

Centring sexual violence victims: What role for rape victim impact assessments?

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Abstract

In the light of the ongoing failures of the criminal justice system to tackle sexual violence, in particular the systematic injustices experienced by victims, we suggest the introduction of ‘Rape Victim Impact Assessments’ to centre victims’ rights and interests in the policy development and strategic governance of criminal justice systems. Impact assessments provide a framework for the systematic and evidence-based consideration of a new or change in policy, procedure, or practice. Building on the framework of impact assessments generally, and workshops with experts in policing sexual violence, this article discusses the development of a Rape Victim Impact Assessment tool in the context of policing sexual violence as part of the Home Office funded Operation Soteria in England. It also suggests lessons for criminal justice agencies to improve the development of victim-centred policies, procedures and practices.

Keywords

Impact assessment, victims, procedural justice, sexual violence, Operation Soteria, equality impact assessment

Introduction

We have long known that the criminal justice system is failing victims of sexual violence in England and Wales.¹ Few report to police and criminal justice agencies, and for those that do,

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conviction rates are at all-time lows, and victims report injustices at almost every stage of the criminal justice process (Hohl and Stanko, 2015; Johnson et al., 2024b; Operation Soteria Year One Report, 2022). These failings are continuing despite decades of often well-meaning policy, legislative, and practice reforms seeking to improve sexual violence victims' experiences and outcomes. While there have undoubtedly been improvements, the reality remains that victims experience systematic injustices across their experience of the criminal justice process.

One reason for these ongoing injustices, despite a flurry of reforms, may be the absence of a systematic approach to centring victims' rights and interests in policy development and strategic governance.² For example, new policies may have unintended adverse consequences due to a failure to engage with victims or organisations working with victims, or there is a lack of sustained support and resourcing to ensure new policies and processes are embedded and effective. Thus, while the language of victims' rights has been evident in policymaking for many years, the reality is yet to match the rhetoric. An example of this disjointed approach can be seen in the recent Casey (2023) review of the culture of misogyny within London's Metropolitan Police. Baroness Casey (2023: 98–102) identified the problem of 'initiative-itis', described as the 'bombardment of initiatives' seeking to improve practice but which lack co-ordination and commitment to action or follow-up. Thus, 'initiative-itis' is not benign, but can breed disillusion, distrust, and scepticism. While considering the Metropolitan Police in particular, Casey's assessment may be applied across the criminal justice system, with its lack of co-ordinated, systematic policy focus on victims' rights and interests.

In this article, we address the systematic injustices facing victims of sexual violence, suggesting that the introduction of 'Rape Victim Impact Assessments' (RVIA)³ may be one way to embed victims' rights and interests at the centre of policy and strategic decision-making. Drawing on the wider experience of impact assessments, we develop the idea of an RVIA, in the specific context of policy development and strategic governance relating to the police investigation of rape and serious sexual offences (RASSO). We offer this RVIA as a new methodological approach or framework to systematically consider the impacts of proposed policies, procedures, or practices on victims of sexual violence as they are being developed. To be clear at the outset, an RVIA is not put forward as a wholesale 'solution' to initiative-itis, or to the failings of the police or criminal justice system more generally: the challenges are vast and the work to transform policing considerable. But we do put this forward as a possible advance, as part of what needs to be a wholesale transformation of policing.

Accordingly, this article begins by outlining the current failings in the policing of sexual violence, setting the scene for why further action is required. It goes on to discuss learning from the impact assessment field, to consider why impact assessments may be a useful method to address the current failings in policing. The article then sets out the methodology taken to develop a Rape Victim Impact Assessment (Friskney et al., 2023) tool for police forces as part of the Home Office funded Operation Soteria in England and Wales (a large research and change programme, starting in 2021, bringing together academics and police with the aim of transforming the police response to RASSO; see section below for background; see Operation Soteria Year One Report (2022) for more information).⁴ The article details how the RVIA was developed, including insights gained from workshops with experts in policing sexual violence, considering first the overall aims and justifications for such a tool, second its foundational principles and finally how it is operationalised into practice. In our concluding comments, we identify potential ways to strengthen the implementation of an RVIA, and avenues for further application across the criminal justice system.

Context and background

Policing sexual violence in England and Wales

Low charging and conviction rates have led researchers and organisations supporting victims to describe rape as being effectively ‘decriminalised’ in England and Wales (e.g. Centre for Women’s Justice et al., 2020; End Violence Against Women, 2023; Hohl and Stanko, 2015). While not all victims engage with police, those that do commonly report injustices in relation both to criminal justice outcomes as well as their experiences of the criminal justice process (Johnson et al., 2024b). A wide range of concerns has been raised in relation to the police investigation of rape, such as police failures to investigate relevant lines of enquiry or police misapplication of the law on corroboration (Criminal Justice Joint Inspection, 2021, 2022; End Violence Against Women, 2023; Kelly et al., 2005). Police treatment of victims has also been strongly criticised, including breaches of victims’ human rights through routine and broad searches of victims’ personal and digital data, restrictions on victims accessing appropriate support, and basic failures in communication (Criminal Justice Joint Inspection, 2021, 2022; End Violence Against Women, 2023; George and Ferguson, 2021; Hohl et al., 2022; Smith et al., 2022). Specific concerns have been raised around police treatment of already marginalised and minoritised victims, from practical problems around interpreters, to particularly poor outcomes for victims with learning disabilities or victims of colour (Centre for Women’s Justice et al., 2020; Hohl and Stanko, 2015).

