

Draft Guidance

Safeguarding Children and Young People from Sexual Exploitation

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Chapter 1 - Scope and purpose

Introduction

1.1 Sexual exploitation of children and young people is a hidden form of child abuse. It is not known how prevalent it is, but it has been identified throughout the UK and in all parts of the world.

Definitions

1.2 The sexual exploitation of children and young people is a form of sexual abuse. *Working Together to Safeguard Children*¹ (2006) defines sexual abuse as follows:

‘Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, including prostitution, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative (e.g. rape, buggery or oral sex) or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of, sexual online images, watching sexual activities or encouraging children to behave in sexually inappropriate ways.’

1.3 While there is no universally agreed definition of sexual exploitation, this guidance uses the following definition:²

Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive ‘something’ (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. Child sexual exploitation can occur through the use of technology without the child's immediate recognition; for example being persuaded to post sexual images on the internet/mobile phones without immediate payment or gain. In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person's limited availability of choice resulting from their social/economic and/or emotional vulnerability.

1.4 Young people can also be in the ‘at risk of becoming involved’ stage prior to being drawn into sexual activity for payment and it is important to identify and work with these young people.

1.5 Sexual exploitation results in children and young people suffering harm. The

¹ *Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children* (HM Government 2006), paragraph 1.32.

² This definition arises from joint work between project members of the National Working Group for Sexually Exploited Children and Young People (NWG) 2008

extent of the harm can range from situations where the exploitation is short lived and the young person is effectively supported to recover, to situations which lead to serious life-long impact and on occasions to the death of the young person, including through suicide and murder.

1.6 Safeguarding and promoting the welfare of children, including keeping children safe from sexual exploitation, is a key part of the Government's drive to improve outcomes for children and young people. In December 2007, the Government published its *Children's Plan*, setting out its ambition to make England the best place in the world for children to grow up by 2020. The *Staying Safe: Action Plan*, published in February 2008, set out how the Government would deliver a key strand of that ambition, including publishing this guidance.

Purpose of guidance

1.7 This document provides supplementary guidance to *Working Together to Safeguard Children* (2006) and should be read in conjunction with that main guidance. *Working Together* sets out how organisations and individuals should work together to safeguard and promote the welfare of children.

1.8 The aim of this guidance is to help local agencies to apply the core guidance in *Working Together* effectively in the context of sexual exploitation. It should help local agencies to:

- develop local prevention strategies
- identify those at risk of sexual exploitation
- take action to safeguard and promote the welfare of particular children and young people who may be sexually exploited and
- take action against those intent on abusing and exploiting children and young people in this way.

1.9 All references in this guidance to children or young people mean those under the age of 18, as defined in the Children Acts 1989 and 2004. This guidance therefore applies to all children up to the age of 18. As stated in *Working Together*, the fact that a child has reached the age of 16 or is living independently does not change his or her status or entitlement to services or protection under the Children Act 1989.

Who should read this document?

1.10 All Local Safeguarding Children Boards (LSCBs) and their partners in local areas should take account of this guidance. Sexual exploitation is not limited to particular geographical areas and all LSCBs should assume that it is an issue in their area. Even in areas where there is no clear evidence of child sexual exploitation, the guidance is relevant for undertaking awareness raising and preventative education. The guidance is aimed at LSCB partners, managers, practitioners and other professionals working with children and young people.

The status of this guidance

1.11 This guidance is issued as supplementary guidance to *Working Together to Safeguard Children* (2006). It replaces *Safeguarding Children Involved in Prostitution* (Department of Health, Home Office, Department for Education and Employment, National Assembly for Wales, 2000), published as supplementary guidance to the 1999 edition of *Working Together*. This guidance applies in relation to England.

1.12 This guidance has a broader focus than the previous document, reflecting our current understanding of the inter-related nature of different forms of sexual exploitation. Like the previous guidance, it sets out an inter-agency approach. It should inform the local policies and procedures drawn up by LSCBs, within the framework of *Working Together*, to ensure that local agencies effectively address this type of abuse.

1.13 This guidance is issued under section 7 of the Local Authority Social Services Act 1970, which requires local authorities (LAs) in the exercise of their social services functions to act under the general guidance of the Secretary of State. It should be complied with by LAs carrying out their social services functions, unless particular circumstances indicate exceptional reasons that justify a variation. It is also issued under section 16 of the Children Act 2004 which provides that LAs and each of their Board partners, in exercising their functions in relation to LSCBs, must have regard to any guidance given to them by the Secretary of State for that purpose.³ In addition, it is issued by the Home Office as guidance to police forces as a Home Office circular. Equality duties on public sector organisations regarding gender, race, and disability apply to all programmes and services affecting girls and boys, as well as young adults.

1.14 For other organisations the guidance still represents a standard of good practice and will help organisations fulfil their duties in co-operation with partners. For example, managers and staff with particular responsibilities in the organisations covered by the duty to safeguard and promote the welfare of children in section 11 of the Children Act 2004 (see: www.everychildmatters.gov.uk/socialcare/safeguarding)

³ Section 16 applies to the LA and its Board partners set out in s13(3) of the Children Act (2004):

- district councils in local government areas that have them
- the chief police officer for a police area of which any part falls within the area of the LA
- the local probation board for an area of which any part falls within the area of the LA
- the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007
- the Youth Offending Team for an area of which any part falls within the area of the LA
- Strategic Health Authorities and Primary Care Trusts for an area of which any part falls within the area of the LA
- NHS Trusts and NHS Foundation Trusts, all or most of whose hospitals or establishments and facilities are situated in the LA area
- the Connexions service operating in any part of the area of the LA
- CAFCASS (Children and Family Courts Advisory and Support Service)
- the Governor or Director of any Secure Training Centre in the area of the LA
- the Governor or Director of any prison in the LA area that ordinarily detains children.

are encouraged to read this document and follow it in conjunction with the section 11 guidance (HM Government, 2007). The same principle applies to educational institutions with duties under section 157 or 175 of the Education Act 2002 regarding safeguarding and promoting the welfare of children.

Chapter 2 - Some key principles

Introduction

2.1 Work to tackle sexual exploitation should be grounded in the following important principles which inform effective practice in this area. Several of these principles are common to addressing other specific issues of abuse or neglect.

A child centred approach

2.2 Action to safeguard and promote the welfare of children and young people who are sexually exploited should be child-centred and focus on the child's needs. Those working with children and young people should engage with them and their families throughout and where possible involve them in decision making. The wishes and feelings of children and young people should be sought and taken into account in reaching any decisions about the provision of services which affect them. However, as set out in paragraph 3.21, professionals should be aware that children and young people do not always acknowledge what may be, objectively, a situation of exploitation and therefore abuse. The particular needs or sensitivities of girls and boys, children from ethnic communities, or those with physical disability or learning difficulties should be reflected in provision of services.

Parenting, family life, and services

2.3 Patterns of family life vary, and there is no one, perfect way to bring up children and young people. Parenting can be challenging. Parents themselves require and deserve support. Asking for help should be seen as a sign of responsibility rather than as a parenting failure. In the great majority of cases, it should be the decision of parents when to ask for help and advice. However, professionals do also need to engage parents early when to do so may prevent problems or difficulties becoming worse.

2.4 Parents play the most important role in safeguarding and promoting the welfare of their children. If a child or young person is suffering or at risk of suffering significant harm through sexual exploitation by someone outside the family, this will not necessarily be as a result of parents having difficulties in meeting their child's needs. While professionals will need to take account of family circumstances in assessing and deciding how best to safeguard and promote the welfare of the child or young person, only in exceptional cases should there be compulsory intervention in family life – e.g. where this is necessary to safeguard a child from significant harm. Such intervention should – provided this is consistent with the safety and welfare of the child – support families in making their own plans for the welfare and protection of their children.

The rights of children and young people

2.5 The Government has introduced new legislation, guidance and structures to make children safer. Children and young people should be safeguarded from sexual exploitation. The UK Government is a signatory to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Abuse and Parliament

has passed certain laws which make provision in relation to sexual offences, principally the Sexual Offences Act 2003 (see Annex A for a summary). The Government has made clear⁴ that this legislation is not intended to over-regulate the behaviour of children and young people. Nor is this guidance aimed at controlling young people. Young people's sexual behaviour is primarily a matter for them, guided and informed by parents, carers and information from a number of sources. However, because young people can be the victims of exploitative and harmful sexual behaviour, there are some key principles which services and others should follow:

- sharing information where necessary to enable professionals to consider jointly how to proceed in the best interests of the child and to safeguard and promote the welfare of children more generally, as set out in paragraphs 5.23 – 5.30 of *Working Together* and reiterated in this guidance at Annex B,
- intervening where necessary to prevent harm to a child or children, and
- taking action against those who sexually exploit children and young people wherever possible to minimise the risk of further exploitation.

Responsibility for criminal acts

2.6 At present selling sex is not illegal, although some activities associated with prostitution are, including loitering or soliciting for the purpose of prostitution. Annex A sets out the various offences that can be committed in relation to prostitution and sexual exploitation more generally.

2.7 The Government is very clear that sexual exploitation of children and young people should not be regarded as a criminal act by the child or young person, but as child sexual abuse. The responsibility for sexual exploitation (including prostitution) of children or young people lies with the exploiter: either the person who pays for sex, in whatever way, or the person who grooms the child and/or organises the exploitation where those are different people. The focus of police investigations and of prosecutions should be on those who coerce, exploit and abuse children.

2.8 The principle that children who are sexually exploited are victims of child sexual abuse was a key message in the previous guidance, *Safeguarding Children Involved in Prostitution* (2000), and was reiterated in the Government's *Coordinated Prostitution Strategy*⁵ (2006).

An integrated approach

2.9 Effective measures to safeguard and promote the welfare of children cannot be seen in isolation from the wider range of support and services available to meet the needs of children and families:

- if safeguarding children processes are to result in improved outcomes for

⁴ Home Office leaflet "Children and Families: Safer from Sexual Crime", available from <http://www.homeoffice.gov.uk/documents/children-safer-fr-sex-crime>

⁵ <http://www.homeoffice.gov.uk/documents/cons-paying-the-price/>

children and young people, then effective plans for safeguarding and promoting each child's welfare should be based on a wide ranging assessment of the needs of the child and their family and wider circumstances, as provided for in the statutory guidance *Framework for the Assessment of Children in Need and their Families* (summarised also in *Working Together* Appendix 2).

- enquiries under section 47 of the Children Act 1989 may reveal significant unmet needs for support and services among children, young people and families. These should always be explicitly considered, even where concerns are not substantiated about significant harm to a child, if the family or a young person so wishes.
- local work to address the issue of sexual exploitation should be integrated into wider work for example through Children and Young People's Plans (see also paragraph 4.4 of this guidance).

2.10 *Working Together* sets out a tiered approach to safeguarding: universal, targeted and responsive. Within that framework, tackling sexual exploitation requires a three-pronged approach to intervention of prevention, protection, prosecution. This document provides guidance on all three.

A shared responsibility

2.11 Safeguarding and promoting the welfare of children in the context of sexual exploitation, like safeguarding more generally, depends on effective joint working between different agencies and professionals that work with children and young people, including education (e.g. schools and colleges), health services including sexual health services, youth services, Connexions, children's social care, together with criminal justice agencies and voluntary sector services supporting children and families. Involvement of their different roles and expertise is vital if children and young people are to be effectively supported and action taken against perpetrators of sexual exploitation. All agencies should be alert to the risks of sexual exploitation and able to take action. And agencies and professionals should work jointly when an issue is identified.

2.12 This joint working should be underpinned by:

- a strong commitment from leaders and senior managers
- a shared understanding of the problem of sexual exploitation
- effective co-ordination by the LSCB for the area.

Prevention and early intervention

2.13 In order to help children and young people to achieve good outcomes it is important to identify issues and problems early and take prompt preventative action. Where they are sexually exploited and a greater degree of intervention is needed, it is likely that the impact on the child or young person's safety, health, or achievement will be greater. Prevention strategies should therefore be regarded as a key part of

agencies' approaches to sexual exploitation. Chapter 5 of this document provides guidance on prevention. Similarly, early identification that a child or young person is at risk of or experiencing sexual exploitation can be a key step in helping them achieve good outcomes, and should underpin action to implement this guidance.

Chapter 3 - The issue of sexual exploitation

Jody's story

Jody's parents had mental health and drug problems. They couldn't cope, and their children were on the child protection register from birth. Jody was neglected, isolated and all her early memories were of fighting and arguments.

Aged 6, Jody was sexually abused by a family friend who worked his way into her parents' confidence. He targeted Jody because she was vulnerable, with nowhere to turn

Aged 11 she began running away regularly and living on the streets. To others she appeared a disruptive teenager. The adults in her life had all let her down; they rejected her or abused her. Jody had low self-esteem and felt worthless.

'I started to run away from my family and being with friends was the best way to do that. I started to get involved with the wrong crowd. In the end I started to be friendly with people who were being exploited – but I was too young to do anything about it.'

Although she was in care, Jody continued to go missing. An older man, Adrian, with a history of violence and drugs befriended her. He treated her just like all the other the males in her life – with violence and abuse. It was all she knew and all she expected.

'At first it was okay; you know he gave me loads of presents and of attention. I felt special. But then he got me involved with other men and they took me away to places I didn't know, places that were dangerous – it was frightening. They gave me drink and drugs. I didn't know what to do.'

Aged 12 Jody was drawn into drugs and prostitution, Adrian took Jody away and held her in a flat for several days. She was drugged and sexually assaulted by different men. Later Jody told a care worker what had happened. The police were informed, but after initial investigations the enquiry was closed. Jody was too scared to push charges.

A few months later, Jody fell pregnant with Adrian's baby. Within weeks of the birth, Jody's baby had been taken into care, her lifestyle was too chaotic and she had struggled to accept help. Jody was plunged into further despair and anger.

'Soon after, I ran away again. No one was really looking after me so it didn't matter. I didn't care anymore. Everything in my life went wrong. Everyone was doing something bad. I started to look at what had happened to me and my friends – some were missing, others were getting hurt, hurt bad. There didn't seem any point.'

Aged 13 and vulnerable, she was easy prey for abusers, given drink and drugs then sexually exploited. Often she could hardly remember what had happened or

didn't want to remember. She could see no way of escape; if she went along with it at least she wouldn't get beaten. She'd tried to tell the police what was going on but no one really 'followed through'.

Aged 14 Jody was using drugs and involved with dealers where she was sexually exploited by night and used to stash drugs by day. The dealers were in a winning situation – if the drugs were traced, the young girl would face prosecution. That was exactly what happened. Jody was linked to drug taking and arrested. Jody was terrified to speak up and tell the truth. It was safer to face the legal consequences.

'They (the police) can't protect me, no one can. I'm terrified, I can't eat or sleep, I don't know what's going to happen,' says Jody. 'I don't know what the next day is going to bring – I can't think ahead. At least if I keep my mouth shut, I'm safe.'

Barnardo's has been supporting Jody and despite her vulnerability, she is trying to make a new life and has even made contact with her mother.

Source: Barnardo's

3.1 This chapter summarises what is known about the sexual exploitation of children and young people. The way in which children and young people are exploited is constantly changing and practitioners will wish to ensure that they have an up-to-date understanding of the nature of sexual exploitation in their area, as methods of grooming and exploitation change.

The nature of sexual exploitation

3.2 Perpetrators of sexual exploitation target boys and young men as well as girls and young women from all backgrounds and ethnic groups. Children and young people with learning difficulties are particularly vulnerable. However, many children who are sexually exploited miss a lot of schooling and are underachieving, but above average intelligence. Children and young people sexually exploited in the UK include both UK nationals and migrant children.

3.3 Sexual exploitation can take many forms from the seemingly 'consensual' relationship where sex is exchanged for accommodation or gifts, to serious organised crime. What marks out exploitation is an imbalance of power within the relationship. So the perpetrator always holds some kind of power over the victim, usually building this as the exploitative relationship develops. This chapter sets out some of the more common behaviours found in cases of sexual exploitation, but is by no means a definitive framework.

3.4 Sexual exploitation involves varying degrees of coercion, intimidation or enticement, including young people facing unwanted pressure from their peers to have sex, sexual bullying (including cyber bullying), and young people being groomed into sexual activity. Young people can also enter sexual exploitation through utter desperation. In all cases, it is not a free economic or moral choice.

3.5 Children's charities and organisations such as The Child Exploitation and Online Protection Centre (CEOP), the United Kingdom Human Trafficking Centre (UKHTC), Home Office pilot projects in Wolverhampton and Nottingham (1997) and the projects funded through the *Prostitution-What Works?* initiative in Bristol and Sheffield, as well as the National Working Group on Child Sexual Exploitation, have made a great contribution to our understanding of how children and young people are sexually exploited, which should help LSCB partners identify those who are involved.

3.6 Many adults involved in prostitution report difficult childhood histories that include domestic violence, familial child abuse, neglect, emotional abuse, time spent in care, disrupted schooling and low educational attainment. Many were also coerced into sexual exploitation as children or young teenagers.

3.7 All children and young people are potentially at risk of sexual exploitation, regardless of their family background or other circumstances. There are certainly some factors which may make children more vulnerable to this form of abuse. However, sexual exploitation does not just affect already vulnerable groups and children can become vulnerable as a result of being exploited.

3.8 Evidence⁶ suggests that girls and young women are more likely to be sexually abused than boys and young men; those who abuse girls and young women are almost all male, while boys and young men are abused by men and women. Overall most abusers are males. A minority of those abused are abused by strangers or someone they have recently met. The majority are abused by non relatives. Some, but again a minority, are abused by parents or carers or other relatives. Access to new technologies opens up greater opportunities for strangers to sexually exploit children and young people. There is a presumption that children are sexually exploited by people they do not know. However, professionals should also be alert to organised familial abuse or abuse within closed community groups, including sexual exploitation and the making of abusive images of children and trafficking of children into, within and out of the UK.

