

# UNSAFE CHILDREN

Driving up our country's response to child sexual abuse and exploitation

March 2021



Unsafe Children: Driving up our country's response to child sexual abuse and exploitation  
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# About the Centre for Social Justice

Established in 2004, the Centre for Social Justice is an independent think-tank that studies the root causes of Britain's social problems and addresses them by recommending practical, workable policy interventions. The CSJ's vision is to give people in the UK who are experiencing the worst multiple disadvantages and injustice every possible opportunity to reach their full potential.

The majority of the CSJ's work is organised around five 'pathways to poverty', first identified in our ground-breaking 2007 report *Breakthrough Britain*. These are: educational failure; family breakdown; economic dependency and worklessness; addiction to drugs and alcohol; and severe personal debt.

Since its inception, the CSJ has changed the landscape of our political discourse by putting social justice at the heart of British politics. This has led to a transformation in government thinking and policy. For instance, in March 2013, the CSJ report *It Happens Here* shone a light on the horrific reality of human trafficking and modern slavery in the UK. As a direct result of this report, the Government passed the Modern Slavery Act 2015, one of the first pieces of legislation in the world to address slavery and trafficking in the 21st century.

Our research is informed by experts including prominent academics, practitioners and policymakers. We also draw upon our CSJ Alliance, a unique group of charities, social enterprises and other grass-roots organisations that have a proven track-record of reversing social breakdown across the UK.

The social challenges facing Britain remain serious. In 2021 and beyond, we will continue to advance the cause of social justice so that more people can continue to fulfil their potential.

# Foreword

Us survivors are tough.

We've each been subject to intense impact and blistering climates. But like a blade in a blacksmith's forgery, each strike has strengthened our character, our mettle and our spirit. Every shock has emboldened our resolve to *be* the very sword carried by Lady Justice herself – to *be* vehicles for action in the face of injustice.

That's why seven of us formed the Survivors Working Group at the Centre for Social Justice.

Through the lenses of experiences we all wish we never had, the Group has been a forum for examining our country's lines of defence against child abuse and exploitation. It's where we've weaved together our manifesto to protect children at-risk and to empower victims and survivors. It's where deserts of hope have become a watershed of power, ideas and reform. You'll see this reflected in the oasis of recommendations in this report.

Too often, well-meaning policy researchers use our stories only as 'case studies' to animate hardship, or as 'evidence' to validate pre-formed hypotheses. This can inadvertently relegate survivors to being the subjects of an arms-length anthropological study – or worse, as endangered species that are hastily photographed as part of a 'victim safari'. Our value extends far beyond this – as does our dignity. *Alongside* policy professionals, survivors can be equal partners in the battle against child sexual abuse and exploitation. Meaningful engagement *with* survivors and our lived experience can provide unique insights into the epidemic of abuse and exploitation to inspire new solutions that may succeed where others have fallen short.

Further, we believe that policy founded on such co-creation is rewarded with a rare legitimacy by the survivor community – critical in a space where a catalogue of historical failures have systematically haemorrhaged victim and survivor confidence in policy solutions.

The generosity of those willing to share their lived experiences combined with the empathy of policy professionals makes for a formidable policy-making partnership. The robust contents of this report are testament to this. We're convinced that lived experience and policy leadership are two sides of the same coin, and we have been proud to demonstrate this in co-producing this report with the incredible team at the CSJ – to whom we offer the most sincere thanks and gratitude. We hope this way of working can serve as a blueprint for policy-making across the sector and beyond into the future.

As survivors, many of our stories have been characterised by being ignored, hidden or gaslit. Our experiences are littered with gut-wrenching instances where power-holders have missed opportunities to take action against child sexual abuse and exploitation.

History cannot repeat itself here. We cannot afford for this report to gather dust atop power-holders' bookshelves, to get lost at the bottom of in-trays, nor to be banished to the depths of filing cabinets.

In line with the moral courage that it's taken for survivors in the Survivors Working Group to step up and speak out, and in order to honour the experiences of many more victims and survivors across our country, we implore those in positions of power at all levels to step up and speak out on this too.

Dignify our experiences with action.

Honour our stories with reform.

Lady Justice demands it – and so does the tempered sword she wields.

**Josh**

Child sexual abuse survivor

Proud CSJ Survivors Working Group member

# Foreword

When I first became Home Secretary I was warned about the toll that my responsibilities could take. Of these, I assumed that dealing with terrorists would weigh the most heavily on me.

I was mistaken.

It wasn't until I visited the front-lines of the fight against child sexual abuse that I began to understand its horrifying scale and severity in our country. At the National Crime Agency, I was shown intelligence suggesting that 80,000 people in the UK posed a sexual threat to children online. The evidence that's emerged since has forced them to revise that estimate to 300,000 – making it clear that we're facing nothing short of a child sexual abuse epidemic.

It's also become clear that although governments, charities and tech companies have made progress on several fronts, we're currently losing this war. Even before the pandemic, the WePROTECT Alliance was issuing warnings that the threat posed by online offending was growing faster than law enforcement could respond.

Since then, child sex offenders have seized upon the restrictions intended to protect us from COVID-19, twisting them to their own advantage. In Australia, predators set up COVID-19 themed online forums to discuss new ways to target children, whilst in the UK nine million attempts to access photos and videos of children suffering sexual abuse were made in April last year alone.

The damage caused by this type of offending is incalculable. Every image and frame hosted on these sites depict a real child being harmed in the real world. As well as in-person abuse, the demand for material is driving new forms of offending such as live-streaming, where abusers hire traffickers overseas to find children for them to torture and rape via video link. To our shame, Britain is the third largest consumer of this in the world.

Ministers recognise the scale and complexity of sexual crimes being committed against children and are doing valuable work to fight back. However, the extent to which inadequacies in our system have allowed predators to operate undetected – sometimes for decades – is a continuing concern.

That's why following my resignation from Government, the first commitment I took on was chairing an investigation into child sexual abuse and exploitation in the UK. This report and its 96 recommendations are the fruit of an unprecedented collaboration between the Centre for Social Justice and a panel of expert Commissioners representing the best of their fields.

