

Extract from CPS Guidelines on Prosecuting Cases of Child Sexual Abuse, paragraphs 58 and 59. Provided to Claimant by the Defendant in disclosure dated 13 August 2019.

*“Merits-Based Approach:*

*58. As in all cases you must apply the test prescribed by the Code for Crown Prosecutors, namely that there is sufficient evidence to provide a realistic prospect of conviction and a prosecution is required in the public interest. The ‘merits-based approach’ reminds prosecutors of how to approach the evidential stage of the Code test in that even though past experience might tell a prosecutor that juries can be unwilling to convict in cases where, for example, there has been a lengthy delay in reporting the offence, or the complainant had been drinking at the time the rape was committed. These sorts of prejudices against complainants should not be regarded as determinative for the purposes of deciding whether or not there is a realistic prospect of conviction.*

*59. In other words, the prosecutor should proceed on the basis of a notional jury which is wholly unaffected by any myths such as, for example, were an allegation really true it would have been reported at the time. The prosecutor must further assume that the jury will faithfully apply directions from the judge, such as the fact that they can still convict even where it is one person’s word against another’s without any supporting evidence.”*

Paragraphs 58 and 59 were removed from the Guidance circa 22 November 2018.