3.9 The perpetrators of sexual exploitation are often well organised and use sophisticated tactics. They are known to target areas where children and young people might gather without much adult supervision, such as shopping centres, cafes, take-aways, pubs, sports centres, cinema, bus or train stations, local parks, playgrounds and taxi ranks, or sites on the Internet which children and young people use. In some cases they are known to use younger men or boys to build initial relationships and introduce them to others in the perpetrator networks.

Stages of sexual exploitation

3.10 It is important to recognise that sexual exploitation is not a static topic and that the types of behaviour, responses and activity of perpetrators can change on a daily basis.

⁶ 'Child Maltreatment in the United Kingdom: A study of the prevalence of child abuse and neglect'. NSPCC 2000.

3.11 However, there are identifiable stages of risk of becoming involved in sexual exploitation, as set out in the model below produced by the National Working Group for Sexually Exploited Children and Young People.

Sexual Exploitation: Risk assessment

- 1) While the Sexual Exploitation Risk Assessment (SERA) is to be read alongside the Common Assessment framework (CAF), it is designed to function independently as an assessment framework for every child at risk of sexual exploitation, whether or not child protection procedures are deemed to be required in the first instance.
- 2) LSCBs need to incorporate SERA within their protocol for safeguarding sexually exploited children and young people to enable all professionals to be aware of indicators of harm (e.g. PSHE, Primary Care Trusts, LAC Nurses, Sexual Health Workers, CAMHs, YOTs, Police, CPS, DATs, social workers, residential workers and foster carers).
- 3) Early intervention is essential to prevent escalation of harm. Young people can fluctuate between and within the different categories of the SERA. Movement is not necessarily progressive: i.e. a young person deemed to be low level category one may suddenly reveal circumstances and behaviours that place them in high level category three.
- 4) Outreach services (assertive outreach and therapeutic outreach) directed specifically at high level harm category three have proved to be able to engage and support the young person.

This model attempts to indicate intervention and support action required for children and young people at any given time given an assessment of degree or level of sexual exploitation they are experiencing. The assessment should be made on the basis of known risk indicators or 'signals' – immediate vulnerability factors – as well as a recognition of a history of disadvantage – background vulnerability factors.

Background risk factors:

Social exclusion (exclusion/truancy from school, from health services)
Poverty and deprivation
Prior experience of sexual, physical and/or emotional abuse
Prevalence of informal economies
Familial and community offending patterns
Prevalence of undiagnosed mental health problems

Immediate risk factors

(see diagram)

Flowing pattern of risk assessment

Young people will move within and between levels of risk. Service responses need to be flexible to respond to this. While most work with those in category one will be preventative work in schools, through youth services and children's services providers, emergency crisis intervention might be required. Most intervention within

category two and three should be co-ordinated through the LSCB sub committee for sexually exploited children and young people. Assertive and therapeutic outreach will be required by specialist trained sexual exploitation workers for level two and specifically for level three. Exit is possible from either of the stages of risk. Evidence shows that where LSCBs have an active protocol, a sub committee monitoring young people's progress and a dedicated service, young people can be supported away from sexual exploitation.

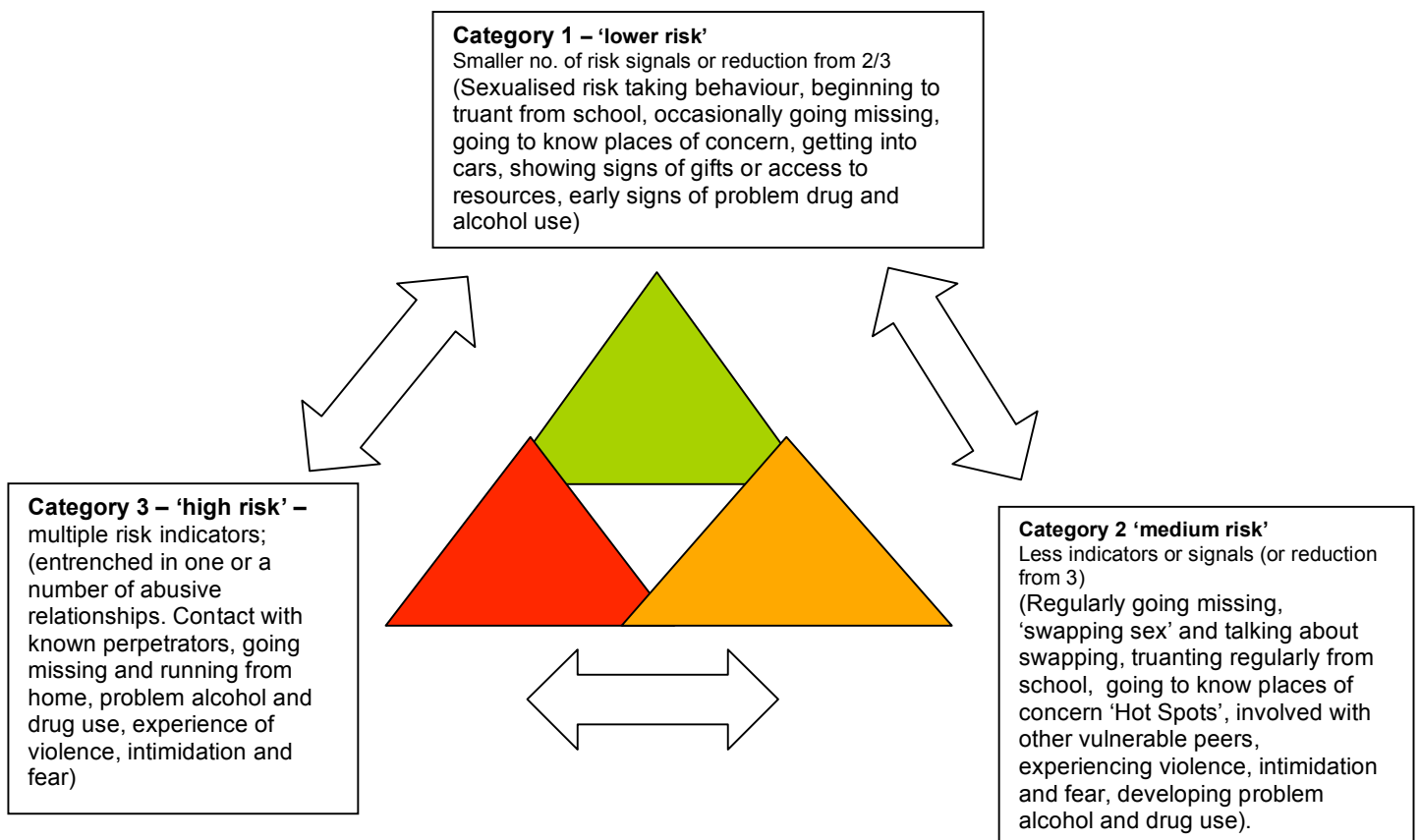
Category 1: Where triangle overlaps with stage 2, children and young people may share risk signals with those in 2 and be moving into category 2. Conversely the arrow indicates they can also be reducing their risk from 2 to 1.

Category 2: Where this triangle overlaps with stage 3, children and young people may share risk signals with those at 3 and be moving into category 3. Conversely the arrow indicates some can also be reducing their risk from 3 to 2.

Category 3: Where this triangle overlaps with stage 2, those in that section may move back from stage 3 to 2. The overlap between triangles 3 & 1 shows that in a limited number of cases radical intervention may successfully reduce risk immediately to category 1.

The National Working Group for Sexually Exploited Children and Young People (NWG 2008)

**Sexual Exploitation Risk Assessment
(NWG 2008)**



3.12 The majority of sexually exploited children and young people will be hidden. They are unlikely to be loitering or soliciting on the streets of red light areas. Sexual exploitation is also more likely to take place in private premises than the more 'visible' saunas or massage parlours. Young people are groomed to be secretive about their meetings, which are usually arranged over mobile phones or the internet, and the places and people they are meeting so the activities are easily concealed from parents or carers. As sexual exploitation is to a large extent 'hidden', it is difficult to quantify the number of children and young people who are abused in this way.

3.13 Research and practice has helped move the understanding of sexual exploitation by practitioners and policy makers away from a narrow view of seeing sexual exploitation as a young person standing on a street corner selling sex. Although this happens, it is rare and is only a very small part of the picture. Policies and services therefore need to be broad enough to take into account a wide range of needs, local variations, different models of exploitation in different communities, and to identify children at risk or who are victims of exploitation (see Chapter 6). This broad model also needs to be made clear in preventative education and in awareness raising, early intervention through work in schools or targeted work with those missing school (see Chapter 5). LSCBs should be proactive in looking for the extent of the sexual exploitation of young people in their area. It should be assumed that there will be a problem.

Information on prevalence

3.14 Estimating the extent of child sexual exploitation nationally is difficult given the hidden nature of the abuse, but also the varying responses from local areas in terms of assessing their local situation. Research commissioned in 2002 following the publication of *Safeguarding Children Involved in Prostitution* reviewed local area take-up and found that children were known to suffer sexual exploitation in 111 (of the then 146) Area Child Protection Committee districts – with an average of 19 girls and 3 boys in each area.

3.15 Smaller-scale studies since then suggest that this is a considerable underestimate of the extent of the problem. Barnardo's research in 2005 found 507 separate cases where child sexual exploitation was known or indicated, with cases identified in every borough. CROP research, *Parents, Children and Pimps: Families speak out about sexual exploitation* (2005), reflects on 107 affected families between August 2002 and June 2005.

Where does exploitation take place?

3.16 Sexual exploitation of children and young people may not be evident in the most visible sectors of the sex industry, but research suggests that it does take place in most areas across the country⁷. It is a crime that knows no borders, so even when local areas have been successful in reducing the rates of sexual exploitation, it is likely that it will only have resulted in perpetrators moving to neighbouring areas.

⁷ *Safeguarding Children involved in Prostitution*: guidance review conducted for the DoH in 2001 (Swann & Balding)

Equally, when perpetrators move across borders, the children who they are exploiting may move with them and continue to be exploited.

Sexual exploitation and wider harm to children

3.17 Sexual exploitation is often linked to other issues in the life of a child or young person, or in the wider community context. It should not be regarded as an isolated issue. This is why a child who may be sexually exploited should be the subject of a holistic assessment of their needs, like any other child who may be in need, including those who may be suffering significant harm (see Chapter 6).

3.18 Sexual exploitation has links to **other types of crime**. This includes:

- trafficking (both into, out of and within the UK)
- female genital mutilation
- domestic violence
- sexual violence in intimate relationships
- grooming (both online and offline)
- abusive images of children
- organised abuse
- drugs related offences (dealing, consuming and cultivating).
- immigration related offences
- domestic servitude

3.19 It also has links to **other factors likely to affect the welfare of children and young people** including:

- running away from home and going missing
- drug and alcohol misuse
- sexual health
- sexually risky behaviour
- bullying
- domestic servitude, neglect and violence
- teenage pregnancy
- long term sexual, physical and psychological harm
- forced marriage

3.20 And it can be related to **other factors in the lives of children and young people**:

- mental health issues
- non attendance at school and school phobia
- learning difficulties
- being in residential and foster care
- forced isolation from community and family
- immigration status.

Attitudes of children and young people

3.21 It is important to recognise that not all children and young people who are sexually exploited will see themselves as victims of sexual abuse; nor will they see their friend, boy/girlfriend or partner as an abuser. This is most likely to be the case for 16 and 17 year olds. Although faced with limited choice, they may believe themselves to be acting voluntarily. However, as noted earlier, in the Children Acts 1989 and 2004 all those who have not yet reached the age of 18 are classed as children and this guidance therefore applies equally to 16 and 17 year old boys and girls who may be sexually exploited.

Impact of sexual exploitation on children and young people

3.22 Sexual exploitation can have a serious impact on the life of the child or young person. It can lead to difficulties in forming relationships with others, a lack of confidence or self-esteem and often affects their mental and physical health. It can put the young person at increased risk of sexually transmitted infections including HIV, unwanted pregnancy and abortion, as well as long term sexual and reproductive health problems. It can also ultimately impact on their parenting capacity in the future. Where children or young people manage to escape from sexual exploitation they will sometimes feel unable to stay in their home town because of the associations it holds for them, leading to family break-ups.

Paul's story

Barnardo's Bristol BASE service works with Bristol Children and Young People's Service, Avon and Somerset Police, United Bristol Healthcare Trust, Connexions West of England and other voluntary agencies, including Off The Record and Bristol Drugs Project.

Paul (14) was referred by his special school, after concerns about his non-attendance. He lived with his mum and siblings but spent long periods away from home, travelling all over the city and staying out overnight. His mum usually was not sure where he was. When home his outbursts of anger could make life fraught and unpredictable.

Paul grew up in poverty, with many moves of home and school, an absent dad and attention deficit hyperactivity disorder all of which made life more challenging and fragmented. Paul's social worker was concerned about the time he was spending with a family known to Children's and Young People's Services who presented a serious risk to Paul's safety. Paul was at risk of sexual exploitation and getting involved in crime, with the YOT recently becoming involved. His life became increasingly chaotic, out of control and unsafe.

The BASE worker built a relationship with Paul, developing trust and familiarity with his mum and family. The worker met Paul in his own environments and was relaxed and friendly, but consistent and assertive in his approach which helped facilitate their relationship.

By getting to know Paul, it was possible for the BASE worker to gain an

understanding of the actual level of risk of harm he was putting himself at and consequently target key areas in order to promote his safety. The quality of the relationship enabled the BASE worker to guide, direct and support Paul.

Important shared activities, such as decorating, fishing and pool, provided time to talk and share understandings and aspirations. Being prepared to go and look for Paul when missing and make early morning calls to get him home and into school also added to the credibility and effectiveness of the service and reiterated the message that Paul was valued. Paul was then encouraged and supported in returning to school after a long absence.

Over time, Paul's school attendance markedly improved and he started a relationship with a local girl. Paul now spends more time in the area around his home and he has stopped running away to risky places. Paul still sees his BASE worker but only on an occasional basis, as he has now made real changes in how he spends his time and where he goes which means he is much safer than when he was first referred to BASE.

Source: Barnardo's

Impact of child sexual exploitation on families

3.23 Sexual exploitation has profound and damaging consequences for exploited children as well as on their families including parents, siblings and extended members with consequences on their health, work life, family cohesion, economic stability and social life⁸. Targeting and grooming of children often brings psychological implications for parents and other family members; it can become almost impossible for them to carry on with their life and be able to respond effectively to the crises at hand. Sexual exploitation may undermine their capacity to respond proactively to the needs of their children. Lack of knowledge about patterns of grooming, impact of exploitation on their children contributes to crises, pushing parents into despair.

3.24 Parents are often distraught, traumatised and undergo severe stress. They feel helpless and guilty for not being able to protect their children from sexual predators. They are likely to suffer verbal and physical aggression from the exploited child and threats of violence from the perpetrators. Sexual exploitation of their children also places strain on family relationships. Sexual exploitation of one child in the family places other siblings at significant risk of being groomed and exploited. Siblings are alienated and faced with bullying as a consequence of the exploitation of one child affecting their self-esteem and performance. Parents and siblings suffer serious threats of abuse, intimidation and assault at the hands of perpetrators. Siblings constantly face instability in their family life and fear for the well being of their sister(s) or brother(s) and the family as a whole.

⁸ *Parent Children and Pimps: Families speak out about sexual exploitation*, CROP report 2005

Megan's Family

Megan's parents spent time with their children in a happy stable home. Despite this, in a few short months their daughter Megan (15) fell prey to sexual exploiters. In October 2007, they observed changes in Megan after she associated with a girl (16) known to have been groomed by pimps.

By December Megan was:

- truanting
- going missing
- being aggressive
- stealing things from the family home
- losing her possessions
- going off with men in cars
- being secretive
- changed her appearance
- disrupting classes at school
- receiving calls and threats from unknown men
- going missing, returning home late drunk and/or drugged

She was bruised and bitten on her body and would lie about her whereabouts, switching the phone off when her parents rang. Police even questioned her about an incident involving a missing child. Megan said they'd been with a group of men in their cars having alcohol and that those men dropped her and drove off with the missing girl.

Megan's parents also reported Megan missing over 20 times, telling police about grooming, drugs, sexual activity with older men, places, girls involved, car registration and mobile phone numbers. Social workers also visited the family home.

Megan continued to get drinks, drugs and mobile top ups from her abusers. She was excluded from school for taking drugs. Her parents struggled to interest her in education and take exams. During short spells when she did not associate with these men, she showed interest in going to college.

The abusers took control of her life again and her family were threatened by them.

Megan's family spent sleepless nights looking for her, trying to understand what was happening, struggling to keep up with work and keeping a healthy and secure home life for the other children. Megan would come home briefly. She did not have a meal at home in weeks. Her sister Millie (20) found it extremely difficult to cope. Her brother Matt (14) could not sleep, staying up all night waiting for her, his school work was affected and he suffered taunting at school.

Her family lives in fear of hearing that Megan has been raped or found dead. They feel early intervention when Megan began to associate with the perpetrators could have been effective.

The parent support worker from CROP offers continuing support to:

- to keep records of all incidents and intelligence, engaging and sharing

information and intelligence with agencies who have safeguarding responsibilities including the UKHTC;

- encourage parents to report Megan missing and keep agencies informed;
- advocate on behalf of the parents for a multi-agency meeting to set recommendations to safeguard Megan from sexual exploitation;
- facilitate peer support for parents;
- keep parents informed of agency responses.

Source: CROP

Chapter 4 - Roles and responsibilities

4.1 Chapter 2 of *Working Together* (2006) sets out in detail the roles and responsibilities of the different organisations involved in safeguarding and promoting the welfare of children, while chapter 3 of *Working Together* explains the role of LSCBs. This chapter takes the guidance in chapters 2 and 3 of *Working Together* as its starting point and focuses on how those roles and responsibilities apply specifically to safeguarding and promoting the welfare of children in the context of sexual exploitation.