In one of the largest programmes to examine the police investigation of rape and other serious sexual offences, Operation Soteria (see section below; Operation Soteria Year One Report, 2022; Smith et al., 2022) showed that failures to carefully consider the rights and interests of sexual violence victims were pervasive across police forces. Another key finding was of inconsistency in police responses rather than effective strategy and planning, with victims reporting not only a postcode lottery, depending on the police force, but also a ‘lucky dip’ depending on the individual officers involved in a case (Smith et al., 2022: 129). Casey (2023: 116) raises similar concerns in relation to the Metropolitan Police, such as the decision to resource local policing areas on a largely flat basis, despite an area having, for example, 50% more sexual offences than another with similar funding. Her discussion of police failures to consult with communities at the outset of policy changes and developments, such as expensive facilities being installed without access for people with disabilities, highlights a likelihood that strategic decision-making is not considering sufficiently the rights and interests of the variety of people affected. Accordingly, therefore, while sexual violence victims are experiencing systematic injustices across policing and the criminal justice system, there are specific failings in governance and policy development processes. This means that while there may be well-intentioned reforms, they are often failing to secure the necessary changes, as the full range of rights, interests, and perspectives of victims are not being sufficiently recognised and considered.

Learning from the field of ‘Impact Assessments’

One way a more systematic approach can be taken to considering the rights and interests of those affected by policy changes is to adopt and follow the practice of impact assessments. At a general level, an impact assessment provides a systematic framework for examining the implications of a proposed new intervention or policy (Vanclay, 2003). They are designed to operate at the very beginning of any deliberative or policy process and are different from any ex-post evaluation of

how effective or successful an initiative has been. They are utilised at international, national and local levels by a variety of different actors including international governmental organisations, national and local governments, businesses and employers, as well as civil society organisations (Vanclay, 2020). Such is the formalisation of impact assessments as a policy method, there is an International Association for Impact Assessment which promotes the practice of impact assessment and develops guidance, and a scholarly discipline of 'impact assessment' as well as a professional community of impact assessors.

Originating with biophysical environmental impact assessments in the 1970s, impact assessments now cover an extensive range of policy areas, particularly social impacts, human rights including children's rights, equality, and data protection. Social impact assessments, for example, grew out of the emphasis on the biophysical in environmental impact assessments, with increasing recognition that examining social impacts entailed very different approaches and understanding due to the emphasis on 'enhancing the lives of vulnerable and disadvantaged people' (Esteves et al., 2012: 40). This emphasis on the rights and interests of the marginalised, often those most affected by business and development initiatives, in turn led to the more specific development of impact assessments focussing on equality and human rights, including the sub-field of children's rights (Vanclay, 2020).

Human rights impact assessments (HRIA) have as their impetus, as with other impact assessments, that while few companies deliberately set out to adversely impact on human rights, 'harm frequently happens because of neglect, ignorance, or a lack of proper consideration of social issues' (Van der Ploeg and Vanclay, 2018). Like HRIsAs, children's rights impact assessments (CRIAs) are based on internationally agreed human rights standards. CRIAs aim to look at policy or draft legislation through a 'child's rights lens', measuring the impact on children against the articles of the United Nations Convention on the Rights of the Child (UNCRC). CRIAs have additionally specific status, being a General Measure of Implementation advocated for by the UN Committee on the Rights of the Child to ensure that decisions impacting children and young people do not compromise their human rights, and rather seek to promote their rights being realised (Reid et al., 2022).

While the aims and potential of impact assessments are clear, meeting those ambitions is, perhaps not surprisingly, challenging. Vanclay (2020) and Esteves et al. (2012) raise concerns about impact assessments being used to inappropriately legitimate projects. Both note a range of challenges in terms of the process, particularly around consultation practices, such as timeframes being too short for meaningful engagement or issues of 'fatigue' (Esteves et al., 2012: 37) where communities are repeatedly consulted. A review of CRIAs similarly highlighted insufficient consultation and engagement with children and young people (Reid et al., 2022). Another repeated concern is around the lack of knowledge and experience among, and absence of training for, those carrying out assessments, as well as lack of capacity and resources, resulting in ineffective or bare minimum assessments (Esteves et al., 2012; Reid et al., 2022; Vanclay, 2020). Accordingly, a recent focus has been on how to ensure and measure the 'effectiveness' of impact assessments, including how the impact assessment contributes to decision making and how it supports relationships with stakeholders (Chanchitpricha and Bond, 2013).

Impact assessments have also been criticised for their absence of gender-responsiveness (Gotzmann and Bainton, 2021). Conventional impact assessments tend to be 'gender neutral', perpetuating and exacerbating gender discrimination rather than using the potential of impact assessments to realise substantive gender equality (Gotzmann and Bainton, 2021: 171). Gotzmann

and Bainton (2021: 176) raise particular concerns that the references to gender in The Danish Institute for Human Rights (2020) guidance on HRIAs, for example, are ‘cursory’; that gender is discussed only in relation to specific elements such as consultation rather than throughout; and that intersectional perspectives are notably absent, with women instead treated as homogeneous group. Gains (2016) argues that an effective gender impact assessment requires not only engaging women but undertaking an intersectional and power analysis to prevent it becoming a ‘tick-box’ exercise.

Despite these concerns about effectiveness, implementation, and gender inclusivity, Vanclay (2020: 126) notes that by 2020 social impact assessments have been ‘mainstreamed’ across industry, even if the quality of those assessments still varies. In the policy domain, the European Union’s ‘better regulation’ agenda incorporates impact assessments (including environmental, social and economic impacts) in terms of determining the validity, viability, and scope of EU measures (European Commission, 2021, 2023; Radaelli and Taffoni, 2022). Vanclay (2020:127) argues that social issues are being recognised as ‘real business risks’, with the potential to cause critical problems such as increased costs and delays, rather than being minor nuisances. This suggests a broader normative effect of social impact assessments in terms of a general acceptance of the role and financial cost of social issues in project and policy development. But such a broader impact has taken decades of sustained attention, for example by industry organisations or through international standards, to the necessity and development of social impact assessments.