At its heart is the Survivors Group, a team of exceptionally courageous individuals who have been subjected to the very evil that our recommendations are designed to confront. All too often, the perspectives of those with lived experience of child sexual abuse have been treated as an afterthought. It's not easy recounting such appalling ordeals, and I'm grateful for the insight they are uniquely placed to provide.

The Group has proved especially valuable for their unvarnished accounts of safeguarding failures, shortcomings within our criminal justice system and the lack of specialist support available as they've tried to rebuild their lives. In light of the evidence suggesting that many survivors felt isolated and unsupported during court processes, we were incredibly concerned to find that almost a third of child sexual abuse cases were dropped last year when the victim would not support further action.

While this could be for a number of reasons, it's broadly accepted that the patchy delivery of measures intended to make the legal process less upsetting for traumatised witnesses plays a role. Because of that, one of our key recommendations is to make Independent Sexual Violence Advisors more widely available to survivors, in order to support them in their interactions with the criminal justice system and begin dealing with the fallout of the abuse that they've suffered.

In addition to similarly reactive measures, the findings of our investigation make the need for government and industry to take a more proactive approach to tackling abuse abundantly clear. That starts with finding our blind spots.

The grooming gangs scandal is a horrifying reminder of what can happen when the agencies tasked with protecting our children are too slow to act, and systemic failings are allowed to persist. We were alarmed to discover that due to a loophole in notification requirements, convicted child abusers are able to effectively remove themselves from the sex offenders register by simply changing their name.

Not only does this mean that the police lose sight of whether an abuser is, for example, staying at a residence shared by children, it also means that dangerous individuals can obtain a clean DBS and be allowed to work with babies and young people. Over 900 offenders may already have done this. The Government must act to ensure this oversight isn't abused by others.

Finally, I am immensely concerned by the culture of weak to non-existent custodial sentencing that seems to have developed around child sex abuse. This investigation found that in the year ending March 2019, only 4% of child abuse offences recorded by police resulted in a charge or summons. Equally, we found it difficult to believe that sentencing guidelines recommend the same punishment for stealing a £500 bicycle and viewing images of a child being raped.

Lenient sentences don't just make poor deterrents. They deprive victims of the justice they deserve and send a message that society doesn't take the damage done to them seriously.

We've recommended a range of solutions to this, including community impact statements and a presumption of cumulative rather than concurrent sentencing. However, the clearest statement of intent would be to ask the Sentencing Council to look again and launch a full review of its guidelines. If we're serious about stamping out child sexual abuse, it's imperative that the punishment fits the crime.

The violation of a child, whether for profit or personal gratification, is one of the most abhorrent crimes it's possible to commit. Perhaps because of that, this country has not yet come to terms with the scale of suffering that's being inflicted in our own backyard – online and on the streets.

I won't pretend the solutions to this are comfortable or straightforward. They require hard truths and no small amount of political courage. However, we have the opportunity. We have the expertise. Get this right and we can change the future of the most precious members of our society. If that's not worth doing, then I don't know what is.



**Rt Hon Sajid Javid, MP for Bromsgrove**

Chancellor of the Exchequer, 2019–20

Home Secretary, 2018–19

Housing Secretary, 2016–18

# Acknowledgements

I would like to thank the numerous individuals and organisations who contributed to and supported the development of this report.

Firstly, I would like to thank The Survivors Group. These brave and brilliant individuals, all of whom have been subjected to Child Sexual Abuse and Exploitation, have been front and centre in the development of this work. Each policy recommendation has been stress tested against them and their counsel has been invaluable. I am incredibly proud that their perspectives and experiences are the beating heart of this work and deeply grateful to them for their involvement.

Secondly, I would like to thank the members of the Child Sexual Abuse and Exploitation Commission. The Commission, chaired by Rt. Hon Sajid Javid MP, is made up of experts in Child Sexual Abuse and Exploitation from a range of professional backgrounds including policing, criminal justice, civil society, frontline service delivery and Parliament. They have been generous with both their time and expertise and, while Sajid Javid and the CSJ retained editorial control of the report and the Commissioners do not automatically support every recommendation, they have greatly enriched this work with their sage advice and support.

Thanks should also be extended to, in no particular order: the team at the NSPCC and National Crime Agency, Matthew Hussey from The Children's Society, Steve Bailey from Barnardo's, PC James Hallam, Mike Tunks from the Internet Watch Foundation, Euan Fraser from the International Justice Mission, Dr Georgina Clifford, and Pete Backhouse.

I would also like to thank the wider Centre for Social Justice team for their unwavering support. Finally, we would like to extend a thank you to the sponsors of this report, without whom this work would not have been possible: Google, MyConcern, Simon and Lynn Dodds.

**Olivia Robey**

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## Corporate sponsors



*The views and recommendations in this report are those of the CSJ CSE/IA Commission and do not necessarily represent those of the individuals or organisations mentioned above.*

# Commissioners

## **Rt. Hon Sajid Javid MP (Chair)**

Former Home Secretary and Chancellor of the Exchequer, and MP for Bromsgrove.

## **Sarah Champion MP**

MP for Rotherham and Founder of the All Party Parliamentary Group (APPG) on Adult Survivors of Childhood Sexual Abuse.

## **Charlie Webster**

Broadcaster, Victims Advisor and Survivor Advocate.

## **Jahnine Davis**

Co-Director of Listen Up Research and Consultancy, Safeguarding Trustee for Save the Children UK, St Giles Trust and Imkaan and PhD researcher on child sexual abuse and black British girls.

## **Maggie Oliver**

Chair and Founder of The Maggie Oliver Foundation.

## **Sheila Taylor MBE**

CEO of the NWG Exploitation Response Unit.

## **Peter Wanless CB**

CEO of the NSPCC.

## **Donald Findlater**

Director of Stop it Now! UK & Ireland Helpline, part of The Lucy Faithfull Foundation.