4.2 Persons and organisations subject to the duty to make arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004 should also bear in mind children and young people who are sexually exploited in fulfilling their statutory responsibilities.⁹

Local Safeguarding Children Boards

4.3 LSCBs have a key role to play in co-ordinating and ensuring the effectiveness of the work of their members. They should implement this guidance in carrying out their functions. They should also consider appointing a lead person for child sexual exploitation in each LSCB member organisation.

LSCB functions

4.4 In their function of participating in planning and commissioning, LSCBs should ensure that tackling sexual exploitation has been considered when planning and commissioning local services and that where necessary this form of abuse is addressed in the Children and Young People's Plan and (where this is separate) the LSCB's own planning and reporting mechanisms.

4.5 As set out in Chapter 1, every LSCB should assume that sexual exploitation occurs within its boundary unless there is clear evidence to the contrary. It should be considered in local needs assessments and where there is a significant issue, the LSCB should help ensure this is regarded as a priority by the local children's trust partnership.

4.6 Local activity could include preventative measures to prevent children and young people becoming exploited (see Chapter 5) as well as measures to help young people who are exploited and to take action against perpetrators.

4.7 In the function of setting policies and procedures, LSCBs should ensure that local procedures are (or a local protocol is) in place covering the sexual exploitation of children and young people. These LSCB procedures should reflect this guidance and provide a clear steer to local agencies and professionals. They should be part of or consistent with other LSCB procedures for safeguarding and promoting the welfare of children, and with relevant aspects of youth offending protocols. LSCBs

⁹ *Statutory guidance on arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004 – updated March 2007.* <http://www.everychildmatters.gov.uk/resources-and-practice/IG00042/>

will wish to ensure that there is appropriate cross-referral between these different documents. All agencies with an interest in this issue should be involved in drawing up the protocol, including local and national voluntary child and family support agencies and national voluntary child care organisations which have a local presence. Young people and adults who have been sexually exploited, and are willing to help and advise, should also be involved as appropriate.

4.8 The procedures could include, for example:

- how to identify signs of sexual exploitation
- how professionals can seek help and advice on this issue
- how professionals can and should share information about concerns, appropriately and at the right times with all relevant agencies, and how this relates to confidentiality
- where professionals should go when they have concerns about sexual exploitation, and when they should make referrals to children's social care or involve the police
- how concerns about sexual exploitation relate to thresholds for referral and arrangements for multi-agency support, including use of the Common Assessment Framework for identifying additional needs at an early stage
- the role of professionals in gathering and preserving evidence about perpetrators of sexual exploitation
- the processes and possible responses for supporting children who have been identified as being at risk of being drawn into sexual exploitation or are being sexually exploited
- how to deal with neighbouring areas, and others further afield, in the case of children and young people who appear to have crossed local boundaries in the course of sexual exploitation
- how to deal with issues relating to migrant children subject to sexual exploitation as well as sexual exploitation through the internet.

4.9 The procedures should be clear that the identification of a child or young person who is being sexually exploited, or at risk of being drawn into sexual exploitation, should always trigger the agreed local LSCB procedures to ensure the child's safety and welfare, and to enable the police to gather evidence about abusers and coercers. The strong links that have been identified between different forms of sexual exploitation, running away from home, human trafficking and substance misuse should be borne in mind in the development of procedures

4.10 LSCBs should put in place arrangements to co-operate with neighbouring areas, and others further afield, in the case of children and young people who appear to have crossed local boundaries in the course of sexual exploitation. These arrangements may be part of more general arrangements between LSCBs to

cooperate.

4.11 In their function of ensuring the training of people who work with children or in services affecting the welfare of children, LSCBs should ensure that local safeguarding training includes knowledge about sexual exploitation and the ability to identify signs of sexual exploitation. This should also involve an understanding of how to gather evidence which can be used effectively against abusers. Where a particular issue of sexual exploitation is known to exist locally, LSCBs will wish to make this a priority and ensure that more specialist training is available for all key professionals.

4.12 LSCBs should ensure that by reading the procedures and other materials, or by undertaking training, professionals or staff members in their local area who may identify concerns about the welfare or safety of a child at risk of sexual exploitation or who is being sexually exploited will know:

- what services are available locally, how to gain access to them, and the locally agreed criteria for accessing them
- what sources of further advice and expertise are available, whom to contact, in what circumstances, and how
- when and how to make a referral to LA children's social care and/or the police
- what arrangements may be possible to ensure his or her immediate safety
- when to use the Common Assessment Framework to help understand a child or young person's needs and develop a plan to meet these.

4.13 Regional Improvement and Efficiency Partnerships (RIEPs) have a central role in setting the strategic vision for improvement and efficiency, providing councils and partnerships with a mechanism to have a single conversation regarding improvement needs in their localities. They will have a key role in ensuring arrangements for improvement services are simple, with easy access to the right support at the right time.

4.14 In their role of communicating and raising awareness, LSCBs should identify any issues around sexual exploitation arising from the views and experiences of children and young people in their area. They should consider whether there should be specific communications relating to sexual exploitation to the local community including:

- awareness raising activities focused on young people
- publicity for sources of help for victims
- public awareness campaigns more generally
- engaging with local communities.

4.15 In their work of monitoring and evaluation LSCBs should put in place systems to track and monitor cases of sexual exploitation that come to the attention of local agencies including schools, colleges and other education organisations, health, the police, social care, and voluntary and community sector organisations. It would be useful if LSCBs can make available key data to share with one another and with national organisations to improve the evidence base on sexual exploitation and work to address it.

4.16 In considering when to undertake serious case reviews, LSCBs should bear in mind the harmful nature of sexual exploitation and the likelihood that similar situations will recur unless services are alert and effective. *Working Together* explains that 'A LSCB should always consider whether to undertake a serious case review where a child has sustained ... serious sexual abuse... **and** the case gives rise to concerns about the way in which local professionals and services work together to safeguard and promote the welfare of children.'¹⁰ A review may help focus local attention and learning on the issue of sexual exploitation and how services can better address it.

LSCBs ensuring co-operation

4.17 LSCBs should consider how to involve their members and other agencies in work to address sexual exploitation. LSCBs can be a key conduit between voluntary and statutory agencies:

- the voluntary and community sector (VCS) organisations involved in service delivery to those sexually exploited and their families – and those who have been exploited or are at risk of becoming so – will be key partners and will have information and intelligence which LSCBs and their statutory members should draw on in feeding into planning and commissioning. The VCS should be involved in drawing up local policies and procedures.
- other local partnerships, including Crime and Disorder Reduction Partnerships (CDRPs), also have a key role to play. LSCBs should already have links with CDRPs and these can be used to ensure a common understanding of the nature of the problem, local priorities, and how different agencies will co-operate to address it.

4.18 LSCBs will wish to consider how work to tackle sexual exploitation fits into their own structures and that of other local agencies and partnerships.

4.19 It is good practice for the LSCBs to identify a sub-group which will lead on the issue of sexual exploitation, driving forward work on this issue and ensuring effective co-operation. This group might be tasked with developing and ensuring the implementation of the protocol/procedures set out above.

4.20 LSCB partners may wish to identify a lead person for the local area with at least some dedicated time who can play a specific co-ordinating role. That might be a LSCB staff member or the employee of an LSCB member organisation. Areas that have been successful in tackling this issue have identified lead people.

¹⁰ Paragraph 8.6, *Working Together to Safeguard Children (2006)*

4.21 LSCBs should also consider:

- how multi-agency plans for support and safeguarding of children and young people, support for parents and action on offenders can be put in place
- what specialist resources/services can be provided including funding, and what are possible sources of funding
- how children and young people at risk of sexual exploitation or who are being sexually exploited can best be provided with a lead professional. If the child is a child in need and receiving services, then children's social care will be providing the 'lead professional'. Where this does not apply and more than one practitioner is involved in providing support for a child, one should be the lead professional, to co-ordinate the support and to be a single point of contact. Depending on the case and local arrangements, they could be from education, health, social care or the voluntary and community sector but would need a clear remit and link to other agencies and services.

Portsmouth's LSCB received anecdotal evidence from various professionals that sexual exploitation of children and young people was taking place in Portsmouth. This was hidden and therefore it was difficult to judge the scale of the problem.

They identified three key factors:

- lack of knowledge and awareness amongst professionals working with children and young people about the issues of sexual exploitation itself
- insufficient evidence of such activity taking place so professionals would be reluctant to acknowledge the scale and nature of child sexual exploitation
- children and young people potentially involved were unlikely to disclose that they had been exploited.

They commissioned a 12 month scoping exercise from Barnardo's who were already well established in Southampton. At the end of the scoping work Barnardo's produced a report which set out a series of recommendations and proposals.

The report recommended that Portsmouth adopt joint working and intelligence sharing with Southampton, whereby a manager would oversee child sexual exploitation work; carried out in conjunction with Southampton. The manager would be someone from Barnardo's but funded by the LSCB.

Under this arrangement there will be one and a half workers based in Portsmouth but managed by Southampton. Where there are issues of joint training there will be a cross-over of staff. The one and half workers based in Portsmouth will act as a point for receiving and acting on referrals and providing advice.

As one professional noted, *'the harsh reality is that we have to work with limited resources and working along side your counterpart in other local areas ensures that you gain the benefits of economies of scale'*.

Common features for all agencies

4.22 As set out in *Working Together*, all organisations that provide services for, or work with, children need to have arrangements in place to fulfil their commitment to safeguard and promote the welfare of children.

4.23 In relation to child sexual exploitation, all these organisations should ensure that:

- obligatory training is provided, looking at issues of sexual exploitation and focusing on the recording and retention of information and intelligence
- safeguarding training and refresher training includes an awareness of sexual exploitation
- policies for safeguarding and promoting the welfare of children are compatible with the LSCB's policies and procedures that relate to sexual exploitation
- information is shared with other agencies where this is in the best interests of the child.

4.24 All agencies should be aware of and should follow the guidance in *Working Together* on sexually active young people (see paragraphs 5.23 to 5.30 of *Working Together*) as implemented through local protocols/procedures. This guidance is repeated as Annex B to this document for ease of reference.

Local Authorities

Local Authorities that are children's services authorities¹¹

4.25 LAs take a lead role in bringing together local services to improve the welfare of children – through local Children's Trust arrangements, which take the lead in local planning and commissioning of services and in drawing up the Children and Young People's Plan. They are also responsible for taking the lead in local safeguarding arrangements by putting in place LSCBs.

4.26 Local Authorities also have key responsibilities themselves to safeguard and promote the welfare of children set out in the Children Act 1989 and in other legislation (see Annex A).

Planning and commissioning services

4.27 Local Authorities should ensure, together with their Children's Trust partners, that local needs assessments include the issue of sexual exploitation. They should assume that this is a local issue unless there is clear evidence to the contrary. In local planning and commissioning, LAs and their partners should consider the need for services to meet the needs of young people who are sexually exploited, in order to safeguard them, provide any necessary therapeutic care, and provide any necessary support to achieve good outcomes for each child.

¹¹ County level or unitary authorities are defined as children's services authorities in the Children Act 2004. Section 63 of the Act sets out the full definition.

Children's social care

4.28 Following a referral, Local Authority children's social care should ensure that the needs of all children who are or are likely to be sexually exploited are assessed and that appropriate multi-agency engagement and intervention is undertaken when required, in line with *Working Together*, the *Framework for the Assessment of Children in Need and their Families*, and with Chapter 6 of this guidance. The duties on Local Authorities under the Children Act 1989 apply to all children and young people aged below 18.

Connexions – services provided under section 114 of the Learning and Skills Act 2000

4.29 Connexions is currently delivered by a range of organisations including LAs. Each Connexions partnership has a substantial workforce working directly with young people. The workforce includes not only professionally qualified personal advisers, but also other delivery staff working under their supervision.

4.30 The Connexions partnership (including its subcontractors) is responsible for identifying, keeping in touch with and giving the necessary support to young people in their geographical area. Each young person's needs are assessed and the support and continuing contact they receive is tailored to their assessed needs. The needs of young people from vulnerable groups such as teenage mothers, care leavers, young people supervised by youth offending teams, and young people with learning difficulties and/or disabilities are a particular priority for Connexions partnerships.

4.31 Connexions staff are likely to be involved with or work with young people who are at risk of sexual exploitation or who are being sexually exploited. They should be alert to the signs of sexual exploitation and should be aware of and should follow local protocols/procedures. They may need to be involved in providing ongoing support as part of an agreed child protection or care plan or as part of action to support a child in need.

Youth services

4.32 Youth and community workers (YCWs) have close contact with children and young people and will be in a key position to identify signs that someone is at risk of or suffering sexual exploitation. Sexual exploitation should be part of Local Authority Youth Service (LAYS) instructions to YCWs on safeguarding children. There should be a clear expectation that sexual exploitation is not something which should be kept confidential and YCWs should discuss the issues with senior colleagues and should refer to other agencies when this is identified. It should also make clear the potential ongoing role of YCWs in supporting a child or young person who is being sexually exploited, as part of action agreed with other agencies. Volunteers within the youth service should be subject to the same requirement, and this should be part of the arrangements to safeguard children and young people that are put in place when the LA funds local voluntary youth organisations or other providers through grant or contract arrangements.

Leisure services

4.33 Sport and cultural services designed for children and families – such as libraries, parks and gardens, sport and leisure centres, events and attractions, museums and art centres – are directly provided, purchased or grant-aided by LAs, the commercial sector and by community and voluntary organisations. Many such activities take place in premises managed by authorities or their agents.

4.34 Staff who provide these services may have contact with children and young people at risk of or suffering sexual exploitation. In some cases activities relating to sexual exploitation may take place in or around these facilities. These services should ensure appropriate arrangements are in place including:

- safeguarding training for staff and where necessary volunteers and contractors should include the need to be alert to sexual exploitation
- procedures should be in place for staff and others to report concerns they may have
- appropriate codes of practice should be in place for staff, including sports coaches, such as the codes of practice issued by national governing bodies of sport, the Health and Safety Executive, the LA or the Child Protection in Sport Unit.

Housing service

4.35 Housing and homelessness staff in LAs can play an important role in safeguarding children from sexual exploitation as can housing managers, whether working in a LA or for a registered social landlord (RSL), and others with a front-line role such as environmental health officers. In carrying out their role in identifying needs and welfare issues relating to children and young people they should be aware of the issue of sexual exploitation. They may also identify adults about whom they have concerns as possible perpetrators of sexual exploitation. They should follow up these concerns in line with local procedures.

Criminal justice organisations

The police

4.36 This section should be read in conjunction with paragraphs 2.97 – 2.105 of *Working Together*, which set out the principles applying to the police role in child protection investigations.

4.37 The sexual exploitation of a child or young person will almost certainly involve the commission of a crime and the police should be alerted as early as possible. The Police Service is the prime agency for gathering evidence in connection with criminal cases. This will need to be achieved by working with other agencies.

4.38 As explained in Chapter 2, sexual exploitation of children and young people should not be regarded as a criminal act by the child or young person, but as sexual abuse of them. The focus of police investigations and of prosecutions should be on the exploiters, not on the child or young person who is the victim of sexual exploitation.

4.39 On detection of a crime involving the sexual exploitation of a child or young person, the police should consider applying for an Emergency Protection Order. Police powers should only be used in exceptional circumstances where there is insufficient time to seek an Emergency Protection Order, or for reasons relating to the immediate safety of the child. There are also a host of other orders that can be taken out to prevent the sexual exploitation of children depending on the situation. i.e. Sexual Offence Prevention Orders (SOPOs), Foreign Travel Orders (FTOs), Risk of Sexual Harm Orders, Child Abduction Order.

4.40 The Association of Chief Police Officers (ACPO) will be shortly releasing guidance for police on investigating child trafficking cases.

4.41 The police should work in partnership with other agencies to ensure that information/intelligence is gathered and collated to identify offenders and bring them to justice. Information/intelligence received by local police forces should be passed to UKHTC in order to establish the national picture in respect of trafficking for sexual exploitation. Police action should be focussed on offenders. If a young person is willing to make a formal complaint then the crime reported should be pursued. In the absence of a complaint disruption techniques should be employed e.g. Child Abduction Act 1984 Section 2.

4.42 Police need to be aware of the early indicators of risk of sexual exploitation, the key indicator being missing from home or care, and ensure that appropriate police intervention is made at this stage to build up a relationship with the young person and to begin to gather evidence.

Sexual Assault Referral Centres (SARCs)

4.43 A SARC is a one-stop location where victims of rape and serious sexual assault can receive medical care and counselling, and have the opportunity to assist the police investigation, including undergoing a forensic examination. Referrals can be made via the police or a victim can self-refer. Many centres are located in hospitals, as this allows access to medical staff and equipment. Some offer services for children and young people as well as adults.

4.44 SARCs relieve some of the pressure on police service resources by providing centralised facilities where they can meet with the victim, conduct forensic examinations and gather evidence. For victims, referral centres help reduce the stress of dealing with what's happening to them. They can, if they wish, receive emergency contraception and be screened for sexually transmitted infections. Victims who receive good immediate care and counselling are found to recover more steadily, and are less likely to need ongoing counselling and long-term mental health care.

4.45 There are currently 19 SARCs with a further 17 under development. The Government has committed to establishing at least one SARC in every police force area by 2010-11.

Crown Prosecution Service

4.46 The Crown Prosecution Service (CPS) is the principal public prosecuting authority for England and Wales. Although the CPS works closely with the police, it is independent of them. The police are responsible for investigating allegations of crime and for gathering evidence about what occurred. The CPS is responsible for deciding the charge in all but the most minor offences and prosecuting those cases

4.47 Policy guidance has been issued by the CPS on prosecuting cases involving children and young people as victims and witnesses of crime and, in appropriate circumstances, as defendants. It sets out CPS policy to guide prosecutors in ensuring that when they are dealing with cases involving children, the child is given appropriate support and there is consideration as to what is best for the child if a criminal prosecution proceeds.