Away from formalised ‘impact assessments’, there are a range of mechanisms supporting policy making to take account of different perspectives, including gender and gender-based violence. For example, the European Bank for Reconstruction and Development (EBRD) with others (Neville et al., 2020: 12), have produced guidance for the private sector on gender-based violence, recommending ‘screening and assessing risks’. This guidance is aimed at preventing both the variety of harms caused to individuals by gender-based violence and the financial, legal and reputational risks posed to businesses. Impact assessment is also similar to ‘mainstreaming’ in governance and policy models, with gender mainstreaming aiming to ‘make visible gendered aspects of the assumptions of policymakers’ (Gains, 2016: 142). Walby (2005) argues that gender mainstreaming has the potential to be transformative and move towards gender justice by challenging the very frameworks being used. Nonetheless, as with impact assessments, there are concerns around the efficacy of mainstreaming (Arora-Jonsson, 2014). In the technology field, the principles of ‘safety by design’ are aimed at ensuring harm reduction and safety are built into technology at the early stages of design. *Orbits* is a guide for policymakers and tech designers which aims to tackle technology-facilitated gender-based violence by building in key principles at early stages of both technology design and policy development (Chayn and End Cyber Abuse, 2022). There are also mechanisms which work at the end of the process, as an evaluative framework rather than an ex-ante process for anticipating and managing adverse impacts, such as the Equality and Human Rights Commission’s (2017) *Measurement Framework*, used to assess compliance with human rights standards and norms.

Accordingly, there are a variety of methods to try to ensure that cognisance is taken of the adverse impacts of policy and strategic decision-making processes on those people most affected. In terms of the specific and more established field of ‘impact assessments’, recent decades have seen these tools developed, critiqued, revised and deployed with varying levels of success across the world. What is clear is that they are useful mechanisms for expanding the broadly conceived ‘impact’ of projects, and for some alleviation of adverse impacts, particularly of marginalised communities. The risk is that they sugar-coat deeply problematic or harmful practices, or co-opt

challenge within a bureaucratic and technical framework. We learn from this review that effective impact assessments, as generically understood, require a holistic, gender-responsive, intersectional analysis, as well as engaged, resourced and knowledgeable practitioners. They require an easy to deploy framework, systematic application, and a real commitment to engagement, responsiveness and change.

Method

This research is part of Operation Soteria, a large police-academic collaboration leading to the first national operating model (NOM) for police investigation of rape and other sexual offences (RASSO) in England and Wales (College of Policing, 2023; Operation Soteria Year One Report, 2022). Operation Soteria is organised across six different ‘pillars’ (Hohl and Stanko, 2022). This research developed in Pillar 3, focused on the police achieving procedurally just engagement with victims of sexual violence (see e.g. Hohl et al., 2022). This Rape Victim Impact Assessment work was carried out in Year 2 of Operation Soteria, drawing on the findings from Year 1. In Year 1, Pillar 3 conducted ‘deep dives’ with four police forces, which were multi-method investigations including observations of police teams, analysis of body worn video of police first contact with victims, analysis of police recorded Achieving Best Evidence interviews with victims, focus groups or interviews with a range of operational and strategic police officers and support workers and consultation with local expert by experience panels (see Operation Soteria Year One Report, 2022; Smith et al., 2022).

As discussed earlier, the idea of developing an RVIA arose from year one findings around the inconsistency of police practice in terms of engaging with victims. To develop the RVIA in Year 2, the authors convened three online workshops with a mix of public and voluntary sector stakeholders. Ethical approval was granted by Glasgow University. All participants were provided with information sheets and returned consent forms to take part; all identifying information has been removed, with particular caution given the small number of participants, to ensure anonymity. Voluntary sector participants were offered honorariums in line with Operation Soteria’s recognition that third-sector organisations are often under-resourced and cannot be expected to provide their time and expertise for free.

There were 17 participants. Approximately half were from public sector organisations in the criminal justice arena, including those with particular responsibilities around victims and victim engagement, with a small number of academics (quotes below labelled as PS (public sector)). The remainder were voluntary sector organisations working with sexual violence, covering a mix of national and local organisations (quotes below labelled as VS (voluntary sector)). The workshops were approximately 1.5 hours in length each and involved discussion of the principles and potential operationalisation of an RVIA. The workshops were recorded and transcribed. Separately, discussions were held with police in a range of NPCC roles (relating to specific portfolios such as RASSO victims or working on policy development) to consider particular issues around how an RVIA would fit into policing structures. Workshop participants’ insights informed the development of a draft RVIA template and guidance and are reported below.

Following the workshops, participants were offered the option of providing feedback and comment on a written draft of an RVIA and accompanying guidance. The draft also went through Operation Soteria’s Quality Assurance processes which involved scrutiny from a wide range of

police, public sector, and third sector organisations. Comments were received from approximately 20 stakeholders on issues including the usability of the guidance, the accuracy and value of case examples and specific areas such as proposals around publication. These comments were incorporated into the RVIA which was published as part of the NOM in September 2023 (and is available in the supplementary material to this article). While the development of the RVIA did not involve direct engagement with victims, it draws on the findings of research in Year 1 involving expert by experience panels as well as many of the stakeholders consulted being victim support organisations.

Developing a rape victim impact assessment

Overall aims and justifications for a rape victim impact assessment

The aim of an RVIA is to promote and embed victims' rights and interests in the minds of policy-makers, legislators and strategic decision-makers, and in this particular case, the police. It also aims to set out the full range of potential impacts on victims before decisions are made, with the aim of maximising positive benefits and removing or mitigating negative impacts. In this context, a key aim is to identify potential unintended consequences. In many cases, this will also involve carrying out evidence-based policy development by bringing research evidence and analysis to bear on policy decisions that affect victims as well as building the evidence base by highlighting gaps in what information is currently available. An RVIA aims to engage with stakeholders and victims, bringing them into the policy and decision-making process. This evidence-based approach will also help avoid or minimise discrimination and inequitable treatment through early identification of differential impacts on victims with different protected characteristics and identities. An RVIA also has the potential to 'mainstream' or centre victims' rights and interests in the minds of those developing policies, procedures, and practices, positively affecting institutional cultures and to contribute more widely to public awareness and understanding where RVIA's are published. The development of an RVIA would therefore seek to tackle the problems identified in Year 1 of Operation Soteria and previous reviews, of failures to systematically implement improvements for victims of sexual violence.

