that the CPS is going to charge the suspect(s); they may have a lot of questions. Take care to:

- explain **what the charges are and what they mean** – while it is important to use **plain language** so that the child will fully understand this, you may also want to familiarise them with the **legal terminology** in case they hear it again in the future
- make clear that the decision to charge the suspect(s) means there is **sufficient evidence** to take the case to court, but it will be for the court at trial to determine whether that evidence is strong enough to meet the much higher standard legally required to establish guilt
- point out that, if the suspect(s) are already **in custody**, they are likely to stay there until the trial; if they are **on bail** and living locally, they are likely to have restrictions placed on them. It is important to pick up on and address any concerns the child may have about this person living in the community and what support they might need.

If there is a subsequent decision to **stop the case** or **significantly change what the suspect is being charged with**, the CPS will inform the child and their family of this. See section 4d below.

Supporting the child and their family

Having informed the child of the CPS's decision, ask them whether there is anything they **want to know** or **are worried about** – and be ready to act on their answers. If they say they do not always feel **safe**, even when they know the suspect(s) are going to be charged, ensure that other professionals involved with the family are aware of this – and help those professionals to reassure the child about actions being taken to keep them safe.

Because the child will be a witness for the prosecution if the case goes to court, your police force's **Witness Care Unit (WCU)** will manage their care from the point of charge through to the case's conclusion. It is *your* responsibility to pass the case file on to the WCU, which will allocate the child a dedicated **witness**

care officer as their single point of contact: that officer will keep the child and their non-abusing parent(s) informed of the case's progress from this point onward. Make sure that the child and their non-abusing parent(s) understand this.

Victim Support can also support the child and their family through the court process. You can [make a referral on the Victim Support website](#).

Ensure the child is aware of any **therapy** or other support available to them, and (with the child's social worker or ISVA/CYPSVA, if they have one) facilitate access to it if this is desired. See the CPS's 2022 legal guidance [Pre-trial Therapy](#) for more information. There is a common but mistaken belief that children cannot access therapy until after a trial has been completed, and it is important that the child and their non-abusing parent(s) know this is not the case.

From this point on, ensure that you and other professionals involved with the child keep up **regular contact and communication**, both with the family and with one another. If there are significant developments in the case (such as a court date being set or moved, a reduction to the charges being brought, a guilty plea, or a decision to stop the prosecution), give the child the opportunity to discuss them.

b) If the CPS requests further evidence

If the CPS tells you that it wants further evidence to be gathered before it decides whether to charge the suspect(s), you should inform the child and their non-abusing parent(s) of this as soon as possible, giving them as clear an idea as you can of how long it may take you to gather the evidence. Continue to update them on progress while you are gathering the evidence and afterwards while you wait for the CPS's subsequent decision.

c) If the CPS decides not to charge the suspect(s)

A significant number of criminal investigations into child sexual abuse do not result in the suspect(s) being 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.

Communicating with the child

If the CPS tells you during a charging consultation that it will not be charging the suspect(s), it is your responsibility to inform the child and their non-abusing parent(s) of this. Do this **face to face** (unless they have previously requested otherwise), carefully explaining the decision and the reasons for it. The CPS may also send the child and/or their parent(s) a letter outlining and explaining its decision.

Under the [Victims' Code](#), the child has the right to be informed of the CPS's decision 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.

When you speak to the child, **reassure** them that they are in no way responsible for the CPS's decision: explain that the CPS has carefully considered the totality of the evidence available, and has concluded that it does not meet the very high threshold for charges to be laid under the rules governing criminal trials, but this does not mean that what the child reported didn't happen. It is best to leave any detailed discussion of the evidence, and the reasons for the decision, to the CPS prosecutor in the face-to-face meeting that the child can request (see below). Do not express any disagreement with the CPS decision, as it is for the prosecutor to make and explain the decision.

Give the child's non-abusing **parent(s)** the same reassurance, ensuring that they do not regard the CPS decision as 'evidence' that the abuse did not happen. Bear in mind that the parent(s) too may be experiencing a range of emotions, including disappointment, anger and fear, which can in turn be challenging for the child.

Ask any other professionals involved with the family to reinforce the above messages. Chapter 13 of our [Communicating with Children Guide](#) contains advice on talking to a child and their non-abusing parent(s) when a criminal investigation has not resulted in a prosecution.

It's important for you to tell the child and their non-abusing parent(s) that they have the **right to request a review** of the CPS's decision – but ensure they understand that this does not guarantee that this will initiate a criminal prosecution. For more information, see the CPS's [Right to Review Scheme guidance](#). A request for a review should normally be made within 10 working days of the decision letter, with an outer limit of three months. If the initial review doesn't overturn the decision, there is a further 'second tier' appeals process.

Tell them too that, before deciding whether to request a review, the child and their parent(s) have the right (under the Victims' Code) to ask for a **meeting with a CPS prosecutor** to hear an explanation of the reasons for the decision.

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

Protecting the child

If the CPS has decided not to charge the suspect(s), they will be released from custody, if applicable, or from bail conditions (assuming there are no other charges pending or sentence being served). The child may be anxious about this, and may have ongoing safeguarding needs.