4.48 CPS decisions on prosecuting cases are guided by a Code for Crown Prosecutors¹². The Code provides that the two stages of the Code for Crown Prosecutors be applied to all cases before a decision is taken on whether to proceed. The first is the evidential stage to determine whether there is sufficient evidence to provide a realistic prospect of conviction. CPS will work closely with the police to build a strong case evidentially. A child's evidence can be recorded on video to be played in court to avoid them having to give "live" evidence. If the evidence is strong enough, the public interest stage of the test will then be applied. When considering the public interest the prosecutors will think carefully about the effect on a child before making the decision. If a crime is serious though and the evidence is strong enough, the CPS will nearly always prosecute.

4.49 There are specific provisions in the Code to ensure that young people are not inappropriately criminalised. Paragraphs 8.8 and 8.9 require the Crown prosecutor to consider the interests of a child or youth when deciding whether it is in the public interest to prosecute. Cases involving young people are usually only referred to the CPS for prosecution if the young person has already received a reprimand and final warning. Reprimands and final warnings are intended to prevent re-offending.

4.50 The use of a child in a criminal enterprise can be seen as a form of child abuse. Children who may be forced into prostitution will be treated by the CPS as an abused child and victim who needs help rather than as a defendant. The same consideration will be given to those who are coerced into committing crimes or used by adults to commit offences. CPS will prosecute people who organise prostitution and who benefit financially from abusing children.

4.51 More detailed guidance to prosecutors expands on these provisions. In cases where there is evidence that a young person has committed an offence whilst in a coerced situation, for example when they have been trafficked, the prosecutor will have to consider whether or not the coercion amounts to a defence of duress. Where it does not amount to a defence and there is sufficient evidence for a prosecution, the circumstances of the young person will be one of the factors for the prosecutor to consider in deciding whether or not it is in the public interest to bring a prosecution.

¹² www.cps.gov.uk/victims_witnesses/code.html

4.52 Whilst the CPS is not a statutory member of LSCBs, prosecutors will be able to advise on appropriate issues when requested to do so.

Youth Offending Teams (YOTs)

4.53 YOTs are multi-agency teams based in each county level or unitary local authority, responsible for providing risk and needs-based interventions and the supervision of children and young people subject to pre-court interventions and statutory court disposals.

4.54 YOTs are well placed to identify those children and young people known to relevant organisations as being most at risk of offending. While under this guidance young people who are sexually exploited should not themselves be regarded as offenders, a number of the young people who come into contact with YOTs will be vulnerable and some may be at risk of or suffering sexual exploitation. YOTs should be alert to this and should ensure that all the needs of young people with whom they are in contact, including a risk of sexual exploitation, are flagged up and addressed according to local procedures.

Health services

4.55 This section should be read in conjunction with paragraphs 2.27 to 2.96 of *Working Together* which set out in detail the role of different health services in safeguarding children.

4.56 Health professionals and organisations have a statutory duty and a key role to play in actively promoting the health and well-being of children, and to make arrangements to safeguard and protect children from maltreatment. This applies to Strategic Health Authorities, Primary Care Trusts, NHS Trusts and NHS Foundation Trusts. *Working Together* sets out the responsibility of all health professionals to understand the risk factors and recognise children in need of support and/or safeguarding from harm.

4.57 Health services are in a key position to recognise children and young people who are suffering sexual exploitation. In addition, health services may also be in a position to identify concerns about adults who may be perpetrators of sexual exploitation. All services including GPs, NHS Trusts, Primary Care Trusts and others therefore need to be alert to this issue in their work with both children and adults. Some services have a particular need to bear this in mind:

- Sexual health services, genito-urinary medicine (GUM) services and community contraceptive clinics may be aware of sexually active young people and may pick up indicators of sexual exploitation. They should always be alert to these signs and should follow the guidance in *Working Together* on sexually active young people (paragraphs 5.23 to 5.30) as implemented through local protocols / procedures.
- Mental health services including child and adolescent mental health services (CAMHS), adult mental health services, and alcohol and drug services may encounter children and young people at risk of or suffering sexual exploitation

or they may have concerns about adults suspected of being perpetrators of sexual exploitation. As part of assessment and care planning, child and adolescent mental health professionals should identify whether child abuse or neglect or domestic violence are factors in a child's mental health problems, and should ensure that this is addressed appropriately in the child's treatment and care. CAMHS professionals have a particular role in the assessment of cases where there is perceived high risk of danger, cases where multiple victims are involved.

- LAC nurses
- Paediatricians and A and E staff may pick up on signs of sexual and physical abuse or signs of violence when young people present with injuries. Young people may also present due to alcohol or drug overdose or intoxication. These staff may be in a prime position not only to refer to other agencies but also (subject to the patient's consent) to collect forensic and photographic evidence through their medical examinations, which will assist the police with their investigations e.g. DNA from semen and photographs of injuries.

4.58 The Department of Health will be publishing the results of the academic work and research conducted by the Victims of Violence and Abuse Prevention Programme later in 2008.

Schools and further education institutions

4.59 Schools (including Academies, independent schools and non-maintained special schools) and further education institutions are required (under the Education Act 2002) to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children. This section should be read in conjunction with paragraphs 2.121 to 2.131 of *Working Together* which set out the general role of education institutions in safeguarding and with Chapter 2 of *Safeguarding Children and Safer Recruitment in Education* (2006) which provides specific guidance on this role.

4.60 It is important that education institutions are alert to sexual exploitation and that education staff can identify signs that a child or young person is at risk of or suffering sexual exploitation, and know what action to take in line with local procedures.

4.61 Links with other agencies will support schools and FE colleges in their role. Working with Primary Care Trusts and linking with local school health networks to bring together health and education is important. School nurses have a key role to play in ensuring the safety and wellbeing of children and young people.

4.62 Educational institutions play an important role in helping children and young people gain an understanding of acceptable and unacceptable relationships and sexual behaviour and to gain a sense of self-worth and respect for others.

4.63 The PSHE¹³ curriculum, which includes Sex and Relationship Education, and Social and Emotional Aspects of Learning all provide a vehicle for this important learning which can help prevent children and young people becoming involved in sexual exploitation.

4.64 Children and young people should also be informed through education institutions of specific safeguarding risks including the risk of sexual exploitation and made aware of how to seek help and advice. This can include national sources of help such as CEOP and ChildLine and local projects and agencies including of course statutory services.

The Awaken project's 'contact card'

The Awaken project in Blackpool have produced a credit card size 'contact card', which is distributed in schools and youth organisations, to provide a point of contact for young people at risk.

4.65 More information on the role of education institutions in prevention is set out in Chapter 5.

Voluntary and community sector organisations

4.66 Voluntary organisations play an important role in delivering services for children and young people and their families, providing support, and providing activities.

4.67 All voluntary and community sector organisations in contact with children, young people and families should be aware of the need to safeguard and promote the welfare of children, should be as able as statutory services to identify concerns about sexual exploitation and to make referrals as appropriate.

4.68 Voluntary organisations can also play a key role in services specifically to address the issue of sexual exploitation including:

- preventative work
- intervention as part of an agreed package of support for someone who is at risk of or suffering sexual exploitation. It may be agreed that someone from the VCS is best placed to act as a lead professional. This intervention should be managed as part of local procedures and in collaboration with statutory agencies
- therapeutic work with children and young people who have suffered sexual exploitation
- support to parents and carers to enable them to proactively support their

¹³ From September 2008, Personal, Social and Health Education will become Personal, Social, Health and Economic Education in secondary schools. PSHE education will be described in two new programmes of study – personal wellbeing, in which the teaching of SRE sits, and economic wellbeing and financial capability.

children and

- long-term intervention

The private sector

4.69 Private sector organisations provide many services for children and young people or are responsible for environments where children and young people may be present. Examples include shopping centres, cinemas, pubs, cafes, restaurants and other leisure facilities.

4.70 Safeguarding children is everyone's responsibility and the Government is working to promote that understanding even where there is no explicit duty on organisations. The Government's *Staying Safe: Action Plan* sets out the work that we are taking forward to raise awareness generally of the need to take responsibility for safeguarding and promoting the welfare of children and young people and to drive improvements in children's safety.

4.71 To make this a reality we encourage private sector organisations to:

- be alert to safeguarding children issues including sexual exploitation
- implement safeguarding standards such as Leisurewatch¹⁴ or standards developed by the NSPCC
- co-operate with statutory services' work including LSCBs' outreach work, service planning and co-ordination
- ensure staff are trained in safeguarding and promoting the welfare of children, including sexual exploitation
- become closely involved where an issue of sexual exploitation is identified in a particular local area or facility and engage in active co-operation with local agencies, especially the police and local authority, to address it.

Other specialist organisations

The Child Exploitation and Online Protection (CEOP) Centre

4.72 The CEOP Centre is the UK's dedicated response to tackling the sexual abuse and exploitation of children, with a particular emphasis on the threat posed by the use of technology. It is part of the UK policing community and applies the full powers of the law in tracking and bringing to account offenders either within the UK or overseas.

4.73 As part of its harm reduction work, CEOP looks to engage and empower children, young people and parents through its *Thinkuknow* education and public awareness programme, working with the online and mobile industry to advise on

¹⁴ Leisurewatch is a scheme delivered and maintained by The Derwent Initiative. Its purpose is to increase public protection by preventing sexual offending in defined public spaces. It brings together trained staff in leisure venues and named police officers responsible for community safety, to reduce the risk of harm to children and young people.

“Safer by Design” strategies and utilising specialist units to better understand how to combat the sexual abuse and exploitation of children in both the on- and offline worlds.

4.74 The general public, particularly children and young people, are encouraged to report suspicions or incidents of inappropriate sexual contact such as grooming through CEOP’s “Report Abuse” mechanism within the online environments that they occupy, such as instant messaging, chat and social networking sites. CEOP also handles referrals from across national and international law enforcement, coordinating operational activity, through collaborations such as the Virtual Global Taskforce (VGT) to disrupt and dismantle on- and offline networks of child sex offenders.

4.75 Where CEOP identifies a case of suspected or alleged sexual abuse or exploitation it will contact local services in the area where a suspect or victim lives. Local services should contact CEOP when they identify sexual exploitation which crosses local or international boundaries. In all cases of suspected or alleged sexual abuse, the involvement of online technology should be considered in any strategy.

4.76 CEOP may be contacted on www.ceop.gov.uk, or 0870 000 3344, or enquiries@ceop.gov.uk.

Child Exploitation and Online Protection Centre
33 Vauxhall Bridge Road
London
SW1V 2WG

The United Kingdom Human Trafficking Centre (UKHTC)

4.77 The UKHTC is a multi agency centre that provides a central point for the development of expertise and operational co-ordination in relation to the trafficking of human beings, working together with other agencies in the UK and abroad.

4.78 It plays a key role in co-ordinating work across stakeholders and, with its partners, delivers a diverse set of programmes, including targeted campaigns to prevent and reduce the trafficking of human beings.

4.79 In addition, the Centre conducts research, develops training packages for UK law enforcement partners, cascades good practice and works to deliver an improved knowledge and understanding of the way criminal enterprises associated with human trafficking operate.

4.80 The Centre will continuously develop police and law enforcement expertise and provide operational co-ordination in the UK in relation to the trafficking of human beings, complementing and working in conjunction with the Serious Organised Crime Agency (SOCA).

4.81 The Centre promotes the development of a victim-centred human rights based approach to the trafficking of human beings. Working with non-governmental

organisations (NGOs) and other partners, it works to improve the standard of victim care and protection and raise understanding of the complexities that attach to dealing with victim welfare in human trafficking cases in both the criminal justice and wider protection environment.

4.82 The following advice is available from UKHTC:

Coordination, promoting and facilitating international victim support, assisting with tactical/operational advice: Tel. 0114 252 3564

Child Trafficking advice: Tel. 0114 252 3564

Legal Advice: Tel. 0114 252 3892

Victim Care co-ordinator: Tel. 0114 252 3803

Intelligence/Analysis: Tel. 0114 252 3891

Chapter 5 - Preventing sexual exploitation

5.1 The effects of sexual exploitation can be harmful and far reaching for children and young people and the ultimate aim for any local strategy must be to prevent them from being exploited in the first place. This chapter looks at measures that may help to achieve this.

5.2 By prevention we mean reducing the risk that children and young people will become victims of sexual exploitation by:

- reducing their vulnerability
- improving their resilience
- reducing the prevalence of exploiters
- reducing tolerance of exploitative behaviour

5.3 That is the subject of this chapter. Work to identify and manage individual cases of sexual exploitation is set out in Chapter 6. Work to identify and prosecute perpetrators of sexual exploitation is covered in Chapter 7. All of that work will also have a preventative effect by reducing the numbers of children and young people who are sexually exploited, deterring perpetrators and where appropriate, bringing criminal prosecutions.

LSCB responsibilities

5.4 LSCBs should ensure that there is a coordinated approach to prevention in their areas, which includes proactive work to make sure that children and young people are aware of the realities of sexual exploitation. All key agencies will be involved in different aspects of prevention.

The five outcomes and prevention

5.5 All work to improve the wellbeing of children will help to prevent children falling victim to sexual exploitation. The more a child or young person can be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic well-being, the more likely they are to be happy in themselves and working towards their own aspirations, and the less likely they are to be vulnerable to exploiters. Nevertheless this sort of general wellbeing is no guarantee that children and young people will be able to resist being drawn into exploitation. More specific prevention can help further.

Awareness raising and preventative education

5.6 A key element in prevention is to raise awareness amongst children and young people, both as potential victims, but also as the potential abusers/exploiters of the future. Education on all aspects of sexual exploitation should be delivered as part of broader sex and relationship education within the Personal Social and Health Education (PSHE) and Citizenship curriculum. Sex and relationship education

(SRE) is 'learning about sex, sexuality, emotions, relationships, sexual health and ourselves'. The responsibility of schools to provide young people with sex education is outlined within the Education Act (1996) and the Learning and Skills Act (2000). The Government published Sex and Relationship Education guidance in 2000 to provide support for schools on how to deliver effective SRE and is currently conducting a review of SRE delivery in schools. Education and discussion around healthy, respectful relationships can be a key part of preventative education.

5.7 Raising awareness of sexual exploitation amongst children and young people will help to deliver all five of the outcomes for children and young people, especially those that aim to help young people 'stay safe' and 'be healthy.' All children and young people are potentially at risk of being sexually exploited, but it is not just teenagers who are targeted. Boys and girls as young as eight are known to have been sexually exploited.

5.8 By enabling children and young people to explore what makes a safe and healthy relationship, schools can help to develop the awareness and skills to recognise and manage potential risks, stay safe and seek help if they need it. It is important that this message is repeated throughout a child's time at school to enable prevention through promotion of safe practices. Both primary and secondary schools have a vital role to play in this preventive education and awareness raising.

5.9 Preventing sexual exploitation and helping young people to learn about safe, healthy relationships is central to the National Teenage Pregnancy Strategy and the National Strategy for Sexual Health and HIV. It is also a core part of the National Healthy Schools Programme, which aims to equip young people with the skills and attitudes to make informed decisions about their health.

5.10 Specific resources are available to help facilitate discussions around healthy relationships and sexual exploitation as part of the PSHE curriculum. Following consultation with professionals, the Sex Education Forum has produced a factsheet to help teachers at key stages 3 and 4 to plan and deliver effective education on sexual exploitation as part of wider SRE within PSHE and Citizenship. For those at particular risk, further more in-depth education and support may be required. Links should be made with education and awareness raising about on-line safety. Some further useful links on all these issues are provided in Annex C [Note: this will be included in the final version of the guidance following consultation].

5.11 Awareness-raising needs to be well co-ordinated and well informed. It should:

- be carried out through effective materials tailored to the audience of children and young people
- be integrated into the curriculum where possible for school age children, and
- include signposting to sources of advice and support, nationally (such as ChildLine) and locally.

5.12 People who are expected to deliver training to children and young people should be trained and equipped to do so. This could form part of local LSCB

assured safeguarding training programmes. Those delivering education on sexual exploitation need to be aware that they may encounter children who are or have been victims of sexual exploitation. They should be able to use suitable techniques to enable discussions to take place and should be prepared to consider and deal with any indications of exploitation or indeed other abuse or neglect, in accordance with local procedures and the guidance on managing individual cases set out in Chapter 6.

5.13 Specialist services should where possible be involved in education and awareness raising programmes as they can provide a powerful illustration of the issues around sexual exploitation.

5.14 Making use of the resources and expertise of organisations like the Child Exploitation and Online Protection (CEOP) Centre and UKHTC will benefit LSCBs and practitioners.

Targeted prevention

5.15 Some groups may be in particular need of education or awareness raising.

5.16 YOTs should consider incorporating promotion of healthy relationships in their work with young people, as well as raising awareness of the risks of sexual exploitation.

5.17 Children who are already vulnerable may become the targets of sexual exploitation.

5.18 Perpetrators have been known to target **looked after children** for sexual exploitation. Local authorities and partner agencies should consider how best to raise awareness, including through the provision of high quality information, of looked after children and to provide the support and care that they need to reduce looked after children and young people's vulnerability to this form of abuse. Local authorities should work to raise awareness of the risk with carers and particularly children's homes.

5.19 Children who are **regularly absent from education**, or who are **not in suitable education** are another vulnerable group, as are **children in pupil referral units**. Children who go missing from home or who are homeless, even where they are not already at specific risk of sexual exploitation or being exploited, are nevertheless at an increased risk compared to children whose lives are more stable. This includes both UK national and migrant children. Again local services should ensure that these children receive the support they need, including awareness raising of risks where appropriate.

5.20 Children who have **mental health issues**, or who **abuse drugs or alcohol** are more vulnerable to exploitation. Services should again consider whether preventative work is needed with these children and young people.