Broadly speaking, our workshop participants considered an RVIA as a potentially positive way to address existing concerns around policing and policy development, albeit that numerous concerns were raised about the importance of effective implementation. Participants identified a current lack of systematic approaches, resulting in 'unintended consequences' (VS) for victims. One consultee discussed a change in national policy, concluding that 'maybe if they had done a Victim Impact Assessment, they'd have realised' the potential adverse impacts' (VS). Participants noted that good practice in police forces was often linked to individuals, such that the good practice disappeared if the individual moved on. They saw, therefore, the benefits of a systematic approach, as outlined in an RVIA: 'I think there's a real, big importance of building those policies and procedures in so . . . that they carry on from person to person'. (VS).

In particular, participants identified two main areas of benefit, namely police accountability, and police understanding of sexual violence victims, especially the diversity of victims. Starting with accountability, this was a core concern: 'if there isn't accountability there won't be change' (VS). Our participants suggested accountability was particularly important around sexual violence due to the nature of rape offences:

What gets forgotten across all of this is that rape is not a sexual crime as it were, it's a crime of, of power and control . . . we need to give them [victim-survivors] the power back, and that isn't going to happen unless things are transparent, clear with routes of accountability. (VS)

For many of our participants, accountability was a key potential benefit from an RVIA, both in terms of forces' relationships with stakeholders, but also as something that victims would be able to see:

I'd kind of like to think that the tool could be designed in a way that they [victims] could be told that it's there, and how useful it is, and what impact and change it's making for them. (PS)

Another key benefit would be the support for police to develop their understanding of the sexual violence victims that they serve. Operation Soteria has found that police often do not have good knowledge of their sexual violence victims, including, but not limited to, significant gaps where key data could not be broken down by protected characteristic (Operation Soteria Year One Report, 2022). Participants described information gathering as a key part of an RVIA process:

We don't know what we don't know and quite often we, we don't know a lot really . . . so gathering information is the key thing here, both for the development of the policy but then actually for implementing correctly once you've done that. (PS)

In particular, participants emphasised the importance and value of an RVIA in supporting police to think about the impact of policies on all victims of sexual violence:

In terms of the impact, it is going to vary so differently depending if you're a migrant woman, whether you're a prostituted woman, whether you're . . . a lesbian woman . . . and like, oh, she's also got learning difficulties or she's also got housing issues. (VS)

Our participants also suggested that an RVIA could be valuable more widely to helping police understand the varying needs of the communities they serve.

While broadly supportive of the idea of an RVIA, our participants raised concerns about their effectiveness, particularly the risk they become a 'paper-filling exercise' (VS). Many drew on their experience of equality impact assessments, either within the police or elsewhere, which were often carried out too late in the process and used to sign off an already agreed decision. Similarly, others considered that an impact assessment might correctly identify adverse effects, but the police had wide scope to say that that impact was justified:

The depth and width of the powers of police forces means that they can essentially say this is security so it trumps that. (VS)

The competence of those using the RVIA was also raised: 'They're only as good as those who fill them in' (1: PS). Along the same lines, discussions with police identified likely training needs but also potential existing sources within police forces for that training, for example, current support within police forces for those completing equalities impact assessment.

Foundational principles of an RVIA

Having established the potential value of an RVIA, in this section we discuss the underpinning principles. The foundations for an RVIA are more complex than some other impact assessments, owing to the lack of national or internationally agreed approaches to ensuring rape victims' rights and interests. This contrasts most clearly with CRIAs which are based on compliance with the UNCRC, providing a readily identifiable, and internationally agreed floor of rights, as well as guidance on the meaning of those rights and around monitoring and implementation. The principles providing the basis for any RVIA are therefore likely to be more open to discussion, though this is not unlike human rights impact assessments. Participants raised concerns that the lack of current agreed standards for sexual offence victims allows many to claim, sometimes from competing positions, that they are doing the best for victims:

You have this kind of tension then . . . both people . . . are grounding a claim about what's in the interest of the victim, but they're pulling in very different directions. (PS)

Notwithstanding such concerns, we think that there are clear foundations for an RVIA. The first is procedural justice for victims of sexual violence, as developed during Operation Soteria and formalised in the National Operating Model (Johnson et al., 2024a; 2024b; College of Policing 2023). Procedural justice for victims of sexual violence, as developed through Operation Soteria, has five principles of dignity and respect, fairness, voice, safety and trustworthiness. This approach to procedural justice (from the concept developed by Tyler, 1990) is developed from long-standing feminist victim advocacy work emphasising the importance of the fair and just treatment of victims. The RVIA has a particular role in systematising procedurally just treatment for victims of sexual violence at a strategic level, in the development of policies, procedures, and practices, rather than in individual officer's behaviours and actions.

The RVIA is also based on the framework of the Victims' Code. First introduced by the Domestic Violence, Crime and Victims Act 2004, the Code sets out the services and minimum standards that victims are to expect from criminal justice agencies including the police (Ministry of Justice, 2020). In particular, the Code states that the relevant criminal justice agencies should have 'the victim's best interests as their primary consideration' (Ministry of Justice, 2020: 3). The specific 'rights' included in the Code are 'enhanced' for specific groups, including sexual offence victims. When considering any new policies or practices, police will have to ensure they do not limit or undermine the scope of the entitlements within the Victims' Code.

Further, the process and implementation of any RVIA will have to adhere to equality and human rights norms and legislation. This includes the Equality Act 2010 and particularly the public sector equality duty which requires 'equality to be considered in decision-making' (section 149). It also includes the Human Rights Act 1998 which, among other obligations, includes proactive protection from torture and inhuman treatment (including rape). Further, protection of the right to privacy impacts on policies and practices regarding evidence gathering during rape investigations such as processes for accessing evidence on digital devices (Home Office, 2022).