- If appropriate, consider the use (or continued use) of **civil orders** to restrict the activities of the suspect(s).
- Make sure the child has someone to talk to about any fears or worries they have about the suspect being at liberty.
- Remind the child, their non-abusing parent(s) and any professionals involved with the family that **the investigation can be reopened** if it is thought that the child is being harmed or at risk of harm from the suspect(s). And ensure that safe adults around the child are alert to possible signs that the child is being sexually abused by the suspect(s) or others, as set out in our [Signs and Indicators Template](#).

d) If the CPS subsequently decides to drop or substantially alter the charges against the suspect(s)

Once the CPS has decided to prosecute the suspect(s), any substantial changes to this decision must be communicated to the child by the CPS itself – but, as a professional who knows the child and has a knowledge of the criminal justice process, you still have an important role in supporting the child and their family.

Under its [Victim Communication and Liaison Scheme](#), the **CPS** will (via its Victim Liaison Unit) inform the child of a decision to drop or substantially alter the charges against the suspect; it must do this within **one working day** of the decision being made.

The CPS will normally inform the child by **letter** (sent by first-class post), but may contact them by **telephone** first. In cases involving sexual abuse, the CPS must also offer to **meet the child**.

If the child is aged under 12, the letter will normally be sent to their non-abusing parent(s). For an older child, the CPS may send them the letter and suggest that they show it to their parent(s); it may also send the parent(s) a copy of the letter, or send them a separate letter saying that a decision has been made and has been sent to the child. (Note that a parent does not have an automatic right to confidential information about their child if the child is deemed capable of sufficient understanding.) The CPS may liaise with the child's **witness care officer** about the approach to take.

The letter to the child should be easy for them to understand, written in (or translated into) their first language, and free from legal jargon. Where possible, they should not receive the letter just before the weekend or on any special day such as a birthday or a religious festival.

It will also provide them with a dedicated point of contact if they want further information about these decisions.

It is important to make the child and the non-abusing parent(s) aware of these CPS responsibilities.

When you have been informed of the CPS's decision, visit the family to talk to them about it. As in section 4c above, take care to:

- offer them **reassurance** that the decision does *not* mean the child hasn't been sexually abused, nor that the agencies involved disbelieve or haven't listened to them – it just means that the exacting legal requirements for a criminal prosecution have not (yet) been met
- inform them of their **right to request a review**
- ensure that they are told about the **Criminal Injuries Compensation Scheme**
- take any appropriate action to **protect the child**.

5. How can other professionals best help the child?

Supporting the child

Whether the CPS decides to charge the suspect(s) or not, the child can and should continue to receive support and any action necessary to ensure they feel safe. (If the case is dropped, they may require additional support.) Think about how you can help to support them with:

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

The child's non-abusing parent(s) may also need support; our [Supporting Parents and Carers Guide](#) outlines some of the support available.

If the CPS decides not to charge the suspect(s), all professionals need to make clear to the child and their non-abusing parent(s) that this does *not* mean the child hasn't been sexually abused, nor that the agencies involved disbelieve or haven't listened to them; it just means that the exacting legal requirements for a criminal prosecution have not (yet) been met. For more information about supporting the child in this situation, see our practice guide [When criminal justice agencies are no longer involved](#).

If you are the child's social worker, you should be aware that they have a **right to request a review** of a CPS decision not to charge the suspect(s). They do *not* have this right for:

- decisions to offer an out-of-court disposal
- decisions to substantially alter charges
- decisions to charge, discontinue or offer no evidence in relation to some (but not all) charges or in relation to some (but not all) possible suspects
- decisions relating to appeals or applications to dismiss.

You may want to advocate for such a request if you feel it is appropriate, but it is good practice to liaise with the police officer involved in the case first.

Also tell the child and their parent(s) about the Criminal Injuries Compensation Scheme, which 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. Our practice guide [When criminal justice agencies are no longer involved](#) contains more information.

Protecting the child

If the CPS decides not to charge the suspect(s), they will be free. While the police may be able to take action to safeguard the child, such as applying for a court order (see our practice guide [When criminal justice agencies are no longer involved](#)), other professionals can help to protect the child – not least by **continuing to build trusting relationships** with the child. Depending on their age, the child can be **empowered** to seek the help they need, given the right amount of emotional support from safe adults around them.

Remember that **the police investigation can be reopened** if the child is thought to be being harmed or at risk of harm. Stay alert to possible signs that the child is being sexually abused, as set out in our [Signs and Indicators Template](#).

6. Where next?

- [The case proceeds to the Crown Court.](#)
- [When criminal justice agencies are no longer involved.](#)

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

Sources 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) Warrington, C., Beckett, H., Ackerley, E., Walker, M. and Allnock, D. (2017) [Making Noise: Children's Voices for Positive Change after Sexual Abuse. Children's Experiences of Help-seeking and Support after Sexual Abuse in the Family Environment](#). Luton: University of Bedfordshire.

- (2) 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 \(2020\)](#). The College of Policing's [Authorised Professional Practice on investigating child abuse](#) (2022), and the Crown Prosecution Service's [Guidelines on Prosecuting Cases of Child Sexual Abuse](#) (2023) and [Code for Crown Prosecutors](#) (2018), are also relevant.

*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.