5.21 Parents and carers should be generally informed of the patterns of grooming, indicators of risk of sexual exploitation, impact of sexual exploitation on children,

young people and families, where they may access support and how they may support their children who may be at risk of exploitation.

Chapter 6 - Managing individual cases

6.1 As mentioned in Chapter 2, local agencies should be clear that children who are sexually exploited are victims of child sexual abuse. In all cases where abuse or neglect is suspected in relation to sexual exploitation, the multi-agency child safeguarding procedures apply. This chapter should be read in conjunction with Chapter 5 of *Working Together*, which sets out in detail the processes that should be followed in all cases to safeguard and promote the welfare of children about whom there are concerns. Practice guidance for practitioners which outlines this process is provided in *What to do if you're worried a child is being abused*¹⁵. Flowcharts for managing cases of possible sexual exploitation, based on those in Chapter 5 or *Working Together*, are set out at the end of the chapter.

Identification of those at risk of or suffering sexual exploitation

6.2 The primary concern of anyone who comes into contact with a child or young person who is vulnerable to being sexually exploited must be to safeguard and promote the welfare of that child. As explained in earlier chapters and in *Working Together*, all professionals who work with children and young people should be alert to signs of possible abuse or neglect including sexual exploitation.

6.3 Anyone who has regular contact with children is in a good position to notice changes in behaviour and physical signs which may indicate involvement in sexual exploitation, but parents, carers, teachers, doctors and youth workers are particularly well placed. They should also be able to recognise where children are vulnerable to sexual exploitation and may need targeted measures to prevent abuse.

6.4 Practitioners need to be aware of the potential signs that a person is being groomed for sexual exploitation and be able to identify these. They should know of local areas and locations which perpetrators tend to target, for instance, school entrances, local parks, playgrounds and taxi ranks.

6.5 Careful consideration should be given to whether relationships which are presented as consensual by teenagers actually are, or whether exploitation is taking place. Professionals should be alert to the ways in which perpetrators can operate (see Chapter 7), especially where there is a large age-gap between the individuals involved. Barnardo's suggest a gap of five years or more, where the child is under the age of 18, although there can be concern with a smaller age gap depending on the nature of the relationship. Exploitation of teenagers as well as younger children is still abuse and should be considered as such.

6.6 The earlier that sexual exploitation, or a risk of sexual exploitation, can be identified, the more likely it is that harm to a child or young person can be minimised or prevented. The indicators below are recognised indicators linked with cases of sexual exploitation. This should not be read as a definitive list and the indicators should not be taken, in themselves, as proof of involvement or as predictive of future involvement. They are intended as a guide which could be included in a wider assessment of the young person's needs and circumstances. In effective practice

¹⁵ *What to do if you're worried a child is being abused*, HM Government, 2006

the facts of each case should be considered separately.

6.7 These indicators can be read alongside the considerations included in paragraph 5.27 of *Working Together* and reproduced for reference in Annex B. The purpose of those considerations is to help professionals in deciding when to share information about sexually active 13-15 year olds and include factors that may be present in exploitative or potentially harmful sexual activity.

6.8 Some of this information may only come to light in an assessment i.e. after information has been shared or following a referral, and it is important for professionals to continue to share information and take all relevant information into account as it becomes available.

Indicators of possible sexual exploitation

Personal Indicators

- Physical symptoms (bruising suggestive of either physical or sexual assault)
- A sexually transmitted infection
- Pregnancy and/or seeking an abortion
- Reports from reliable sources suggesting the likelihood of involvement in sexual exploitation.

Behavioural Indicators

- Young person known to be sexually active
- Evidence of drug, alcohol or substance misuse
- Leaving home/care setting in clothing unusual for the individual child (inappropriate for age, borrowing clothing from older young people)
- Significantly older partner
- Accounts of social activities with no plausible explanation of the source of necessary funding
- Possession of large amounts of money with no plausible explanation
- Acquisition of expensive clothes, mobile phones or other possessions without plausible explanation
- Having keys to premises other than those known about
- Low self image, low self esteem, self-harming behaviour: cutting, overdosing, eating disorder, promiscuity
- Truancy/disengagement with education
- Possible inappropriate use of the internet and forming relationships, particularly with adults, via the internet.
- Sexually risky behaviour

Situational Indicators

- Reports that the child has been seen in places known to be used for sexual exploitation
- Phone calls or letters from adults outside the usual range of social contacts

- Adults loitering outside the child's usual place of residence
- Persistently missing, staying out overnight or returning late with no plausible explanation
- Returning after having been missing, looking well cared for in spite of having no known home base
- Missing for long periods, with no known home base
- Placement breakdown
- Pattern of street homelessness
- Entering or leaving vehicles driven by unknown adults
- Going missing and being found in areas where the child or young person has no known links.

There are also family history factors which should be taken into consideration, and may increase the significance of other indicators. These are: history of physical, sexual, and/or emotional abuse; neglect; domestic violence; parental difficulties.

Sexual identity may also be an issue.

6.9 The fact that a young person is 16 or 17 should not be taken as a sign that they are no longer at risk of sexual exploitation. Young people of this age are still covered by statutory duties under the Children Acts 1989 and 2004 and they can still be subject to significant harm as a result of sexual exploitation. Their needs should not be ignored or de-prioritised by services.

6.10 There is a possibility of finding young people, especially girls, who are in brothels and massage parlours with fake identification. Where young people who may be under 18 are found in this situation, services should take steps to probe the validity of their ID and assess their age, and should always consider what action would be necessary if they did prove to be under 18.

6.11 The identification of a child or young person involved in sexual exploitation, or at risk of being drawn into sexual exploitation, should *always* trigger the agreed local procedures to ensure the child's safety and welfare, and to enable the police to gather evidence about perpetrators.

Early consideration and information sharing

6.12 When a professional has a concern about possible sexual exploitation they should always take suitable action.

Discussion of concerns and decision to refer

6.13 Concerns should be discussed with a manager, or a named or designated health professional or a designated member of staff, depending on the setting. Concerns can also be discussed – without necessarily identifying the child in question – with senior colleagues in another agency in order to develop an understanding of the child's needs and circumstances. If, after discussion, these concerns remain, and it seems that the child would benefit from other services, a decision should be made about to whom to make a referral.

6.14 A child or young person suffering or at risk of suffering sexual exploitation will by definition be a child who may be a child in need under the Children Act 1989 and therefore the child should be referred to LA children's social care.

6.15 Paragraph 5.16 of *Working Together* makes it clear that "if somebody believes that a child may be suffering, or be at risk of suffering, significant harm, then they should *always* refer their concerns to LA children's social care". Paragraphs 2.101 to 2.104 set out the circumstances in which information should be shared with the police.

6.16 *Working Together* provides core guidance on sharing information about crimes against children and in particular about underage sexual activity (see paragraphs 5.17 - 5.30) which will help services identify and address sexual exploitation. For ease of reference this is repeated at Annex B of this guidance.

Engaging with children and young people and the timing of referrals

6.17 Children and young people who are being sexually exploited are the victims of abuse and will be especially vulnerable. This may manifest itself in a number of ways, for example, they may be defensive and reluctant to engage with professionals or they may be dependent on drugs or alcohol, which may affect their view of the situation. Agencies should recognise that some children and young people might not think that they want or need protection from sexual exploitation and might be resistant to what they might perceive as interference from authorities. In some instances they may be fearful of being involved with the police or children's social care and may initially respond best to informal contact from health or voluntary sector outreach workers.

6.18 Gaining the child or young person's trust and confidence is important if she or he is to be safeguarded and enabled to escape from sexual exploitation. Often the process of engaging with children who are being sexually exploited can be difficult and lengthy and it can take time to build up their trust and overcome their resistance. Chapter 3 covers some of the issues around the attitudes of children and young people.

6.19 The child or young person is an important contributor when deciding how to proceed in these circumstances. He or she may be at a particularly important turning point in their life and will need to be 'enabled to express their wishes and feelings; make sense of their circumstances and contribute to decisions that affect them' (NSPCC *et al*, 1997). However, professionals who are assessing the views of the children involved must be aware that perpetrators may have 'groomed' them and conditioned their responses and that they may be denying what has happened to them. They may initially reject offers of help or support. It is necessary to involve the child or young person at all stages to enable them to successfully escape from sexual exploitation and reintegrate into society. Wherever possible, family members should also be involved and supported where necessary in work with the child. Both *Working Together* and the *Framework for the Assessment of Children in Need and their Families (2000)* provide guidance on working with children and their family members.

6.20 Where there are concerns about significant harm to a child or young person, as explained above, practitioners should refer their concerns to children's social care. In these circumstances it may be decided that a process of engaging with the child is the most appropriate first step but this plan should be agreed following a multi-agency discussion.

6.21 If a child or young person has been identified as being at risk of being groomed for sexual exploitation but has not yet been subjected to sexual exploitation, practitioners may decide that early intervention would be the appropriate response. Some areas have developed early intervention programmes intended to raise children's awareness of their situations and help them to not become further involved in sexual exploitation.

6.22 LSCB policies should clarify the circumstances in which it would be appropriate for non-statutory agencies to engage with a child before involving other statutory agencies. A clear focus must be maintained on safeguarding and promoting the welfare of the child or young person. In those instances where an agency is fearful of losing a young person's engagement by reporting their concern to a statutory service, the service should have a clear named lead within the children's service with whom to discuss these concerns and agree a way forward. In some circumstances the concerns can be discussed in general without sharing specific information about a particular child or young person.

Sharing information

6.23 *Working Together* provides guidance about sharing information. It states that in deciding whether there is a need to share information, professionals need to consider their legal obligations, including whether they have a duty of confidentiality to the child. Where there is such a duty, the professional may lawfully share information if the child consents or if there is a public interest of sufficient force. This must be judged by the professional on the facts of each case. Where there is a clear risk of significant harm to a child, or serious harm to adults, the public interest test will almost certainly be satisfied. However, there will be other cases where practitioners will be justified in sharing some confidential information in order to make decisions on sharing further information or taking action - the information shared should be proportionate.

6.24 The child's best interests must be the overriding consideration in making any such decision including in the cases of underage sexual activity on which detailed guidance is given in paragraphs 5.23 to 5.30 of *Working Together*. The cross-Government guidance, *Information Sharing: Practitioners' Guide*, provides advice on these issues - see www.everychildmatters.gov.uk. Any decision whether or not to share information must be properly documented. Decisions in this area need to be made by, or with the advice of, people with suitable competence in child protection work such as named or designated professionals or senior managers.

Referral

6.25 When a parent, professional, or another person contacts LA children's social care with concerns that a child is being sexually exploited, children's social care should decide on its course of action within **24 hours**. This will normally follow discussion with any referring professional/service, and involve other professionals and services as necessary including the police, where a criminal offence may have been committed against a child.

Initial assessment under section 17 of the Children Act 1989

6.26 This initial consideration of the child's circumstances should address, on the basis of the available evidence, whether there are concerns about impairment to the child's health and development (including actual and/or potential harm) which justifies further enquiries, assessment and/or intervention. If further action is needed, a decision is required on when enquiries and/or intervention should begin and how best to undertake them (see paragraph 5.33 in *Working Together*).

6.27 Children and young people who are sexually exploited are a particularly vulnerable group of children who may become 'lost' to the statutory agencies, whose wellbeing or need for immediate services may be overlooked and for whom subsequent planning and intervention may be less than satisfactory. Particular care and attention is required, therefore, when assessing the needs of children who are sexually exploited and considering how best to help them, both in the initial assessment and in the core assessment.

6.28 The initial assessment led by the LA children's social care services, of all children in need (whether or not there are child protection concerns) should be completed within a maximum of **7 working days** of the date of referral. The urgency of some situations may dictate that the assessment is completed more quickly. Using the framework set out in the *Framework for the Assessment of Children in Need and their Families* it should address the following questions:

- What are the needs of the child?
- Are the parents able to respond appropriately to the child's needs? Is the child being adequately safeguarded from significant harm, and are the parents able to promote the child's health and development?
- Is action required to safeguard and promote the child's welfare?

6.29 Part of this assessment should involve obtaining relevant information from professionals and others in contact with the child and family. It should include professionals identified in paragraph 6.2, above, who have expertise on the issue of children involved in sexual exploitation. In the course of this assessment, LA children's social care should ask:

- Is this a child in need? (section 17 of the Children Act 1989)
- Is there reasonable cause to suspect that this child is suffering, or is likely to suffer, significant harm? (section 47 of the Children Act 1989)

6.30 Agencies with statutory child protection powers¹⁶ must, *at all stages*, consider whether the child may be in need of urgent action to secure his/her safety because of the risk to the child's life or likelihood of serious harm.

Next steps

6.31 An initial assessment may indicate that a child is 'in need' as defined by section 17 of the Children Act 1989, but that there are no substantiated concerns that the child may be suffering, or at risk of suffering significant harm. There may be sufficient information available on which to decide what services should be provided by whom according to an agreed plan. However, a further, more detailed core assessment may be needed. In these circumstances, the *Framework for the Assessment of Children in Need and their Families* (2000) provides a framework for a fuller assessment of a child's health and development, of the parents' capacity to respond to their child's needs, and of their wider context. These factors still apply even where concerns about the child arise from outside the family.

6.32 If, however, at any stage:

- there is reasonable evidence that the child is suffering, or is likely to suffer, significant harm, or
- the child is in police protection (under section 46 of the Children Act), or
- the child is the subject of an emergency protection order

a section 47 enquiry will be necessary. A strategy discussion (as outlined in *Working Together* and in line with LSCB safeguarding children procedures) between the statutory agencies and professionals with relevant experience (identified in paragraph 6.2 above) should take place to consider whether the criteria for initiating a section 47 inquiry are met and as necessary plan the enquiry.

Immediate protection

6.33 Sometimes it may be apparent at this early stage that emergency action should be taken to safeguard a child or young person. Such action should normally be preceded by an immediate strategy discussion between the police, children's social care, and other agencies as appropriate. Where there is a specialist inter-agency group (see paragraph 6.2), these members would constitute the representatives who will take part in the strategy discussion. Again, children's social care should consider the involvement of the professionals mentioned in paragraph 6.2 above, to form part of this strategy discussion.

6.34 Paragraphs 5.49 to 5.53 of *Working Together* set out the emergency action that agencies might take to ensure the immediate protection of a child. This might include either ensuring that the child remains in a safe place or removing them from

¹⁶ Agencies with statutory child protection powers are the local authority children's social care services, the police and the NSPCC.

the home of the person who is exploiting them to a place of safety. However, those working with children who are being sexually exploited should never under-estimate the power of perpetrators to find the young person (see also Chapter 8).

Accommodation of sexually exploited children and young people

6.35 Decisions about the placement of young people who are looked after by a local authority will need to take account of the young person's individual needs and circumstances. In some cases, it may be that placement in a secure children's home is an appropriate option for children and young people who are being sexually exploited. The criteria for placing a child or young person who is looked after by a local authority in secure accommodation are set out in full in section 25 of the Children Act 1989. These include cases where the young person has a history of absconding – and is likely to abscond – from any other form of accommodation; and where the young person is likely to suffer “significant harm” if he or she were to abscond. In cases where the child is under the age of 13, the approval of the Secretary of State must be sought to the placement. The procedures which must be followed in such cases are set out on the Every Child Matters website, at: <http://www.everychildmatters.gov.uk/socialcare/childrenincare/securechildrenshomes/>.

6.36 Young people who are being sexually exploited will need good quality placements with experience of building trusting relationships and skills at containing young people. These placements do not have to be secure. Placing a child or young person in secure accommodation should only be considered in extreme circumstances, when they are at grave risk of significant harm.

Criminal investigation

6.37 While taking steps to protect a child from sexual exploitation, professionals should also consider that it will be important to prosecute or consider prosecution of the perpetrators of the exploitation. However, that decision will have to be made when considering what is best for the child. More information about the prosecution of perpetrators is included in the next section.

Intervention and support

6.38 As indicated earlier, the factors leading to a person being sexually exploited may be complex. One of those factors may be the development of a strong relationship with the coercer or abuser, which may make it difficult for the child or young person to break the relationship and exit sexual exploitation. Agencies must recognise the strength of this attachment and the time and difficulty there may be in breaking it and helping the young person to attach to appropriate adults. The exit strategy should be developed with the child and family and should address the needs of the individual child. It could include continuing outreach and engagement with professionals, mentoring to assist a return to education or employment, and help to secure appropriate health services, pursue leisure activities and develop a positive network of friends and relatives to offer continuing support.

6.39 Follow-up may include therapeutic support for example via mental health services.

6.40 The Victims of Violence and Abuse Prevention Programme (VVAPP) will be publishing guidelines covering therapeutic interventions with sexually exploited children, and a research report on sexual exploitation by mid 2008.

Children in particular circumstances

6.41 This section sets out particular factors that should be considered when looking at how to safeguard children in particular circumstances, who may belong to particularly vulnerable groups.

6.42 *Working Together* includes specific guidance and essential safeguards for particularly vulnerable children, for example children living away from home, including foster care and privately fostered children, children and families who go missing and child victims of trafficking. It also covers children abused through prostitution and the investigation of complex (organised or multiple) abuse. *Complex Child Abuse Investigations: Interagency Issues* (HO and DH 2002) sets out the approach to be adopted in such cases.

Young people living in and leaving care

6.43 All children and young people who are in, and/or preparing to leave care must be protected from all forms of abuse, neglect, exploitation and deprivation. There are clear national minimum standards and regulations in place in both children's homes and foster care to ensure the safety and welfare of all children in care.

6.44 All local authorities must ensure that children and young people within their care are placed in accommodation that provides a safe, healthy and nurturing environment. Fostering services and children's homes must provide training to their carers to cover health and safety, identification of abuse, drug and alcohol awareness, and managing challenging behaviour. Where there is evidence that specific young people could be vulnerable, this could include training on appropriate strategies to keep children safe from sexual exploitation.