## **Chief Constable Simon Bailey QPM**

Chief Constable of Norfolk Police and the National Police Chiefs' Council (NPCC) lead for Child Protection and Investigation.

## **Nazir Afzal OBE**

Former Chief Crown Prosecutor for North West England.

## **Shaista Gohir OBE**

Chair of the Muslim Women's Network UK.

## **Susie Hargreaves OBE**

CEO of the Internet Watch Foundation.

## **Tink Palmer MBE**

Founder and CEO of The Marie Collins Foundation.

## **Dez Holmes**

Director of Research in Practice.

**N.B.** Appointed Commissioners do not necessarily endorse all of the CSJ's findings and policy recommendations.

# Executive summary

Child sexual abuse (CSA) in this country is nothing short of an epidemic. It is blighting communities and ruining childhoods across the country at an alarming rate. Many victims do not disclose for decades and some never do at all: meaning children are suffering in silence and perpetrators are operating with impunity.

Widespread internet access has created more opportunity for people who pose a sexual threat to children to contact them and access appalling images and videos of children being abused. The Centre for Expertise on Child Sexual Abuse goes so far as to suggest the internet is 'likely to feature in almost all cases of CSA'.<sup>1</sup> Two thirds of CSA that is reported to the police has been perpetrated by a family member or someone who feels as close as family to the child. Children are also victimised within trusted extra-familial relationships where the perpetrator exploits a position of power and esteem in the community such as a sports coach, educator or club leader.<sup>2</sup>

The horrors of the 'grooming gangs' scandal exposed over the last decade has led to concern about Child Sexual Exploitation (CSE) rising. These high-profile grooming gang cases have shocked our country to its core; we must ensure that the necessary lessons are learned so future children are protected. To protect other children, we must confront the realities of appalling crimes that have already occurred and be alert to the fact that CSE can manifest in many different contexts with victims and perpetrators from all backgrounds. If we only expect to see a very specific model of CSE, we create blind spots for perpetrators.

All children are vulnerable to abuse. However, whether online or offline it is increasingly clear that some children and young people are more vulnerable than others. As shown by the 2019 Crime Survey of England and Wales, adults with a disability were almost twice as likely to have been sexually abused as children, LGBT+ adults were more likely to have been sexually abused in childhood than their heterosexual peers, and three quarters of their abuse-related calls to the National Association for People Abused in Childhood in 2019 were from women.<sup>3</sup>

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1 *Centre of Expertise on Child Sexual Abuse*, A new typology of child sexual abuse offending, March 2020, [Accessed via: [www.csacentre.org.uk/documents/new-typology-of-child-sexual-abuse-offending](http://www.csacentre.org.uk/documents/new-typology-of-child-sexual-abuse-offending)]

2 *Centre of Expertise on Child Sexual Abuse*, A new typology of child sexual abuse offending, March 2020, [Accessed via: [www.csacentre.org.uk/documents/new-typology-of-child-sexual-abuse-offending](http://www.csacentre.org.uk/documents/new-typology-of-child-sexual-abuse-offending)]

3 *Office for National Statistics*, Child abuse extent and nature, England and Wales: a year ending March 2019, January 2020, [Accessed via: [www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childabuseextentandnatureenglandandwales/yearendingmarch2019](http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childabuseextentandnatureenglandandwales/yearendingmarch2019)]

Our research has also made it clear that Black and minoritised survivors of both sexes are struggling with additional barriers to disclosure and are less likely to be perceived as victims/survivors.<sup>4</sup> It is for these reasons that we must view these crimes through an intersectional lens. This means we must be delivering a response to child sexual abuse that does not treat children as a homogenous group who will process both the abuse they have suffered and the services available in the same way. Consider a 6-foot-tall 15-year-old black boy who has suffered CSA alongside being forced to run county lines; a white working-class girl with a learning disability who truly believes her abuser is her boyfriend; and a South Asian child being harmed by a family member who fears disclosing abuse will result in her being ostracised by her community or suffering so called 'honour' – based abuse as a reprisal. All victims/survivors need to be understood in their own terms and receive a response that sees behind their behaviour and presentation. Professionals must also be able to deliver agile and nuanced responses that consider the contexts of different victim/survivors and set them up to succeed in recovery and getting justice.

What is also plain is that, for many, sexual abuse in childhood can trigger lifelong challenges including struggles with mental health, lower educational attainment, time out of the labour market and lower incomes in later life.<sup>5</sup> We must ensure that, as a country, we have the right support available to ensure victims/survivors can rebuild their lives and that their opportunities are not destroyed by the trauma inflicted on them by abusers.

Sexual crimes against children, whether on – or offline, are occurring on an alarming scale in this country and are of an incredibly serious nature. This report will aim to identify policy solutions to instigate a step change in our country's response to these appalling crimes. It includes recommendations for a range of statutory authorities with different devolution statuses. Those recommendations in the policing and criminal justice space apply to England and Wales. Those in the health, social care and education spaces are relevant to England only. We have listed priority recommendations at the end of each chapter, with a list of all recommendations to be found in the Annex to this report.

A major fault line we have identified in our response to CSA is the widespread false perception that victims/survivors will present in a certain way. This can touch every aspect of a victim's/survivor's experience: from informal disclosure, to court proceedings, criminal justice outcomes and accessing support.

We see false perceptions of what a victim/survivor 'looks like' in the criminalisation of exploited victims/survivors who require safeguarding responses. Disappointing criminal justice outcomes can be shaped by 'rape myths' and victim-blaming narratives. Juries expecting to encounter a broken child can feel confronted by anger and externalising behaviours from the victims/survivors on the witness stand. Offences against children are still being underplayed because of falsely assumed 'complicity' on the part of the victim/survivor. Partial and non-verbal disclosures of abuse are being missed. Black victims/survivors continue to be perceived by some statutory agencies as older and less vulnerable than other victims/survivors.<sup>6</sup> Disabled children remain less likely

4 Bernard, C. (2016). 'Child sexual abuse in the lives of black children'. In Bernard, C. and Harris, P. (eds) *Safeguarding Black Children: Good practice in child protection*. London: Jessica Kingsley

5 *Independent Inquiry into Child Sexual Abuse*, The impacts of child sexual abuse: a rapid evidence assessment, July 2017, [Accessed via: [www.iicsa.org.uk/publications/research/impacts-csa](http://www.iicsa.org.uk/publications/research/impacts-csa)]

6 *IICSA*, People don't talk about it: child sexual abuse in ethnic minority communities, June 2020, [Accessed via: [www.iicsa.org.uk/publications/research/child-sexual-abuse-ethnic-minority-communities](http://www.iicsa.org.uk/publications/research/child-sexual-abuse-ethnic-minority-communities)]

to be identified as potential victims/survivors.<sup>7</sup> Support can fall away after criminal justice processes are over predicated on an assumption that the issue is over, justice has been served and the wounds must, therefore, be healed.