The final foundational principle for an RVIA is other relevant legislation and guidance relevant to rape and serious sexual offences, such as the Policing, Crime, Sentencing and Courts Act 2022 which now codifies rights and procedures in relation to police extracting information from a

victims' mobile phone or other digital device. It also includes guidance such as the Police National Framework for investigating violence against women and girls (College of Policing and National Police Chiefs' Council (NPCC), 2021). This framework refers to intersectionality and includes specific requirements for police forces to engage safely with Black and minoritised individuals and communities and to conduct appropriate equality impact assessments. An RVIA provides a tool, therefore, to enable police forces to meet intertwining obligations under a range of legislation and guidance, to ensure that they effectively embed the rights and interests of victims of rape.

Operationalising an RVIA

Having established the aims and justification for an RVIA, and the foundation principles on which it is based, this section discusses what an RVIA should look like in practice. In operationalising an RVIA, we drew on practice and guidance across four main areas of existing impact assessment practice, namely Data Protection Impact Assessments (DPIAs), Equality Impact Assessment (EQIAs), Human Rights Impact Assessments (HRIAs) and Children's Rights Impact Assessments (CRIAs), as well as insights from our workshops. We propose that an RVIA takes the form of an initial screening stage, followed by five phases: planning a proportionate RVIA, information gathering, analysing impacts, managing impacts and monitoring and publication. Importantly, stakeholder engagement is a cross-cutting activity taking place across the screening and all five phases, rather than a discrete phase itself. These phases provide a structured framework that is also sufficiently flexible to the variety of different police policies, procedures and practices.

Stakeholder engagement. Fundamental to all impact assessments is the meaningful engagement of stakeholders in order to ensure both the legitimacy and efficacy of the process. Many impact assessment processes in other fields emphasise the importance of involving stakeholders throughout the impact assessment process (e.g. The Danish Institute for Human Rights, 2020; Equality and Human Rights Commission, 2022; Information Commissioner's Office (ICO), 2022).

Stakeholders is a broad term, including individuals and groups within and outside the police. Police lawyers were suggested by participants as a key internal stakeholder, sometimes missing for police policy development, but valuable as they hold expertise around the lawfulness of proposed policies in relation to victims' rights. This aligns in particular with DPIAs, where consultation with internal experts including the organisation's Data Protection Officer is key (ICO, 2022). External organisations include organisations representing and working with victims who can both speak to and about the rights and interests of victims to enable these to be carefully considered throughout the RVIA process.

As described earlier, one of the main aims of an RVIA is to support police forces to consider the rights and interests of the diversity of victims that they serve. Part of stakeholder engagement must therefore include thinking about who might be missing from any current engagement mechanisms, such as 'by and for' services who work with minoritised or marginalised victims. As these services may be smaller, and often more underfunded, this requires forces to think creatively and consider resourcing.

While participants saw police consultation with stakeholders as important to an RVIA, there were also concerns raised about the burdens of consultation on organisations:

Constantly responding to consultations, being asked to do these things, when you're a charity like we are . . . it is enormously difficult, enormously expensive and we just don't have the time or resources and we do it, but it means that everything else sort of slightly falls apart. (VS)

Stakeholders talked about having a real 'willingness' (VS) to engage and suggested this could be made easier by combining structures and tasks: 'mapping [RVIA engagement] on to existing things as much as possible' (VS). Using existing forums or discussions would also make savings on police resourcing needed for RVIA consultations.

An RVIA could include engaging with victims of rape or sexual assault directly. However, this is not always appropriate including where the views of victims of sexual assault are already well known. Any police activity to engage with victims as part of the process of an RVIA must, as with all police activity engaging with victims, fulfil the principles of procedural justice, for example ensuring victims' safety through the provision of wraparound support, and ensuring victims' voice by meaningfully feeding back to victims' how their engagement has effected change. In many situations, it would be more appropriate for an RVIA to engage with organisations working with victims to ensure the RVIA is effectively informed around victims' experiences, rather than to engage with victims directly.

Screening. In common with many other impact assessment models, we suggest that an RVIA starts with a screening process. A screening or filtering process is valuable to identify whether the decision, policy or practice at issue is relevant to particular people or activities and therefore whether, and to what degree, an impact assessment needs to be carried out. For example, prompts for equality impact assessments often ask whether a decision will affect people such as service users, employees or wider communities, with further prompts about whether the decision is in an area of known inequalities (Equality and Human Rights Commission, 2016). ICO (2022) guidance asks whether a project is being started that includes processing personal data, with further prompts for higher risk data processing such as large-scale monitoring of public spaces. An RVIA should include prompts in relation to whether the decision affects both particular people (specifically, victims of sexual violence) and activities (the police investigation of rape and sexual offending).

Participants suggested that it was crucial that screening happened early in the policy development process, explaining that even where police had good relationships with stakeholders, discussions were not happening early enough:

Sometimes that consultation [with stakeholders] doesn't happen at the right moment, and so then you've kind of already got the thing, and then you're after the event saying 'Does this look okay?' and by that point everybody's kind of committed. (PS)

For RVIAs to be effective, we suggest that screening needs to happen at the earliest stages of policy development, but also that stakeholders have opportunities to influence that screening. This may include the option for stakeholders to request that an RVIA be carried out in relation to a particular change that the police had perhaps not identified as relevant to sexual violence victims.

Planning a proportionate RVIA. The early screening of decisions for their relevance overlaps with what is usually described as the first phase of impact assessment: planning. Planning usually

involves identifying who is going to be affected, including any impacts on already marginalised or minoritised groups, and identifying the key standards likely to be affected by the policy proposal, such as children's or privacy rights, or the Victims' Code. One key purpose of planning is to ensure that the impact assessment is proportionate, and to identify, and put in place, the resources necessary for the impact assessment.