6.45 Children in care must be given personalised support in line with their assessed needs which should take into account their wishes and feelings. Importantly, where any child who has been involved in abuse or sexual exploitation (whether as a victim of abuse or in abusing others) then their care plan must set out how their local authority, their carer and other services will work together to provide the necessary help, support, guidance and advice to respond to their needs, ensuring, as far as possible, that they will be safeguarded in future. The child's wishes and feelings must be taken into account in developing this plan.

6.46 When these children are reported as "missing", it will be essential that the authority works with the police and provides all necessary information so that the child can be located. One of the requirements set out in statutory Guidance *Children Missing from Home and Care – a guide to good practice*, issued in 2002, is that each local authority must designate a senior manager to be responsible for monitoring missing from care incidents to identify any trends and to instigate any action necessary to respond to children's' needs ensuring that they are properly

safeguarded. This Guidance also outlines the responsibilities of managers of children's homes and fostering services for convening multi-agency risk management meetings in circumstances where children persistently missing from their care placement¹⁷

6.47 As part of our programme of work to deliver the commitments set out in the Care Matters White Paper to reform looked after children's quality of care, the Government will be revising and re-issuing completely updated Guidance to the Children Act 1989 and subsequent legislation. Care Matters includes a commitment to revise the 2002 Guidance *Children Missing from Care and Home* and include this revision in the new comprehensive guidance.

6.48 By making this revision part of the wider comprehensive revision of all guidance relating to children in care we will be ensuring that we integrate our expectations that local authorities should, as far as possible, prevent missing from care incidents and respond promptly and decisively when children do go missing into one new mainstream resource that will have to be followed by all lead professionals and their managers.

6.49 Revised guidance will include more advice and information about managing the care of particularly vulnerable groups such as unaccompanied asylum seekers in care who may have been trafficked into the UK, so that they can be given the support needed to reduce the chance that they may be enticed back to their traffickers.

Children missing education

6.50 In England local authorities have a statutory duty to identify children missing from education. The named contact or team responsible for identifying children missing from education should be made aware of the issue of sexual exploitation as they may encounter children who may have been exploited in this way. The statutory guidance for children missing from education¹⁸ sets out what action local authorities should take if they are worried a child is at risk of harm and provides guidance to help them recognise when they should involve the police. If they are concerned about sexual exploitation of a child, they should contact their social care colleagues or the police immediately.

Children who may have been trafficked

6.51 *Safeguarding children who may have been trafficked* (2007) provides practice guidance on how agencies can identify and respond to trafficked children. This can include children and young people trafficked for sexual exploitation both into, and within the UK.

6.52 Where children and young people are migrants and especially when they have been trafficked from overseas they are particularly vulnerable to being exploited and controlled. For example, they may be concerned about their

¹⁷ Children Missing from Care and Home – a guide to good practice (2002) - p10 (cf footnote 10)

¹⁸ <http://www.everychildmatters.gov.uk/ete/childrenmissingeducation/>

immigration status if they contact the UK authorities, and they may believe that they or their families may be at risk if they resist the exploitation.

6.53 In such cases the multi-agency response should be tailored to the needs of these trafficked children, with relevant agencies such as the UK Borders Agency (formerly BIA) involved, and with the involvement of relevant specialist sections (where they exist) of the police and Local Authority.

6.54 In cases where children may be trafficked for sexual exploitation within the UK, all agencies should make every effort to work in coordination across LA borders and police force boundaries.

Sheffield's Safeguarding Children Board's Sexual Exploitation Service is a multi-agency partnership between Sheffield CYPS, South Yorkshire Police, Sheffield Futures (Taking Stock) and Turning Point (SHED). The service uses a child protection model to identify young people at risk. Clearly defined indicators within their Referrers' Manual alert professionals to the warning signs that a young person may be at risk. The Service raises awareness of risks and indicators through presentations and workshops for professionals, in order to ensure that referrals are made to the service at an early stage.

When a young person is referred a Sexual Exploitation Strategy meeting is convened. This is a multi-agency forum that seeks to:

- Gather information regarding the sexual exploitation of that individual young person
- Identify support for the young person and their family that will assist them to exit from sexual exploitation
- Agree a course of action on any offenders identified
- Systematically gather information regarding associations with adult exploiters and young people. This wider strategy enables the Service to cross reference associates and shows links between different groups, both young people and offenders, on a city wide basis.

Parents are often invited to attend strategy meetings except in cases where they are implicated in the sexual exploitation. The service aims to involve parents as partners with professionals towards the common aim of preventing or stopping the sexual exploitation of young people.

Young people are also invited to attend their own strategy meeting and many of them do using one to one support offered by Taking Stock or SHED.

Taking Stock's work with young women allows for long term support. Their ethos is to work within a youth work model and to begin from the young person's starting point. Their workers carry a relatively small caseload to allow them the flexibility to respond to young people who are extremely vulnerable and who do not always fit neatly into allocated time slots.

In addition to long-term one to one support, Taking Stock have also produced an Education Pack "Friend or Foe" which is rolled out in schools through PSHE.

SHED offers intensive long-term one to one support to young people.

SHED's main focus is to look at their drug and alcohol use, in order to make it as safe as possible and to help them make changes.

The Service has a Sexual Exploitation Enforcement Group, meeting monthly and agreeing co-ordinated police action on new and existing referrals, in conjunction with other partners. This ensures that organised sexual exploitation and internal trafficking of young people is identified.

Recent developments by the Service include work on the sexual exploitation of boys and young men, internet exploitation and internal trafficking

Croydon has approximately 82,000 children, the highest recorded number of children resident in a London borough. This does not include those children who also travel into the Borough to attend school. They also have an unusually large number of children in care placed in establishments by other authorities.

Croydon collated information, supported by work already undertaken by Barnardo's, to identify the degree of sexual exploitation of young people in Croydon.

This information was used to fund three posts: a full-time project manager from Barnardo's, a full time missing person's worker, a part time project worker and a full time administration post. In addition, the sexual exploitation team works with the Quality Assurance Team, a designated missing person health worker and two sexual exploitation investigating police officers.

Young people are offered brief therapy by Barnardo's staff or volunteers. This support provides children and young people help to rebuild their life through frequent, neutral but positive support. This could be meetings with the young person on a weekly basis and sending daily text messages.

Outreach activities are also provided via schools and children's homes using an Education Pack, produced by SE1, the umbrella body for a number of Barnardo's teams working in different London boroughs.

Barnardo's offers training to volunteers and professionals that work with children and young people. Specifically, the model of training mirrors the support offered to vulnerable young people as a means of giving volunteers a meaningful insight into the trauma faced by young people who have been sexually exploited.

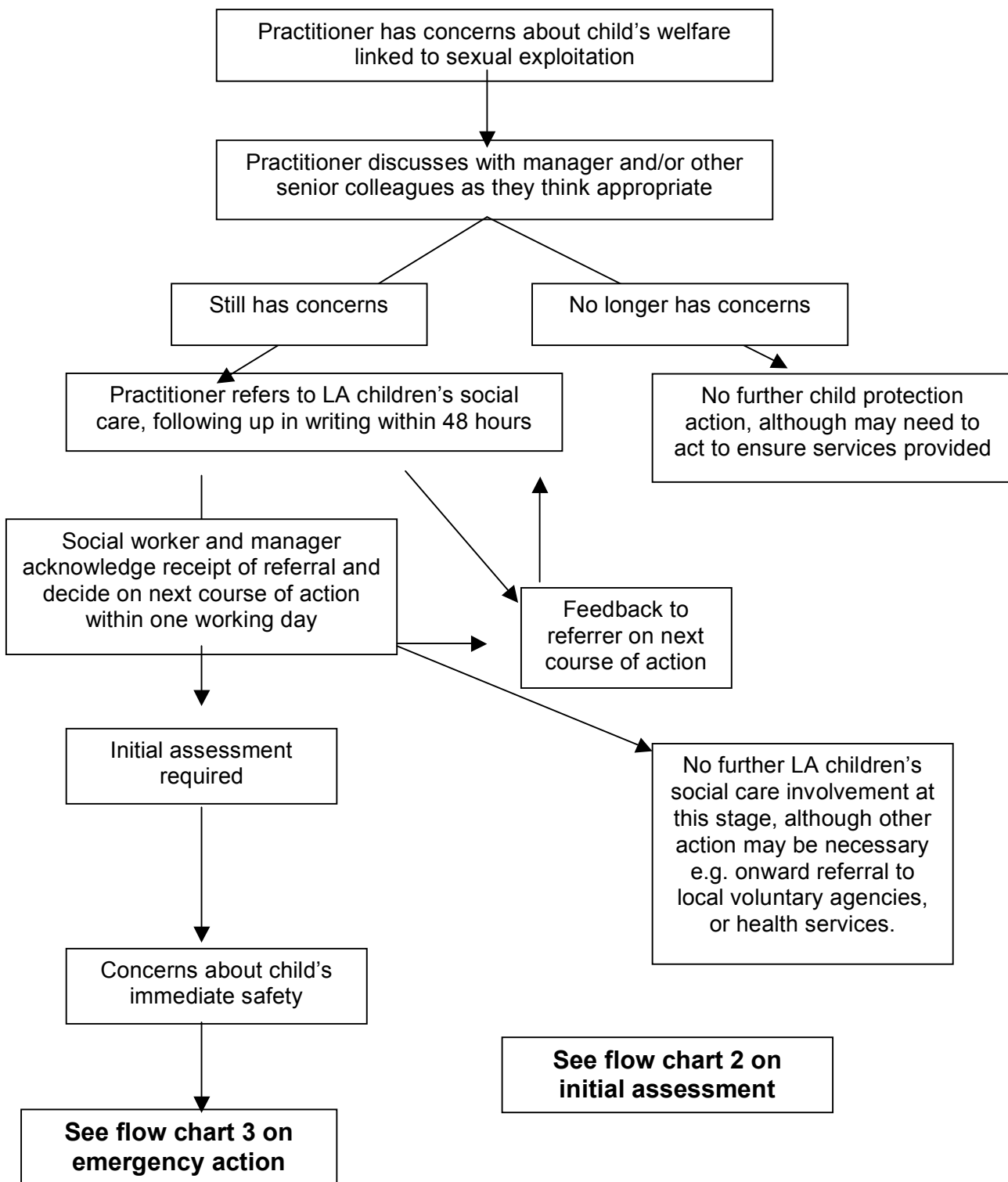
Barnardo's project officers work alongside police to obtain information on sexual exploitation from young people. These joint visits enable police officers to meet and talk with young people whom they would ordinarily have found to be hard to reach. Children and young people feel less suspicious of their services. At the same time it helps 'demystify' the role of police officers in the eyes of the young people.

In addition, patterns of behaviour which may have gone unnoticed, such as older men taking young women to sexual health clinics, are now being

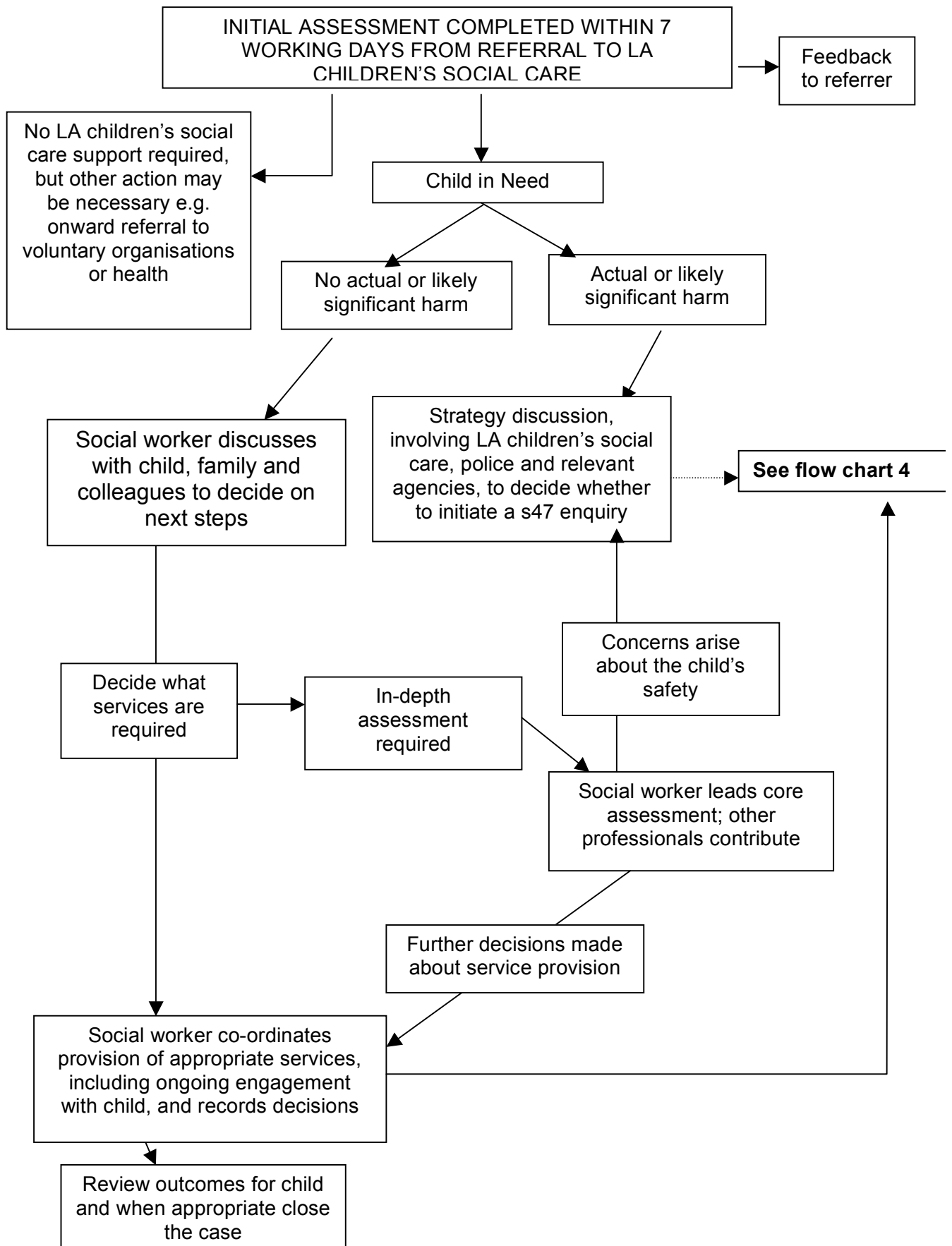
monitored and responded by health and other staff.
The Chair of the Croydon Safeguarding Children Board manages the sexual exploitation group and provides a trusted presence, and visible evidence of support from senior management.

[Note: The following flow charts are taken from *Working Together* and could be adapted for cases involving sexual exploitation]