If we could do one thing to overhaul the response to child sexual abuse and exploitation, it would be for our country, both private citizens – who are all potential jurors – and professionals, to better understand how broad the cohort of victims/survivors can be, how differently they can present and move away from our erroneous view of these people as a monolith. If we do not achieve this, we will miss opportunities to protect children from sexual abuse as we will remain insufficiently cognisant of the risk.

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<sup>7</sup> *Ofsted, Care Quality Commission (CQC), HMI Constabulary and Fire and Rescue Services (HMICFRS) and HMI Probation (HMIP), The multi-agency response to child sexual abuse in the family environment, 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862454/Multi\\_agency\\_response\\_to\\_child\\_sexual\\_abuse\\_in\\_the\\_family\\_environment\\_joint\\_targeted\\_area\\_inspections\\_JTAls.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862454/Multi_agency_response_to_child_sexual_abuse_in_the_family_environment_joint_targeted_area_inspections_JTAls.pdf)]*

## chapter one

# Defining terms

When discussing child sexual abuse and exploitation, precise language helps indicate the seriousness of the harm these crimes cause and the gravity with which society should treat these issues. The consistent use of language clearly signposts the severity of what a victim/survivor has experienced and may support them in confirming that what happened to them was wrong and that they were blameless in it. When crimes are sloppily described using inappropriate terminology, this may reflect or impact society's response to the offence in question. Language matters because it both shapes our shared understanding of the issue and helps us formulate solutions.

The National Police Chiefs' Council, along with The Children's Society and Victim Support have issued guidance on the importance of professionals deploying sensitive language when discussing the exploitation and abuse of young people. They are clear that 'victim blaming language may reinforce messages from perpetrators around shame and guilt' which may 'prevent the child or young person from disclosing their abuse'.<sup>8</sup> With this in mind and for clarity, this report will deploy the following terms:

### Victims/survivors

The CSJ refers to those who have suffered child sexual abuse and exploitation as victims/survivors. This is to reflect that different individuals choose to define themselves differently. For some, terming them 'victim' undermines the progress they have made in recovering from their trauma. For others, 'survivor' minimises the enduring trauma they experience as a result of their abuse. Some feel like victims one day, survivors the next. We choose to refer to these individuals as victims/survivors to recognise these differences in perspective.

### Child sexual abuse

For the purpose of defining child sexual abuse, the Centre for Social Justice will use the Crown Prosecution Service (CPS) definition. With regards to child sexual abuse (CSA), the CPS say: 'A child is defined as any person under the age of 18. CSA involves forcing or inciting a child to take part in sexual activity, whether or not the child is aware of what is happening and not necessarily involving a high level of violence.'

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<sup>8</sup> *The Children's Society, Victim Support, NPCC, Appropriate Language: Child Sexual and/or criminal exploitation*, [Accessed via: [www.csepoliceandprevention.org.uk/sites/default/files/Guidance App Language Toolkit.pdf](http://www.csepoliceandprevention.org.uk/sites/default/files/Guidance%20App%20Language%20Toolkit.pdf)]

This may involve physical contact including rape or oral sex, or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or exploiting or grooming a child in preparation for abuse (including via the internet) or prostitution.<sup>9</sup> CSA can be committed by both men and women, or other children'.<sup>10</sup>

## Child sexual exploitation

Child sexual exploitation (CSE) is a form of CSA where an individual or a group takes advantage of an imbalance in power to coerce, manipulate or deceive a child or young person under the age of 18 years old into sexual activity in exchange for something the victim needs or wants and/or for the financial advantage or increased status of the perpetrator or facilitator. Child sexual exploitation does not always involve contact abuse, but can be perpetrated by the use of technology.<sup>11</sup>

This is the most recent statutory definition of CSE, used here as a shorthand. Throughout the course of this report, we will expand on and propose a change to this definition.

## Online-facilitated child sexual abuse

Online-facilitated CSA is a real and growing threat to children. We choose to say 'online facilitated' as opposed to online CSA as the latter reinforces the false perception that on and offline offending are separate and distinct forms of criminal activity. Sexual crimes against the same child by the same perpetrator can span both the on and offline spheres of action – in-person abuse is sometimes a necessary prerequisite for child sexual abuse material (CSAM) to exist, grooming or deception that originates online may result in the contact abuse of a child. When we refer to online-facilitated CSA, we are describing behaviour that may involve but is not limited to:

- Accessing, possessing, producing and/or sharing CSAM.
- Solicitation of a child for sexual purposes by contacting a child with the intent of luring or inciting the child to engage in sexual activity either on or offline.
- Live-streaming sexual abuse of children by using video apps to view and even directing the live sexual abuse of children.

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9 N.B. The CSJ does not endorse the word 'prostitution', which implies agency, in connection with CSA. This is discussed in detail within 'Defining Terms'.

10 *Crown Prosecution Service*, Sexual Offences, accessed May 2020, [Accessed via: [www.cps.gov.uk/sexual-offences](http://www.cps.gov.uk/sexual-offences)]

11 *Office for National Statistics*, Child abuse in England and Wales 2020, March 2020, [Accessed via: [www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/childabuseinenglandandwales/march2020](http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/childabuseinenglandandwales/march2020)]

- Online sexual grooming of a child by building a relationship with a child online to facilitate online or offline child sexual abuse.
- Sexually extorting a child, which involves coercing or blackmailing children for sexual purposes including producing or making use of sexual images and videos of a child for financial or other personal gains. The CSAM used to manipulate the victim/survivor can be self-generated<sup>12,13</sup> Online-facilitated abuse can be for the purposes of purely online or contact offences, but both are equally serious and have serious adverse impacts on the child.