Information gathering. At root, an impact assessment is an attempt to secure an evidence-based development process for policies, procedures and practices. Most impact assessment models therefore include specific requirements of gathering and analysing information. This can make impact assessment initially challenging but also provide the foundation for effective policy development. Participants emphasised the role of evidence and information:

In order to do the impact assessment well, you really need to understand who your victims are, and who you serve. And that kind of feeds back to ensuring that you can really grip your data. (PS)

In particular, any evidence and data must be reflective of diverse interests and needs of victims, often requiring additional information. For example, an RVIA should include consideration of whether quantitative data can be broken down by protected characteristics and whether, for example, neurodiverse victims are represented in qualitative information.

Analysing impacts. The next stage of an RVIA is that of analysing any potential impacts and this raises a number of different elements. First, any impacts must be assessed against the relevant standards. For example, CRIAs assess against the UN Convention on the Rights of the Child (Scottish Government, 2021) while EQIAs are considering the three aims of the public sector equality duty (Equality and Human Rights Commission, 2022). In relation to an RVIA, the foundational principles, as described earlier, cover procedural justice for victims of sexual violence, the Victims' Code, equalities and human rights legislation, and wider legislation relating to RASSO and policing.

Some impact assessments include considering the severity of potential impacts. This plays a particular role in DPIAs as any high risks that cannot be mitigated (see below) require specific action (to be reported to the ICO) (ICO, 2022). While The Danish Institute for Human Rights (2020: 92) guidance on HRIAs notes that severity assessment is a problematic area, with 'varied and confusing' terminology, it is nevertheless used to support prioritisation, though with a reminder that all adverse impacts must be addressed. Given constraints on policing resources, severity assessment is likely to be valuable in the policing context, with an approach similar to DPIAs that considers both the likelihood of the impact happening and the severity of the potential impact. Stakeholder engagement will be critical in determining severity as this requires consideration from the perspective of those affected as well as identifying whether impacts are likely to be moderate or severe.

Another issue is whether analysing impacts includes identifying positive impacts. For DPIAs, part of describing the purpose of the processing is to specify the outcome for individuals and the benefits for the organisation and wider society (ICO, 2022). In terms of EQIAs, impacts are assessed against all elements of the public sector equality duty, including fostering good relations and advancing equality of opportunity, and should therefore include positive impacts (Equality and Human Rights Commission, 2016). For CRIAs, Scottish organisations are asked to record how a proposed policy will give further effect to the implementation of the UNCRC in Scotland (Scottish Government, 2021). Guidance around human rights assessments (Danish Institute for Human

Rights, 2020), however, strike a note of caution, concerns that identifying ‘benefits’ may legitimise ‘offsetting’ human rights abuses in one area by undertaking limited or sporadic positive action in another. While this is a clear risk, there may be value in identifying positive impacts, particularly in terms of encouraging a more holistic approach to recognising and respecting victims’ rights and interests in policing.

Managing impacts. Once impacts have been identified, the next stage is to consider whether they can be prevented, and if not, mitigated. Some impact assessment tools require that adverse impacts that cannot be prevented be justified. For example, Scottish Government (2021) guidance on CRIAs allows negative impacts, where these can be justified as necessary and proportionate when weighed against the demonstrable benefits of the policy (and there must be appropriate evidence and consultation to support this). If adverse impacts cannot be prevented, then an organisation must detail how it will mitigate these (including identifying the resources for mitigation activities and agreeing how these will be monitored), with impact assessment frameworks often suggesting a specific mitigation action plan where there are multiple adverse impacts.

Monitoring and publication. Impact assessments provide an accountability mechanism, particularly where large and powerful organisations are taking actions potentially impacting on vulnerable or marginalised communities. Accountability is secured through monitoring, in particular ensuring that mitigation measures are put in place and are effective, as well as through transparency, including through publication of impact assessments. As we noted above, our participants saw a key benefit of RVIAs in enhancing police accountability. Therefore, monitoring and publication are critical to effective RVIAs.

Most impact assessment frameworks promote publication. For example, this is a statutory requirement for equalities assessments in Scotland (Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012). Scottish Government (2021) guidance on CRIAs recommends child-friendly versions are published, to ensure publication is meaningful to key stakeholders. Guidance considers risks to publication such as identifying individuals or divulging commercially sensitive information, by examining options to redact, or sharing an impact assessment only with stakeholders (The Danish Institute for Human Rights, 2020; ICO, 2022). Publication of RVIAs may be particularly important, as our participants raised specific concerns around a current lack of transparency regarding police procedures and policies. Police feedback noted that material would most likely have to be published under Freedom of Information requests, so it was pragmatic to plan for publication in the first instance.

This section has summarised considerations around an RVIA process comprising screening followed by five main phases of work, with stakeholder engagement as a cross-cutting component. For further detail, and the template RVIA developed as part of Operation Soteria, and accompanying guidance, see the supplementary material to this article.

Conclusion

This article has suggested that a Rape Victim Impact Assessment (RVIA) may provide a new way of addressing long-standing failures in policing by helping to embed the rights and interests of victims of sexual violence in policy and practice development. RVIAs examine the potential impacts on rape victims of laws, policies, budget decisions, programmes and services as they are being developed

and, if necessary, suggest ways to prevent or mitigate any negative impacts. As such, they speak particularly to concerns that attempts to reform have been piecemeal, subject to ‘initiative-itis’; by seeking to build in victims’ rights at the beginning of policy development, there is a real potential to advance victims’ rights. We have outlined the potential key benefits of an RVIA, its foundational principles, and how to operationalise it in practice. To reiterate, a Rape Victim Impact Assessment is not put forward as a wholesale ‘solution’ to initiative-itis, or to the failings of the police or criminal justice system more generally. The work of transforming policing of rape must continue, as must the search for justice for victim-survivors outside of the criminal justice system. The RVIA is offered as an additional option for embedding victims’ rights and interests into all police activity by providing a framework for systematically assessing impacts on victims during the development of policies, procedures, and practices as well as ensuring greater transparency and accountability.⁵