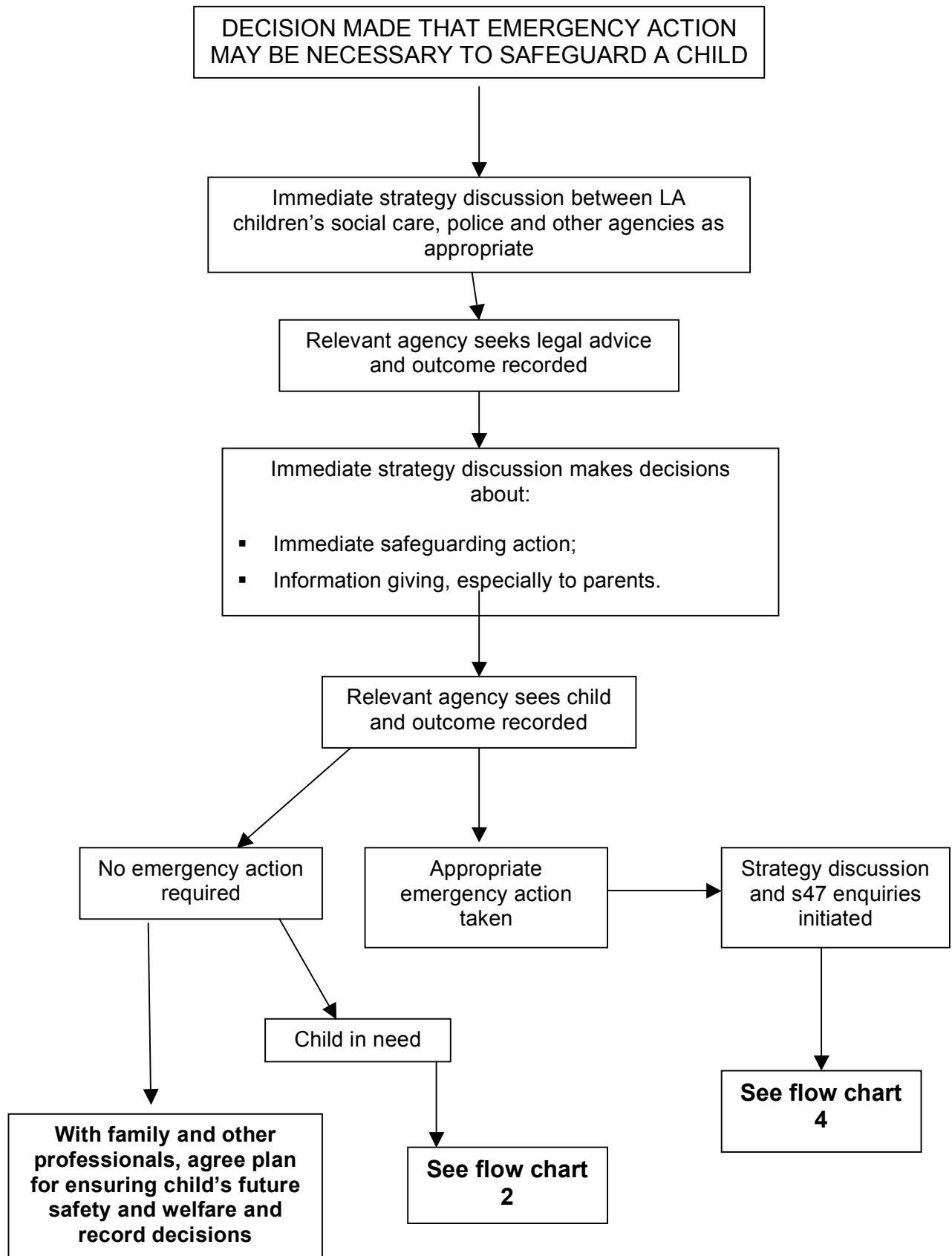
FLOW CHART 1 – REFERRAL



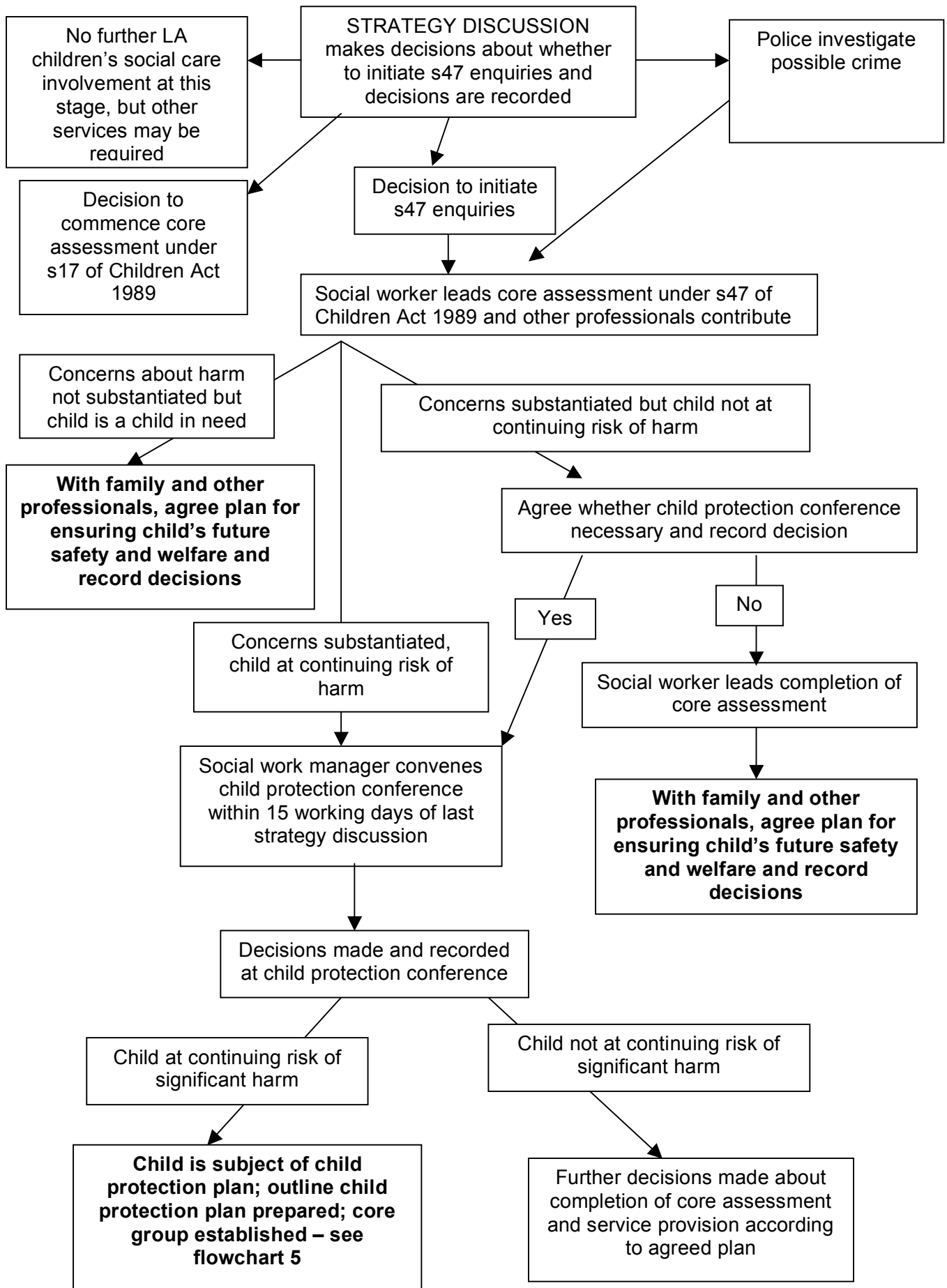
FLOW CHART 2 - WHAT HAPPENS FOLLOWING INITIAL ASSESSMENT?



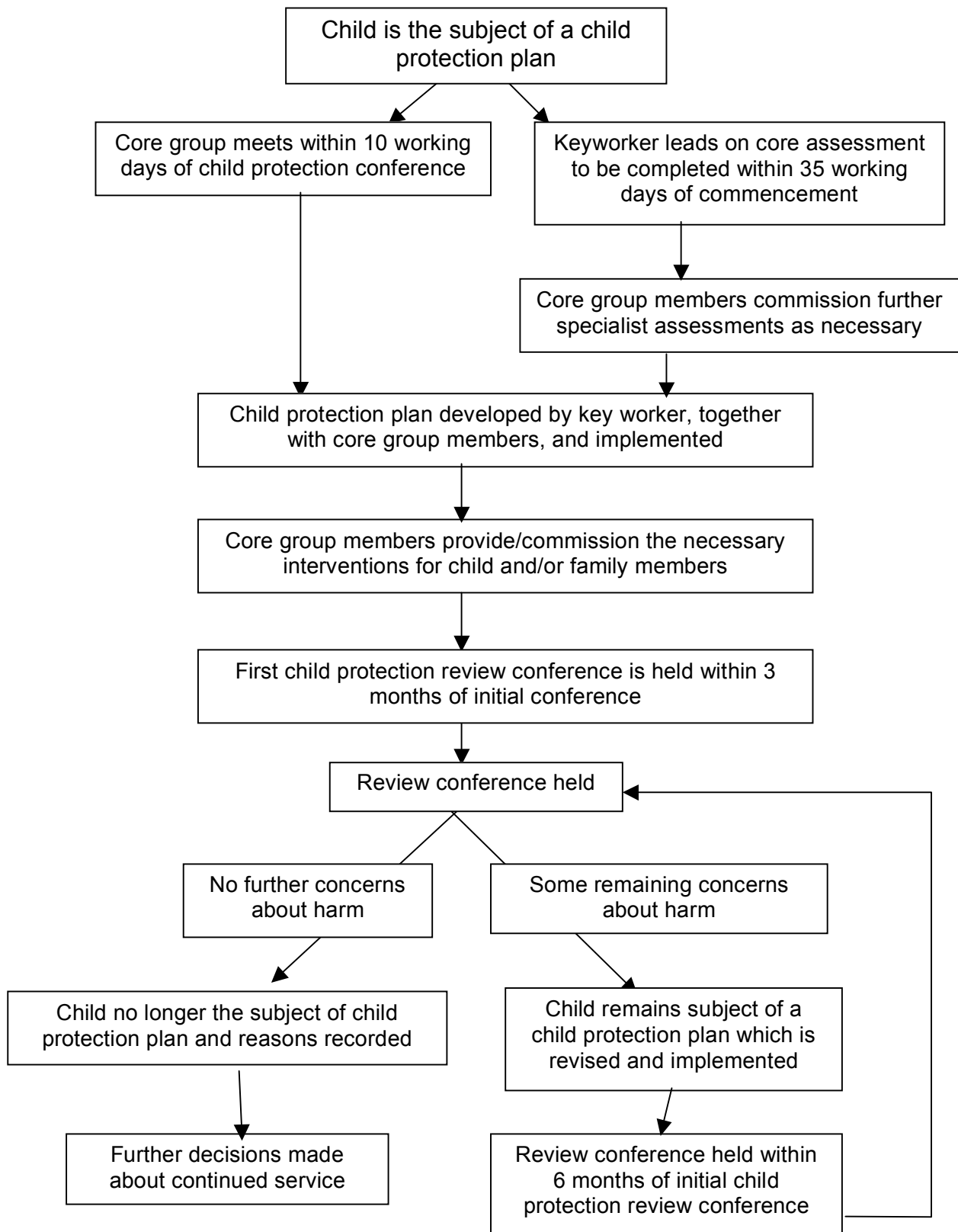
FLOW CHART 3 – URGENT ACTION TO SAFEGUARD CHILDREN



FLOW CHART 4 – WHAT HAPPENS AFTER THE STRATEGY DISCUSSION?



FLOW CHART 5 – WHAT HAPPENS AFTER THE CHILD PROTECTION CONFERENCE, INCLUDING THE REVIEW PROCESS?



Chapter 7 – Identifying and prosecuting perpetrators

7.1 Identifying, disrupting and prosecuting perpetrators must be a key part of work to safeguard children from sexual exploitation. While the police and criminal justice agencies lead on this aspect of work, the support of other partners, for example in recording, gathering and preserving evidence is also vital. Identifying and prosecuting the perpetrators should therefore be a key consideration of all agencies working to address the issue of sexual exploitation locally.

7.2 As set out above in Chapter 1 and elsewhere, the victims of sexual exploitation should not be prosecuted.

Linking prosecutions to the provision of support

7.3 This guidance is clear that local areas need to adopt a three-pronged approach to dealing with child sexual exploitation, including prevention, the provision of support and protection for young people and the prosecution of offenders. These areas of work cannot and should not be undertaken in isolation. Work to identify and address the risk factors that make young people vulnerable to sexual exploitation and the provision of support and protection will enable agencies to gain the trust and confidence of the young person, in many cases so that they can be part of the work to tackle the exploitation itself. Specialist agencies, particularly those that are non-statutory, that work with sexually exploited children and young people will most frequently be in this position and it is vital that where a young person wants and is able to be a part of a prosecution, that agency is able to support them through the process and post conviction.

Taking action against perpetrators

7.4 Work to identify concerns about children and young people may mean that agencies become aware of perpetrators of sexual exploitation. Or suspected perpetrators may be identified through other work such as neighbourhood policing or work to trace organised crime. Agencies and professionals should take what action they can against perpetrators. The details will be for local operations and the most effective tactics will change and develop, not least to keep up with perpetrator behaviours. This section sets out some key principles and information.

Co-ordination

7.5 LSCBs and their partners including police and Crime and Disorder Reduction Partnerships should have strategies in place to target those who might exploit or abuse children and young people. Local areas need to continually assess how young people are being groomed for sexual exploitation, and amend their approaches as the models of exploitation change. Work in this area must be proactive and evidence suggests that the response is likely to be most successful where it is led by a dedicated unit, bringing together expertise from a range of agencies. The identification of a

child sexual exploitation lead in each organisation also contributes to the effective coordination of this work.

Disrupting perpetrator behaviour

7.6 Disrupting perpetrator behaviours should be viewed as an important part of local work to tackle child sexual exploitation. Whilst there should always be a proactive investigation aiming for successful prosecutions, a disruption plan targeting suspected perpetrators can be extremely beneficial. A disruption plan might involve a number of activities, ranging from simple observation of an individual's activities, to the use of a range of civil orders including Sexual Offences Prevention Orders and Risk of Sexual Harm Orders¹⁹, depending on the type of behaviour and evidence available. Other types of legislation, such as ASBOs or restraining orders can be used to disrupt incidences of sexual exploitation while other measures to safeguard children or gather evidence are taking place.

7.7 Other local statute can be used to disrupt incidences of sexual exploitation. For example, if practitioners are aware of locations where sexual exploitation is taking place, they can use local licensing or housing departments to close down venues.

7.8 Child Abduction notices under Section 2 of the Child Abduction Act 1984 can be used to disrupt contact between an adult and a child or young person. It is an offence for a person not connected to the child (e.g. a parent or carer) to take the child away 'without legal authority'. In such cases, the police may remove the child to a place of safety and issue a formal warning to the perpetrator. Although these cases do not require a complaint from the child, it does require the child's parent or guardian to make a statement. Although not a long-term solution to the problem, Section 2 notices are a useful tool in terms of immediately breaking contact between the child and the individual exploiting them.

Identifying offences committed

7.9 In sexual exploitation perpetrators may commit one or more of a range of offences, some more specifically linked than others to the abuse. Police and other agencies should bear in mind the full range of offences that may be relevant. These include:

- exploitation offences covered by sections 47-54 of the Sexual Offences Act 2003
- sexual activity with a child
- meeting a child following sexual grooming (section 15). Under the Act (as recently amended by the Criminal Justice and Immigration Act 2008, an offence is committed if, following two communications, an

¹⁹ More information about the civil orders that might be considered in cases of child sexual exploitation is set out in Annex A.

offender either meets a child, sets off to meet a child or arranges to meet a child, with the intention of engaging in sexual activity.

- assault or drug offences.
- Trafficking offences under section 58 of the Sexual Offences Act 2003 is particularly pertinent for cases of sexual exploitation. This is often overlooked, however, it is applicable to cases of UK nationals who are trafficked within the UK as well as those from abroad. Additionally trafficking into the UK for sexual exploitation (section 57) and trafficking out of the UK for sexual exploitation (section 59).
- In terms of international trafficking, immigration offences can also be brought against the perpetrator, such as facilitation.

7.10 Annex A gives more details on the legislative framework.

Grooming – CEOP work

CEOP in the course of the first reporting period have identified a range of grooming cases featuring a broad spectrum of behaviours including:

- Causing a child to watch a sexual act, e.g. sending sexually themed adult content or images and videos featuring child sexual abuse to a young person;
- Inciting a child to perform a sexual act, e.g. by threatening to show sexual images of a child to their peers or parents (e.g. self produced material or even a pseudo-image of the child);
- Suspicious online contact with a child, e.g. asking a young user sexual questions;
- Asking a child to meet in person; befriending a child and gaining their trust, etc.
- Other grooming: the range in behaviours that fall into this category are widely variable but reflect the range of strategies often employed by adults to prepare a child for abuse, e.g. using schools or hobby sites such as the Scouts or Girl Guides to gather information about particular children, their location and future events where the child may be present; presenting as a minor online to deceive a child, etc.

Identifying individual perpetrators

7.11 IMPACT Nominal Index (INI) is a new, police-led national information management system which enables an investigator in one police force to quickly identify which other force holds relevant information on a given individual. It was rolled out to all Forces by the NPIA in December 2005, addressing Recommendation 2 of the Bichard Inquiry, which reviewed events surrounding the murders of Holly Wells and Jessica Chapman in Soham in June 2004.

7.12 Since its launch in Child Protection Units across England and Wales, INI has been deployed to 63 organisations including all UK police forces, the British Transport Police, HM Revenue & Customs, the Royal Military Police, the United Kingdom Human Trafficking Centre and the Child Exploitation Online Protection Centre, providing an extremely effective, UK-wide law enforcement system with access to over 61 million records. Local child protection agencies can make full use of this key development via their policing contact on the LCSB.

Impact Nominal Index

A request from Children's Services for a police check on the uncle of a 14 year old boy, revealed no concerns, but the INI search showed that he was currently under investigation for grooming young girls for prostitution and sexual harassment. The boy had recently arrived in the country and had asked to live with his uncle. Children's Services presented the INI information at the child's immigration hearing and stopped the uncle having access to the child.

Tackling Organised Networks

7.13 Information and intelligence gathered through the joint investigation of sexual exploitation is the starting point for building up local knowledge regarding the people responsible for exploiting young people. This should enable police and social care to recognise situations where organised/complex abuse is taking place, and instigate the necessary investigations. The information from investigations can then be linked together by different authorities/police forces to establish whether or not cross border networks of exploiters are operating. CEOP and if relevant the UK Human Trafficking Centre should also be contacted (see Chapter 4 for information on their roles).

Case study: the Awaken Project, Blackpool

In November 2004 a young person went missing in Blackpool. This later became a murder enquiry. In responding to this enquiry, police alongside social work managers collated information which led them to believe the young person had been sexually exploited, and that this was part of a wider problem within the area. Over 50 young people were identified as vulnerable to sexual exploitation.

In view of the emerging issues of sexual exploitation in Blackpool, a decision was made to appoint a Detective Sergeant and three DCs. Following this appointment, three social workers and a social work manager joined the team as well as an education manager forming the Awaken team. A health professional was later appointed, following a 12 month secondment.

The Awaken team is jointly managed by the Assistant Director of Social Care and a Detective Sergeant and is joint funded by the police, children and young people's services, and the Primary Care Trust. Both senior managers sit on the LCSB and embody the strategic link between the Awaken team and the Board.

Awaken translate the strategic aims and objectives of the safeguarding board into operational goals and aspirations.

Following a referral to the Awaken team, team members initiate a joint visit by a social worker and a detective, who then report back to senior members of the Awaken team. A decision will then be made as to who will lead the response. In the event that it is more relevant to community safety issues, it will be an enquiry led by Detective Constables. Where more appropriate, it will be managed by the lead children service manager.

To date, the Awaken team have undertaken 767 joint visits. Joint visits have led to over 150 best evidence interviews, where young people are asked to give an account on video which can later be used to bring a prosecution. There have been over 95 arrests for various sexual exploitation offences, which have included group rape and grooming of a child or young person. To date, 36 people have been convicted which equals a 96.8% conviction rate. Only one case has been lost in a criminal court.

Where there is no formal complaint, the team use a section 2 Child Abduction notice to disrupt contact between an adult and a child or young person. To date, 99 section 2 notices have been served.

The project has found that there is a better conviction rate when services pool information together. Information from a variety of sources can and will strengthen a claim of exploitation.

Evidence Gathering

7.14 The effective identification and recording of information and intelligence in relation to individual cases is crucial to the successful disruption and / or prosecution of perpetrators. All agencies involved in individual cases must be mindful of this and the child sexual exploitation lead must work in partnership with their counterparts in other agencies to ensure that information and intelligence is recorded and shared appropriately. Effective recording systems should be in place to enable information to be shared between agencies, support individual investigations and enable local areas to monitor and map sexual exploitation to identify specific problems and monitor trends.