## Harmful sexual behaviour

Harmful sexual behaviour (HSB) is a term which the National Police Chief Council, Victim Support and The Children's Society define as 'sexual behaviours expressed by children and young people under the age of 18 years old that are developmentally inappropriate, may be harmful towards self or others, or be abusive towards another child, young person or adult'. Around a third of child sexual abuse is committed by other children and young people demonstrating HSB.<sup>14</sup>

Sexual behaviour can range from inappropriate and problematic behaviours, like sexist name-calling and non-consensual image sharing, through to abusive or violent behaviour, like unwanted touching and penetrative assaults. Multiple factors should be taken into account when determining whether a sexual behaviour is healthy, inappropriate, or violent or abusive, including power imbalances between young people due to age, intellectual ability, disability or physical strength.

This report will avoid language such as 'juvenile abuser' and 'juvenile sexual offender' which imply that the child or young person in question is aware of and understands that their behaviour is wrong which is not always the case. As flagged, these behaviours are not homogenous – some are abusive and incredibly harmful to the victim/survivor, others are inappropriate and may indicate something concerning going on in the life of the child with the behaviours.

While harmful sexual behaviour can be deeply damaging to victims/survivors, children and young people exhibiting these behaviours should be safeguarded and supported and not treated as 'mini adult sexual offenders' for two main reasons. Firstly, the majority of children and young people with HSB do not perpetrate sexual offences in

12 *Lancaster University*, Rapid Evidence Assessment: Characteristics and vulnerabilities of victims of online-facilitated child sexual abuse and exploitation, January 2018, [Accessed via: [www.iicsa.org.uk/key-documents/3719/view/rapid-evidence-assessment-characteristics-vulnerabilities-victims-online-facilitated-child-sexual-abuse-exploitation.pdf](http://www.iicsa.org.uk/key-documents/3719/view/rapid-evidence-assessment-characteristics-vulnerabilities-victims-online-facilitated-child-sexual-abuse-exploitation.pdf)]

13 *ECPAT International*, Online child sexual exploitation, accessed March 2020, [Accessed via: [www.ecpat.org/what-we-do/online-child-sexual-exploitation](http://www.ecpat.org/what-we-do/online-child-sexual-exploitation)]

14 *NSPCC*, Is this sexual abuse? The concerns being raised to the NSPCC helpline and Childline about peer sexual abuse, 2018, [Accessed via: <https://learning.nspcc.org.uk/research-resources/2018/is-this-sexual-abuse>]

adulthood. Secondly, a child's own exposure to trauma themselves can be a key risk factor in developing HSB – the child with the harmful behaviours and the child who is subject to the harmful behaviours should both be taken seriously from a safeguarding perspective<sup>15,16</sup>

## Grooming

Sexual grooming and online sexual grooming describe the process by which an offender develops a relationship with a child, either in person or over the internet, to facilitate online or offline child sexual abuse.<sup>17</sup> These behaviours are widespread across CSA and CSE crimes – these are rarely incidents that take place in isolation but tend to occur within a context of grooming, both of the child and often of the safe adults around the child.

## Commercial child sexual exploitation

Commercial child sexual exploitation (CCSE) most often means that someone other than the child benefits from a commercial transaction in which a child's sexual abuse is commoditised. This can be facilitated by an intermediary exploiter for payment or benefits in kind. It can also be an offender directly negotiating an abusive transaction with a child victim/survivor. It is often closely linked to the trafficking of children for sexual abuse; the production and distribution of child sexual abuse material; and travelling for the purpose of child sexual abuse.<sup>18</sup>

'Child prostitution' or 'child prostitute' are terms made use of in many international instruments to describe CCSE<sup>19</sup> but which this report rejects. These terms do not appropriately convey the harm that CCSE victims/survivors experience. Children can never consent to their abuse and are never complicit in sexual harm perpetrated against them. The sole responsibility lies with adult criminals who feel entitled to commoditise sexual crimes against children.

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15 *Centre of Expertise on child sexual abuse*, Key messages from research on children and young people who display harmful sexual behaviour, July 2018, [Accessed via: [www.csacentre.org.uk/index.cfm/\\_api/render/file/?method=inline&fileID=60855274-DB8B-4CE9-9C76E1032BC261D9](http://www.csacentre.org.uk/index.cfm/_api/render/file/?method=inline&fileID=60855274-DB8B-4CE9-9C76E1032BC261D9)]

16 *Research in Practice*, Children and young people with harmful sexual behaviours, 2014; *Research in Practice*, Exploring the relationship between neglect and harmful sexual behaviours in children and young people, 2016

17 *Lancaster University*, Rapid Evidence Assessment: Characteristics and vulnerabilities of victims of online-facilitated child sexual abuse and exploitation, January 2018, [Accessed via: [www.iicsa.org.uk/key-documents/3719/view/rapid-evidence-assessment-characteristics-vulnerabilities-victims-online-facilitated-child-sexual-abuse-exploitation.pdf](http://www.iicsa.org.uk/key-documents/3719/view/rapid-evidence-assessment-characteristics-vulnerabilities-victims-online-facilitated-child-sexual-abuse-exploitation.pdf)]

18 *United Nations*, Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, entered into force January 2002, [Accessed via: [www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx)]

19 *United Nations*, Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, entered into force January 2002, [Accessed via: [www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx)]; *United Nations General Assembly*, Human Rights Council: Forty-third session, Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, January 2020, [Accessed via: <https://undocs.org/en/A/HRC/43/40>]. *Council of Europe*, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, 2007, [Accessed via: <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680084822>]

## Child sexual abuse material

As the Internet Watch Foundation makes plain, there is no such thing as child pornography. Child sexual abuse material (CSAM) constitutes ‘records of the most depraved and haunting aspects of our society, as adults torture, rape and abuse the most innocent for their own sexual gratification’.<sup>20</sup>

A member of the Survivors Group raised the concern that language could be very stigmatising and add to the pain victims/survivors feel. He specifically raised how harmful it was to read media reporting describing indecent images crimes referencing ‘child porn’.