To realise the potential of RVIA, effective implementation is vital. Key learning from the field of ‘impact assessments’ is that the benefits of such assessments are only likely to be realised where implementation is resourced and monitored. One way to motivate implementation is to make impact assessments mandatory. For example, the Impact Assessment Act 2019 in Canada requires a broad assessment of health, social, environmental and economic impacts, including on the rights of Indigenous peoples, of major projects (e.g. mining, power generating facilities, large airports) (Impact Assessment Act 2019, sec. 22(1); Physical Activities Regulations SOR/2019-285). Impact assessments may also be mandated through legislation, such as children’s rights impact assessments in Scotland (Scottish Government, 2021). An RVIA could similarly contribute to the United Kingdom meeting its international obligations under the Istanbul Convention on preventing and combating violence against women (Council of Europe, 2011). The Istanbul Convention requires state parties to take all necessary legislative and other measures to adopt and implement ‘effective, comprehensive and co-ordinated policies’, and to ensure that any legislative and policy actions ‘place the rights of the victim at the centre of all measures’ (article 7). This could be secured through a Victims’ Bill, such as that progressing through the UK Parliament at the time of writing, which aims to ‘put victims at the heart of the criminal justice system’ (Prime Minister’s Office, 2022: 87) and to ‘strengthen transparency and accountability’ (Ministry of Justice, 2022: 2).

Beyond the rights and interests of sexual violence victims in the policing context, impact assessments of the nature detailed here could be developed across all criminal justice agencies, such as the Crown Prosecution Service, Courts Service, and government agencies and departments. If embedded across the full range of criminal justice agencies and services, sexual violence victims may, in time, see their rights and interests being taken seriously, incorporated into policy development and strategic decision-making, with the ultimate goal of securing a greater sense of justice. Indeed, the principles outlined here need not be limited to sexual violence victims. All victims may benefit from having their interests taken more seriously, with impact assessments providing a systematic and principle-based approach.

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Supplemental material

Supplemental material for this article is available online.

Notes

1. We have used the term ‘victim’ in the RVIA as the primary audience is the police in the first instance, and this is the term used throughout Operation Soteria and among criminal justice agencies. However, we acknowledge that many reject this term, choosing other terms such as survivor or victim-survivor.
2. Victims’ Rights and Interests are defined in Pillar 3 of Operation Soteria: Victims have legal rights enshrined in legislation that concern RASSO, the criminal justice system, human rights, and victim-specific provisions like the Victim’s Code. Victims also have justice interests and wider social interests that are important to them beyond achieving a positive criminal justice outcome (e.g. a charge or successful prosecution). For example, justice interests might include being heard, having their experiences recognised or validated, and keeping others safe. Social interests may include their health, hobbies, religion, employment, relationships, neighbourhoods, and wider social citizenship.
3. The term ‘rape’ is used in the title of the tool for ease of reference. The victim impact assessment was developed in relation to Rape and Serious Sexual Offences (RASSO) as this is the scope of the work of Operation Soteria, but is also applicable to victims of other sexual offences.
4. The Rape Victim Impact Assessment and guidance designed as part of this project is available at <https://www.sccjr.ac.uk/wp-content/uploads/2024/01/RVIA-Sep-2023-Web.pdf>. The FAQ and Summary prepared for the police is available at <https://www.sccjr.ac.uk/wp-content/uploads/2024/01/RVIA-summary-and-FAQs-Sep-2023-Web.pdf>. See also supplementary material for this article which includes a revised version of the RVIA and guidance as developed following further consultation.
5. Operation Soteria is ongoing at the time of writing with police use of RVIA’s being supported and monitored; a revised template and guidance will be produced as necessary.

References

- Arora-Jonsson S (2014) Forty years of gender research and environmental policy: Where do we stand? *Women’s Studies International Forum* 47: 295–308.
- Casey L (2023) *Final Report: An Independent Review into the Standards of Behaviour and Internal Culture of the Metropolitan Police Service*. London: The Metropolitan Police Service.
- Centre for Women’s Justice; End Violence Against Women; Imkaan, et al. (2020) *The Decriminalisation of Rape: Why the Justice System Is Failing Rape Survivors and What Needs to Change*. London; Leeds: Centre for Women’s Justice/End Violence Against Women/Imkaan/Rape Crisis England and Wales.
- Chanchitpricha C and Bond A (2013) Conceptualising the effectiveness of impact assessment processes. *Environmental Impact Assessment Review* 43: 65–72.
- Chayn and End Cyber Abuse (2022) Orbits: A global field guide to advance intersectional, survivor-centred, and trauma-informed interventions to TGBV. Available at: <https://chayn.notion.site/Orbits-a-global-field-guide-to-advance-intersectional-survivor-centred-and-trauma-informed-interv-8d8dc6a1436543b8b25af63dda-faa409> (accessed 17 January 2024).
- College of Policing (2023) National operating model for the investigation of rape and serious sexual offences. Available at <https://www.college.police.uk/national-operating-model-rasso> (accessed 17 January 2024).
- College of Policing and National Police Chiefs’ Council (NPCC) (2021) *Policing Violence against Women and Girls – National Framework for Delivery: Year 1*. Coventry: College of Policing.