7.15 Ensuring that evidence is gathered in a way that will be accepted by CPS and can be used in court is critical. The CPS should work with local partners to discuss how to build a successful case in order to support successful prosecutions.

7.16 The police should be robust in seeking evidence to support charges such as grievous bodily harm, unlawful wounding, actual bodily harm, kidnapping, abduction, rape or indecent assault and should not hesitate to use them where this is justified by the evidence. Similarly, where there is an allegation of racially motivated crime, charges relating to this type of offence should be considered. Examples of other charges that may also be considered in

particular circumstances are drugs offences, tax evasion and, if the coercer is on benefit, social security fraud. Where appropriate, confiscation of assets should also be considered although it should not be used if there is a danger that the coercer may further abuse a child to effectively compensate him or her for their loss of assets.

7.17 The investigation should seek to identify and assemble evidence that will support charges to reflect the full extent of the abuse. Contemporaneous photographic evidence of physical abuse should be obtained whenever appropriate. It will help in establishing severe abuse even when the child may be unwilling or unable to give evidence. Photographic evidence of the conditions in which a child was kept could also provide valuable evidence for charges of kidnapping or false imprisonment. Care should be taken, however, in obtaining such evidence to ensure it does not compound the abuse suffered by the young person, and she or he should be made aware that photographs are being taken for evidential purposes. Those investigating criminal actions must understand that the welfare of the child is the paramount concern.

Role of CPS, MAPPAs, YOTs and Probation/Prison Services in safeguarding children through their supervision of perpetrators

7.18 The focus of the National Offender Management Service's work is managing or supervising offenders, a number of whom will have been identified as presenting a risk, or potential risk, to children. NOMS' principal objective here, therefore, will be to ensure that these offenders are managed so as to protect children from sexual exploitation. This may involve referral into MAPPA (see below) in a small number of cases.

7.19 NOMS also, though, provides direct services to children, including a service to child victims of serious sexual or violent offences, supervision of 16- and 17-year-olds on Community Punishment and seconding staff to Youth Offending Teams. In this work, and in all cases involving offenders who are parents/carers of children, offender managers can help to safeguard children from sexual exploitation by maintaining awareness of the indicators and principles set out here, and elsewhere in the *Working Together* guidance.

Victim and Witness Support

7.20 Given the levels of vulnerability of the victims and witnesses involved in cases of sexual exploitation, victim support is vital in its own right but is also an important aspect of ensuring a successful prosecution.

7.21 Many of the issues facing young victims and witnesses are addressed in a CPS policy document on prosecuting cases involving children and young people as victims and witnesses²⁰ and it would be useful for multi-agency partnerships to identify with their local CPS branch how this protocol is to be delivered locally.

²⁰ CPS (2006)

7.22 Special measures are available for any witness under 17, and can be requested for a vulnerable or intimidated witness of any age. For those under 17 it will be usual for evidence to be video-recorded, and for a live link to be used. These measures can also be made available to vulnerable and intimidated witnesses. Other measures available include the use of screens, communications aids, and clearing the public gallery (for sexual offences). Indeed the court will consider any difficulties faced by the young witness provided that it is brought to their attention. Given the protracted nature of investigations in sexual exploitation cases it is not unusual for a young person to have reached age 18 before the case comes to court. It is important that consideration should be given to applying for special measures in these cases.

Multi-Agency Public Protection Arrangements (MAPPA)

7.23 MAPPA are a set of arrangements to manage the risk posed by the most serious sexual and violent offenders. They bring together the police, probation and prison services into what is known as the MAPPA 'Responsible Authority'. A number of agencies are under a duty to co-operate with the Responsible Authority including local housing, social, health and children's services.

7.24 There are four key stages to the MAPPA process: identification, information sharing, assessment and management. Firstly, relevant offenders are identified and there are three categories: registered sexual offenders, those convicted of serious violent offences, and other offenders who pose a risk of serious harm on current assessments. Perpetrators of sexual exploitation will be found in all three categories.

7.25 The second key MAPPA stage involves sharing of information and it is essential that each of the agencies working within MAPPA exchanges information relevant to protecting potential victims of further exploitation. Generally this will be information about the offender but will also include information about previous and potential victims and others who come into contact with the offender. As a consequence of the Criminal Justice and Immigration Act 2008, MAPPA responsible authorities will be under a duty to consider disclosure of information on child sex offenders under their management to members of the public.

7.26 Assessing the risk of harm posed by the offender is MAPPA's third stage. It will often be immediately clear on the basis of previous offending who presents a risk of sexual exploitation but, in other cases, this will only become clear on the risk assessment made in light of all the information from the various agencies.

7.27 The fourth stage, and the objective of MAPPA, is to ensure that a practicable risk management plan is put into place. MAPPA ensures that attention is focused on those who present the highest risks and that when extra resources are required, these are committed swiftly where they will have

the most impact. This could include covert surveillance, specific treatments or interventions and also the targeted use of disclosure of information about the offender to people or agencies which will be in a position to use that information effectively to protect children.

7.28 Further information about MAPPA, including contact details and how the arrangements work in the 42 Areas of England and Wales (Annual Reports), and how cases can be referred for MAPPA management (Manual of Guidance), can be found at:

<http://www.probation.justice.gov.uk/output/page30.asp>

The legislative framework

Relevant clauses of UK legislation

Safeguarding Children

The Children Act 1989 imposes a range of responsibilities on local authorities for the care and protection of young people under the age of 18. These include:

Section 17 Every LA has a general duty to safeguard and promote the welfare of children within their area who are in need.

A child is defined as being in need if:

(a) he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development or development without the provision for him of services by a local authority;

(b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or

(c) he is disabled.

Section 20 Requires local authorities to provide accommodation for any child in need within their area who appears to require it or who has no other suitable accommodation.

Section 31 A court may make a care order if satisfied a child is suffering or is likely to suffer significant harm and the likelihood of harm is attributable to the care being given to the child not being what would be expected from a reasonable parent.

Section 44 The Court may make a child the subject of an Emergency Protection Order if it is satisfied there is reasonable cause to believe that the child is likely to suffer significant harm if the child is not moved to a safe place or does not remain in one.

Section 46 The police may take a child into protective custody for up to 72 hours if they have reasonable cause to believe s/he would otherwise be likely to suffer significant harm.

Section 47 Requires that the local authority make enquiries where they have reasonable cause to suspect that a child is suffering, or is likely to suffer significant harm, to enable them to decide what action they should take to safeguard or promote the child's

welfare.

Section 48 Enables courts to provide local authorities with powers to locate a child in need of protection when making an emergency protection order for a child whose whereabouts are not known.

Section 49 Makes it an offence to abduct or induce, assist or incite a child to run away whilst in care, the subject of an emergency protection order or in police custody.

Section 50 A court can make a recovery order with respect to children who are abducted or who run away or go missing whilst in care, the subject of an emergency protection order or in police protection. A recovery order instructs anyone who knows where a child is to reveal this information or to produce the child if they are in a position to do so. The order also authorises a police officer to search a particular house and a particular person (usually a police officer or social worker) to remove the child.

Within the framework of the Children Act 1989, Local Authority children's social care have a responsibility to safeguard children and young people from abuse, including sexual exploitation, and to provide services to children in need.

Under the Protection of Children Act 1978 (as amended), the UK has an absolute prohibition on the taking, making, circulation and possession with a view to distribution of any indecent photograph of a child under 16. This age was raised to 18 in the Sexual Offences Act 2003. Section 160 of the Criminal Justice Act 1988 also makes the simple possession of indecent photographs of children an offence.

Sexual Offences

The Sexual Offences Act 2003 introduced a range of offences specifically focused on the protection of children from sexual exploitation. The main offences relating to the exploitation of children are summarized below:

Sections 5-8 Cover offences committed against children under 13. For the purposes of these offences, whether the child consented to the act is irrelevant. A child under 13 does not, under any circumstances, have the legal capacity to consent to any form of sexual activity.

Sections 9-12 Cover offences against children under 16 committed by adults. For these offences the fact that a child gives ostensible consent to sexual activity is only relevant inasmuch as it may absolve the defendant of a non-consensual offence such as rape or indecent assault where the child is over 13. The purpose of the offences is to provide a means of prosecuting a

person who secures the consent of a child through pressure but stops short of coercion so that a non-consensual offence cannot be proved.

Section 13 Covers child sex offences committed by children or young persons: this offence covers any of the offences covered by sections 9 to 12 where they are committed by someone under 18.

Section 14 Establishes an offence of arranging or facilitating commission of a child sex offence. The offence being arranged or facilitated may take place anywhere in the world for the purposes of this offence.

Section 15 Establishes the offence of meeting a child following sexual grooming, which makes it an offence for a person aged 18 or over to meet intentionally, or to travel with the intention of meeting, a child under the age of 16 in any part of the world, if he has met or communicated with that child on at least two prior occasions, and intends to commit a "relevant offence" against that child either at the time of the meeting or on a subsequent occasion. Section 72 of the Criminal Justice and Immigration Act 2008 has added a new subsection to section 15 at (1)(a)(iii) a child travels with the intention of meeting the defendant in any part of the world. This addition strengthens the offence of meeting child following sexual grooming.

Sections 16-19 Cover the conduct covered by sections 9-12 but where the offender has abused a position of trust. Roles which constitute a position of trust are set out in section 21. Positions of trust include, for example, employment in a residential home or detention centre or in an educational establishment.

Sections 25-26 Make it an offence to engage in or incite sexual activity with a child family member.

Sections 47-50 Introduce a new set of offences specifically dealing with the exploitation of children through prostitution and pornography which provide protection for all children up to the age of 18.

Sections 57-59 Establish the offences relating to the trafficking of people into, outside and within the UK for the purposes of an offence established by the Sexual Offences Act.

Section 33 of the Sexual Offences Act 1956 makes it an offence to keep a brothel. The maximum penalty upon conviction was raised to seven years imprisonment, under the Sexual Offences Act 2003.

Other legislation that may be used against perpetrators

- The Child Abduction Act 1984
- The Protection of Children Act 1978
- The Children Act 1989
- The Children Leaving Care Act 2000
- The Adoption and Children Act 2002
- Education Act 2002
- Homelessness Act 2002
- The Children Act 2004
- The Domestic Violence, Crime and Victims Act 2004

Civil Orders

The Sexual Offences Act 2003 also provides a number of civil orders. The aim of these orders is to protect the public or specific members of the public from sexual harm. The police will need to provide evidence of a risk of sexual harm before an order can be imposed.

A Sexual Offences Prevention Order can be imposed on an offender who has been convicted of a relevant sexual or violent offence (these offences are listed in Schedule 3 and Schedule 5 of the Sexual Offences Act 2003). An order can be imposed even if the conviction happened in the past, provided there is a present risk of that offender causing sexual harm. This order automatically makes an offender subject to the notification requirements (commonly known as the sex offender's register) in the Sexual Offences Act 2003.

A risk of sexual harm order can be imposed on an offender who has demonstrated behaviour that suggests he may be at risk of committing a sexual offence against children.

A foreign travel order can be imposed on an offender who has been convicted of a relevant sexual or violent offence and presents a risk of committing a sexual offence against children abroad. This may prevent him travelling to a specific country or simply from travelling outside the United Kingdom at all.

A notification order can make an offender who has committed a sexual offence abroad subject to the notification requirements that would have applied if he had committed the same offence in the UK.

Street Offences

The Street Offences Act 1959

It remains legally possible for a child over the age of 10 to be charged with the offence of loitering or soliciting for the purposes of prostitution under the Street Offences Act 1959, although following the publication of the earlier version of this guidance in 2000, the numbers of prosecutions for under 18s has dropped consistently up until 2006 when there were none. Although the

offence remains available for under-18s, this guidance echoes the message included in the earlier version that the criminal law is not an effective or appropriate response to under-18s found loitering or soliciting for the purposes of prostitution.

Section 1 of the Act provides that it is an offence for a 'common prostitute to loiter or solicit in a street or public place for the purposes of prostitution'. The offence is punishable by a fine, not exceeding level 2 (£500) for a first offence and level 3 (£1000) for a subsequent offence.

The offence was gender-neutralised by the Sexual Offences Act 2003. To prove that an individual is a 'common prostitute' requires evidence that he/she has been soliciting for the purposes of prostitution persistently. Persistence in the case of adults is demonstrated by the issuing of a 'prostitutes' caution' under Home Office circular 109/59.

Section 16 of the Youth justice and criminal evidence Act 1999 introduced special measures to assist children (under 17 years) in giving their evidence at Court.

Special Measures

There are Special Measures to help children under the age of 17 give evidence in the best way to increase its quality and with as little stress as possible. They include:

- using a video of their evidence to give their account of what happened;
- answering questions from the defence using the live link from another room;
- in sexual cases, giving evidence in private by clearing the court of people who do not need to be there;
- advocates and judges in the Crown Court removing their wigs and gowns;
- aids, such as sign and symbol boards, for children who have difficulty speaking;
- screens to prevent a witness who is in court from having to see the defendant;
- an intermediary to help explain the questions or answers if necessary.

Anti-social Behaviour Orders

Anti-social Behaviour Orders (which came into effect in April 1999) were introduced in the Crime and Disorder Act 1998 to combat threatening and disruptive anti-social behaviour which cause people harassment, alarm and distress. Local authorities & Chief Officers of Police in consultation with one another can seek an Order from the courts to protect the community from the actions of an individual or individuals who cause harassment, alarm or distress to neighbours or the community through anti-social behaviour. The Order will be prohibitive i.e. it prevents the defendant from doing anything specified in the Order & remains in force for a minimum of two years. If that person breaches the Order he or she is guilty of a criminal offence, which

carries stiff penalties.

Reports suggest that some local areas have used Anti-social Behaviour Orders against adults involved in prostitution. While this may be the case, ASBOs are not an appropriate response to children who are being sexually exploited, and should be used only as a last resort.

Allegations of harm arising from underage sexual activity – referrals and information sharing: Extract from ‘Working Together to Safeguard Children’ (2006).

5.23 Cases of underage sexual activity which present cause for concern are likely to raise difficult issues and should be handled particularly sensitively²¹.

5.24 A child under 13 is not legally capable of consenting to sexual activity. Any offence under the Sexual Offences Act 2003 involving a child under 13 is very serious and should be taken to indicate a risk of significant harm to the child.

5.25 Cases involving under 13s should always be discussed with a nominated child protection lead in the organisation. Under the Sexual Offences Act, penetrative sex with a child under 13 is classed as rape. Where the allegation concerns penetrative sex, or other intimate sexual activity occurs, there would always be reasonable cause to suspect that a child, whether girl or boy, is suffering or is likely to suffer significant harm. There should be a presumption that the case will be reported to children’s social care and that a strategy discussion will be held in accordance with the guidance set out in paragraph 5.54 below. This should involve children’s social care, police and relevant agencies, to discuss appropriate next steps with the professional. All cases involving under 13s should be fully documented including detailed reasons where a decision is taken not to share information.

5.26 Sexual activity with a child under 16 is also an offence. Where it is consensual it may be less serious than if the child were under 13, but may nevertheless have serious consequences for the welfare of the young person. Consideration should be given in every case of sexual activity involving a child aged 13-15 as to whether there should be a discussion with other agencies and whether a referral should be made to children’s social care. The professional should make this assessment using the considerations below. Within this age range, the younger the child, the stronger the presumption must be that sexual activity will be a matter of concern. Cases of concern should be discussed with the nominated child protection lead and subsequently with other agencies if required. Where confidentiality needs to be preserved, a discussion can still take place as long as it does not identify the child (directly or indirectly). Where there is reasonable cause to suspect that significant harm to a child has occurred or might occur, there would be a presumption that the case is reported to children’s social care and a strategy discussion should be held to discuss appropriate next steps. Again, all cases should be carefully documented including where a decision is taken not to share information.

²¹ Further guidance is provided by the Department of Health best practice guidance for doctors and other health professionals on the provision of advice and treatment to young people under 16 on contraception, reproductive and sexual health.

5.27 The considerations in the following checklist should be taken into account when assessing the extent to which a child (or other children) may be suffering or at risk of harm, and therefore the need to hold a strategy discussion in order to share information:

- the age of the child. Sexual activity at a young age is a very strong indicator that there are risks to the welfare of the child (whether boy or girl) and, possibly, others;
- the level of maturity and understanding of the child;
- what is known about the child's living circumstances or background;
- age imbalance, in particular where there is a significant age difference;
- overt aggression or power imbalance;
- coercion or bribery;
- familial child sex offences;
- behaviour of the child i.e. withdrawn, anxious;
- the misuse of substances as a disinhibitor;
- whether the child's own behaviour, because of the misuse of substances, places him/her at risk of harm so that he/she is unable to make an informed choice about any activity;
- whether any attempts to secure secrecy have been made by the sexual partner, beyond what would be considered usual in a teenage relationship;
- whether the child denies, minimises or accepts concerns;
- whether the methods used are consistent with grooming; and
- whether the sexual partner/s is known by one of the agencies.

5.28 In cases of concern, when sufficient information is known about the sexual partner/s the agency concerned should check with other agencies, including the police, to establish whatever information is known about that person/s. The police should normally share the required information without beginning a full investigation if the agency making the check requests this.

5.29 Sexual activity involving a 16 or 17 year old, though unlikely to involve an offence, may still involve harm or the risk of harm. Professionals should still bear in mind the considerations and processes outlined in this guidance in assessing that risk, and should share information as appropriate. It is an offence for a person to have a sexual relationship with a 16 or 17 year old if they hold a position of trust or authority in relation to them.

5.30 Implementation of this guidance should be through the development of local protocols, supported by inter-agency training. Examples will be available on the LSCB website²².

²² www.everychildmatters.gov.uk/socialcare/safeguarding/lscb