As such, it is extremely disappointing to see ‘child pornography’ referred to in a recent Government announcement from a department that ought to know better.<sup>21</sup>

While the Criminal Justice and Immigration Act 2008 criminalises the possession of an ‘extreme pornography image’ that may only involve adults (for example one that depicts non-consensual penetration),<sup>22</sup> we generally understand pornography to be a legal, commercial industry in which consenting adults are paid to be filmed or photographed. Child sexual abuse material is plainly very different.

CSAM essentially involves depicting a child or children in a manner that is intended to aid gratification for those with a sexual interest in children. It can be material depicting a child suffering from real or simulated sexual abuse, of a child’s body or of a child engaged in sexually suggestive activities. CSAM also includes artificially created imagery such as cartoons and deepfakes. CSAM often involves contact sexual abuse and exploitation. It may be copied, shared and remain in circulation for a long time with the child re-victimised by every new offender who sees it.<sup>23</sup>

## Categories of child sexual abuse material

Child sexual abuse material is categorised by the police and criminal justice system (CJS) to indicate the seriousness of the content. The three categories are:

<b>Category A</b>	Images involving penetrative sexual activity; images involving sexual activity with an animal or sadism.
<b>Category B</b>	Images involving non-penetrative sexual activity.
<b>Category C</b>	Other child sexual abuse images not falling within categories A or B i.e. with some sexually suggestive content. <sup>24</sup>

20 *Internet Watch Foundation*, NoSuchThing Campaign, November 2019, [Accessed via: [www.iwf.org.uk/news/there-nosuchthing-as-child-pornography-there-only-child-sexual-abuse](http://www.iwf.org.uk/news/there-nosuchthing-as-child-pornography-there-only-child-sexual-abuse)]

21 *Attorney General’s Office*, Manchester man who distributed child pornography jailed for longer, 18 June 2020, [Accessed via: [www.gov.uk/government/news/manchester-man-who-distributed-child-pornography-jailed-for-longer](http://www.gov.uk/government/news/manchester-man-who-distributed-child-pornography-jailed-for-longer)]

22 *Crown Prosecution Service*, Extreme Pornography, September 2019, [Accessed via: [www.cps.gov.uk/legal-guidance/extreme-pornography/](http://www.cps.gov.uk/legal-guidance/extreme-pornography/)]

23 *NGO subgroup Against the Sexual Exploitation of Children for the Convention on the Rights of the Child*, Semantics or Substances? Towards a shared understanding of terminology referring to the sexual abuse and exploitation of children, January 2005, [Accessed via: [www.ecpat.org/wp-content/uploads/legacy/Semantics or Substnce.pdf](http://www.ecpat.org/wp-content/uploads/legacy/Semantics%20or%20Substnce.pdf)]

24 *Sentencing Council*, Sexual Offences: Definitive Guideline, April 2014, [Accessed via: [www.sentencingcouncil.org.uk/wp-content/uploads/Sexual-offences-definitive-guideline-Web.pdf](http://www.sentencingcouncil.org.uk/wp-content/uploads/Sexual-offences-definitive-guideline-Web.pdf)]

## Self-generated child sexual abuse material

Self-generated CSAM comprises sexual images or videos taken by children of themselves. The CSJ uses this term not to signify consent or agency on the part of the child but to describe the technical process behind the creation of an image. The increasing volume of self-generated CSAM is of great concern. Such material may be produced freely as part of an age-appropriate relationship with a peer as ‘sexting’ or as a result of coercion. As aforementioned, the existence of self-generated CSAM can leave a child vulnerable to coercion or blackmail.<sup>25</sup>

## Intersectionality

Intersectionality is the process of exploring how the different facets of an individual’s identity can shape their experiences of the world.<sup>26</sup> A practical example of this would be that a disabled female victim/survivor may experience services differently than a non-disabled female victim/survivor. A black disabled female victim/survivor may experience services differently than a white disabled female victim/survivor. A white working-class victim/survivor with special educational needs or an intellectual disability may experience the criminal justice system very differently to other children. This need to avoid using a universal lens when considering CSA is highly relevant to our purposes. Throughout this report we will cover the additional barriers to disclosure that some victims/survivors face and how mainstream services can fall short in meeting their needs. We need to be clear that victims/survivors are not a monolith with identical experiences and struggles and ensure services are considering the needs of all.

## The importance of language

As discussed throughout this report’s explanation of its chosen language, particular terms within the CSA conversation can have harmful unintended consequences. Many of Britain’s most prominent and popular news publications use language that is systematically rejected by CSA civil society such as ‘child pornography’ and describing abuse as a ‘relationship’ or ‘sex’. With this in mind, the first recommendation of this report is to join the call of the Internet Watch Foundation, Marie Collins Foundation and Embrace – for an addition to be made to Section 7 of the Editors’ Code of Practice.

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25 *Lancaster University*, Rapid Evidence Assessment: Characteristics and vulnerabilities of victims of online-facilitated child sexual abuse and exploitation, January 2018, [Accessed via: [www.iicsa.org.uk/key-documents/3719/view/rapid-evidence-assessment-characteristics-vulnerabilities-victims-online-facilitated-child-sexual-abuse-exploitation.pdf](http://www.iicsa.org.uk/key-documents/3719/view/rapid-evidence-assessment-characteristics-vulnerabilities-victims-online-facilitated-child-sexual-abuse-exploitation.pdf)]

26 *Listen Up Research*, Intersectionality: Seeing the whole person, accessed January 2021, [Accessed via: <https://listenupresearch.org/a-sample-of-our-work>]

Section 7, which is focused on 'Children in Sex Cases' currently sets out:

'The press must not, even if legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences. In any press report of a case involving a sexual offence against a child –

- a. The child must not be identified.
- b. The adult may be identified.
- c. The word 'incest' must not be used where a child victim might be identified.
- d. Care must be taken that nothing in the report implies the relationship between the accused and the child.<sup>27</sup>

A member of the Survivors Group, the lived experienced working group who have been central to this report's development, pointed out that we are a nation educated by the media and that the people reading press reports are jurors of the future. They expressed the need to ensure journalists' languages does not minimise crimes.