- Council of Europe (2011) *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*. Strasbourg: Council of Europe.
- Criminal Justice Joint Inspection (2021) *A Joint Thematic Inspection of the Police and Crown Prosecution Service's Response to Rape Phase One: From Report to Police or CPS Decision to Take No Further Action*. London: HMCPSI/HMICFRS.
- Criminal Justice Joint Inspection (2022) *A Joint Thematic Inspection of the Police and Crown Prosecution Service's Response to Rape Phase 2: Post-charge*. London: HMCPSI/HMICFRS.
- End Violence Against Women (2023) CPS still failing rape and domestic abuse survivors. Available at: <https://www.endviolenceagainstwomen.org.uk/cps-still-failing-rape-and-domestic-abuse-survivors/> (accessed 17 January 2024).
- Equality and Human Rights Commission (EHRC) (2016) *Assessing Impact and the Public Sector Equality Duty. A Guide for Public Authorities in Scotland*. London: EHRC.
- Equality and Human Rights Commission (EHRC) (2017) *Measurement Framework for Equality and Human Rights*. London: EHRC.
- Equality and Human Rights Commission (EHRC) (2022) *The Essential Guide to the Public Sector Equality Duty: England (And Non-devolved Public Authorities in Scotland and Wales)*. London: EHRC.
- Esteves AM, Franks D and Vanclay F (2012) Social impact assessment: The state of the art. *Impact Assessment and Project Appraisal* 30(1): 34–42.
- European Commission (2021) Better Regulation: Joining Forces to Make Better Laws (Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. COM (2021) 219 final). Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52021DC0219> (accessed 29 April 2021).
- European Commission (2023) Better regulation: Why and how. Available at: https://commission.europa.eu/law/law-making-process/planning-and-proposing-law/better-regulation_en (accessed 17 January 2024).
- Friskney R, McGlynn C and Johnson K (2023) RASSO Victim Impact Assessment. Available at: <https://www.sccjr.ac.uk/wp-content/uploads/2024/01/RVIA-Sep-2023-Web.pdf> (accessed 13 March 2025).
- Gains F (2016) Gender and regulatory impact assessments. In: Dunlop C and Radaelli C (eds) *Handbook of Regulatory Impact Assessment*. Cheltenham; Northampton, MA: Edward Elgar, pp. 142–154.
- George R and Ferguson S (2021) *Review into the Criminal Justice System Response to Adult Rape and Serious Sexual Offences across England and Wales. Research Report*. Surrey: HM Government.
- Gotzmann N and Bainton N (2021) Embedding gender-responsive approaches in impact assessment and management. *Impact Assessment and Project Appraisal* 39(3): 171–182.
- Hohl K and Stanko EA (2015) Complaints of rape and the criminal justice system: Fresh evidence on the attrition problem in England and Wales. *European Journal of Criminology* 12(3): 324–341.
- Hohl K and Stanko EA (2022) Five pillars: A framework for transforming the police response to rape and sexual assault. *International Criminology* 2: 222–229.
- Hohl K, Johnson K and Molisso S (2022) A procedural justice theory approach to police engagement with victim-survivors of rape and sexual assault: Initial findings of the 'Project Bluestone' pilot study. *International Criminology* 2: 253–261.
- Home Office (2022) *Extraction of Information from Electronic Devices: Code of Practice*. London: Home Office.
- Information Commissioner's Office (ICO) (2022) Data Protection Impact Assessments (Dpias) [Detailed Guidance]. Available at: <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/accountability-and-governance/data-protection-impact-assessments-dpias/> (accessed 17 January 2024).
- Johnson K, Walling-Wefelmeyer R, Smith O, et al. (2024a) *Procedural Justice for Victim-survivors of Sexual Violence Briefing* Part of the National Operating Model for the investigation of rape and serious sexual offences.
- Johnson K, Walling-Wefelmeyer R, Smith O, et al (2024b) Re-imagining procedural justice in policing sexual violence: A new feminist paradigm centring the voices, rights, interests and experiences of victim-survivors. <https://doi.org/10.1093/bjc/azae060>

- Kelly L, Lovett J and Regan L (2005) *A Gap or Chasm? Attrition in Reported Rape Cases*. London: Home Office.
- Ministry of Justice (2020) *Code of Practice for Victims of Crime in England and Wales*. London: Ministry of Justice.
- Ministry of Justice (2022) *Draft Victims Bill. Explanatory Notes*. London: Ministry of Justice.
- Neville S, Salam T, Naidu V, et al. (2020) *Addressing Gender-based Violence and Harassment Emerging Good Practice for the Private Sector*. London; Washington, DC: European Bank for Reconstruction and Development, International Finance Corporation, CDC Group.
- Operation Soteria Year One Report (2022) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1128688/E02836356_Operation_Soteria_Y1_report_Accessible.pdf
- Prime Minister's Office (2022) *The Queen's Speech 2022*. Background briefing notes. London: Prime Minister's Office.
- Radaelli C and Taffoni G (2022) *What Is the Role of Foresight in Impact Assessment? Early Experience and Lessons for the European Commission. Fiesole*: European University Institute Policy Brief.
- Reid K, Tisdall EKM and Morrison F (2022) Children's rights impact assessments in times of crisis: Learning from COVID-19. *The International Journal of Human Rights* 27(9–10): 1319–1325.
- Scottish Government (2021) *Child Rights and Wellbeing Impact Assessment (CRWIA) External Guidance*. Edinburgh: Scottish Government.
- Smith O, Johnson K and Brooks-Hay O (2022) *Detailed Learning from Pillar Three of Soteria: Embedding Procedural Justice and Engaging Victims* [Part of Operation Soteria Bluestone]. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1128688/E02836356_Operation_Soteria_Y1_report_Accessible.pdf#page=127
- The Danish Institute for Human Rights (DIHR) (2020) *Human Rights Impact Assessment. Guidance and Toolbox*. Copenhagen: DIHR.
- Tyler TR (1990) *Why People Obey the Law*. New Haven, CT; London: Yale University Press.
- Van der Ploeg L and Vanclay F (2018) Challenges in implementing corporate responsibility to protect human rights in context of project-induced displacement and resettlement. *Resources Policy* 55: 210–222.
- Vanclay F (2003) International principles for social impact assessment. *Impact Assessment and Project Appraisal* 21(1): 5–11.
- Vanclay F (2020) Reflections on social impact assessment in the 21st century. *Impact Assessment and Project Appraisal* 38(2): 126–131.
- Walby S (2005) Gender mainstreaming: productive tendencies in theory and practice. *Social Politics: International Studies in Gender, State and Society* 12(3): 321–343.