The CSJ recommends that a fifth clause be added, stipulating: 'Care must be taken that the language used to describe sexual crimes against children does not diminish the seriousness of the crime in question and does not infer any responsibility or agency on the part of the child.'

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<sup>27</sup> *Independent Press Standards Organisation, Editors' Code of Practice*, accessed May 2020, [Accessed via: [www.ipso.co.uk/editors-code-of-practice/](http://www.ipso.co.uk/editors-code-of-practice/)]



## chapter two

# Child sexual abuse threat assessment

### The scale and severity of the problem

The Crime Survey of England and Wales estimates that 3.1 million adults were victims/survivors of child sexual abuse before they turned 16. This is likely to be a highly conservative estimate.<sup>28</sup>

We can be confident that the true scale of the problem is bleaker than even the stark Crime Survey findings would indicate. Firstly, the survey data does not include sexual crimes against 16- and 17-year olds who are still children and are included in numerous child sexual offences. Secondly, the National Association for People Abused in Childhood is clear that one in seven adults who called its helpline for support had not told anyone about their childhood victimisation before.<sup>29</sup> This means that many CSA cases are remaining hidden.

Child Protection Plan data is split by abuse type, and the volume of CSA plans are fairly stable year on year.<sup>30</sup> Of course, given how many children do not disclose abuse let alone receive a Child Protection Plan, this data is only of limited use. Equally, the Office of the Children's Commissioner states that the majority of CSA cases that are referred to the police relate to children with another category of abuse flagged on their Child Protection Plan including neglect, emotional abuse, physical abuse and multiple categories.<sup>31</sup> Far more children are subject to Child In Need Plans than Child Protection Plans but this data is not de-aggregated by concern, so it is not helpful data with regards to our understanding of the scale of CSA.<sup>32</sup>

28 *Office for National Statistics*, Child abuse in England and Wales 2020, March 2020, [Accessed via: [www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/childabuseinenglandandwales/march2020](http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/childabuseinenglandandwales/march2020)]

29 *Office for National Statistics*, Child abuse in England and Wales 2020, March 2020, [Accessed via: [www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/childabuseinenglandandwales/march2020](http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/childabuseinenglandandwales/march2020)]

30 *Ofsted, Care Quality Commission (CQC), HMI Constabulary and Fire and Rescue Services (HMICFRS) and HMI Probation (HMIP)* The multi-agency response to child sexual abuse in the family environment, 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862454/Multi\\_agency\\_response\\_to\\_child\\_sexual\\_abuse\\_in\\_the\\_family\\_environment\\_joint\\_targeted\\_area\\_inspections\\_JTAs.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862454/Multi_agency_response_to_child_sexual_abuse_in_the_family_environment_joint_targeted_area_inspections_JTAs.pdf)]

31 *Ofsted, Care Quality Commission (CQC), HMI Constabulary and Fire and Rescue Services (HMICFRS) and HMI Probation (HMIP)*, The multi-agency response to child sexual abuse in the family environment, 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862454/Multi\\_agency\\_response\\_to\\_child\\_sexual\\_abuse\\_in\\_the\\_family\\_environment\\_joint\\_targeted\\_area\\_inspections\\_JTAs.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862454/Multi_agency_response_to_child_sexual_abuse_in_the_family_environment_joint_targeted_area_inspections_JTAs.pdf)]

32 *Gov.uk*, Statistics: children in need and child protection, November 2020, [Accessed via: [www.gov.uk/government/collections/statistics-children-in-need](http://www.gov.uk/government/collections/statistics-children-in-need)]

The Office for National Statistics publishes information annually on the number of child abuse offences that have been recorded by the police.<sup>33</sup> While this data set is helpful, it is again limited given how much abuse never comes to the attention of the police. A year on year increase could indicate a genuine rise in abuse but it is equally likely to reflect the improved ability of practitioners to recognise CSA to some extent.

All these datasets are limited. Efforts to empower both child and adult victims/survivors to disclose formally and engage with the police would improve data quality. CSA will always, however, be a hidden crime to a certain degree given the shame and stigma so many victims/survivors face. Possible improvements to data collection would be the categorisation of Child In Need Plan data by concern, including CSA, and reflecting crimes against 16- and 17-year-olds in the Crime Survey.

Sexual abuse is now the most common type of abuse Childline supports children with.<sup>34</sup> It was also the most frequent abuse type flagged by adults calling the National Association for People Abused in Childhood's support line.<sup>35</sup> Of those who did disclose, Survivors UK told the All-Party Parliamentary Group on Adults Survivors of CSA that the average length of time before adult survivors disclosed their childhood abuse was 26 years.<sup>36</sup> This should serve to indicate the vast barriers to disclosure experienced by many CSA survivors.

**Survivors UK told the All-Party Parliamentary Group on Adults Survivors of CSA that the average length of time before adult survivors disclosed their childhood abuse was 26 years.**

CSA is a crime that often weaponises innocence, exploiting the fact that child victims/survivors may not understand or be able to describe what they are being subjected to to someone who could stop their abuse. The fact that the average adult survivor is suffering in silence for decades before disclosure clearly indicates that there is more that can be done to make these people feel protected and served to seek justice and/or support.

Ubiquitous access to the internet has manifold societal benefits but has also meant that more abusers no longer need to know or have physical contact with a child to sexually harm them. Offline, children of any socio-economic background, gender or geographical location can and have been abused. It is increasingly clear that some children and young people are more vulnerable than others. As referenced, the Crime Survey found that adults with a disability were around twice as likely to have experienced abuse and that LGBT+ adults were more likely to have experienced abuse before the age of 16 than heterosexual adults.<sup>37</sup> The National Association for People Abused in Childhood found that in the year ending March 2019, three quarters of their abuse-related calls were from

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33 *Office for National Statistics*, Child abuse in England and Wales 2020, March 2020, [Accessed via: [www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/childabuseinenglandandwales/march2020](http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/childabuseinenglandandwales/march2020)]

34 *NSPCC*, Childline annual review, 2018–19, [Accessed via: <https://learning.nspcc.org.uk/media/1898/childline-annual-review-2018-19.pdf>]

35 *Office for National Statistics*, Child abuse extent and nature, England and Wales: year ending March 2019, January 2020, [Accessed via: [www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childabuseextentandnatureenglandandwales/yearendingmarch2019](http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childabuseextentandnatureenglandandwales/yearendingmarch2019)]

36 *Office for National Statistics*, Child abuse extent and nature, England and Wales: year ending March 2019, January 2020, [Accessed via: [www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childabuseextentandnatureenglandandwales/yearendingmarch2019](http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childabuseextentandnatureenglandandwales/yearendingmarch2019)]

37 *Office for National Statistics*, Child abuse extent and nature, England and Wales: year ending March 2019, January 2020, [Accessed via: [www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childabuseextentandnatureenglandandwales/yearendingmarch2019](http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childabuseextentandnatureenglandandwales/yearendingmarch2019)]

women.<sup>38</sup> Findings from the most recent Crime Survey appear to confirm this finding: of the 3.1 million adults who had experienced child sexual abuse, 2.4 million were women and 700,000 were men.<sup>39</sup>

While these figures are inevitably related to non-recent abuse as they are comprised of adults indicating abuse that took place in childhood, the contemporary picture is equally alarming. In the year ending March 2019, 73,260 child sexual offences had been recorded by the police, with more than a quarter being child rape offences.<sup>40</sup>

What is also plain is that, for many, the scars of child sexual abuse persist in adulthood. It is important to clarify that a relationship between CSA and a particular adverse life outcome does not automatically imply a causal link between the two. For many victims/survivors, their childhood sexual abuse took place in conjunction with other forms of abuse and adverse childhood experiences which could catalyse difficulties in adult life.<sup>41</sup>

Equally, victims/survivors are not a homogenous group and their later lives and experiences can significantly differ. Research, however, has indicated a range of very difficult outcomes for some adult survivors. The risk of suicide attempts amongst CSA survivors can be six times that of the general population.<sup>42</sup> CSA has also been associated with lower educational attainment, time out of the labour market and lower incomes.<sup>43</sup>

### **The risk of suicide attempts amongst CSA survivors can be six times that of the general population.**

Victims/survivors can also be more likely to be re-victimised in adulthood compared to those who have not suffered from CSA.<sup>44</sup> The Crime Survey of England and Wales (year ending March 2019) indicates 40% of those who had experienced rape or assault by penetration, including attempts, as children went on to be harmed in the same way as adults.<sup>45</sup>

Sexual crimes against children, whether on or offline, have real and lasting impacts on individuals, families and communities. Our country should strive to meet two inextricably linked goals: to clearly demonstrate that the UK is a deeply hostile place for child sexual abusers to operate and to build a fiercely protective and supportive environment for child and adult victims/survivors.

38 *Office for National Statistics, Child abuse extent and nature, England and Wales: year ending March 2019, January 2020*, [Accessed via: [www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childabuseextentandnatureenglandandwales/yearendingmarch2019](http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childabuseextentandnatureenglandandwales/yearendingmarch2019)]

39 *Crime Survey of England and Wales, Office for National Statistics, Child sexual abuse in England and Wales: year ending March 2019, January 2020*, [Accessed via: [www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childsexualabuseinenglandandwales/yearendingmarch2019](http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childsexualabuseinenglandandwales/yearendingmarch2019)]

40 *Crime Survey of England and Wales, Office for National Statistics, Child sexual abuse in England and Wales: year ending March 2019, January 2020*, [Accessed via: [www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childsexualabuseinenglandandwales/yearendingmarch2019](http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childsexualabuseinenglandandwales/yearendingmarch2019)]

41 *Independent Inquiry into Child Sexual Abuse, The impacts of child sexual abuse: a rapid evidence assessment, July 2017*, [Accessed via: [www.iicsa.org.uk/publications/research/impacts-csa](http://www.iicsa.org.uk/publications/research/impacts-csa)]

42 *Independent Inquiry into Child Sexual Abuse, The impacts of child sexual abuse: a rapid evidence assessment, July 2017*, [Accessed via: [www.iicsa.org.uk/publications/research/impacts-csa](http://www.iicsa.org.uk/publications/research/impacts-csa)]

43 *Independent Inquiry into Child Sexual Abuse, The impacts of child sexual abuse: a rapid evidence assessment, July 2017*, [Accessed via: [www.iicsa.org.uk/publications/research/impacts-csa](http://www.iicsa.org.uk/publications/research/impacts-csa)]

44 *Independent Inquiry into Child Sexual Abuse, The impacts of child sexual abuse: a rapid evidence assessment, July 2017*, [Accessed via: [www.iicsa.org.uk/publications/research/impacts-csa](http://www.iicsa.org.uk/publications/research/impacts-csa)]

45 *Crime Survey of England and Wales, Office for National Statistics, Child sexual abuse in England and Wales: year ending March 2019, January 2020*, [Accessed via: [www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childsexualabuseinenglandandwales/yearendingmarch2019](http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childsexualabuseinenglandandwales/yearendingmarch2019)]

## Perpetration of sexual crimes against children

### Online-facilitated child sexual abuse

Online and offline offending are not necessarily separate and distinct forms of criminal activity and both can have a shattering impact on children. Rather, widespread internet access has created more opportunity for contact and content that relates to and drives child sexual abuse. The online-facilitated sexual threat to children is real and growing – since 2016, around 400–450 arrests have been made each month in the UK for offences related to child sexual abuse online.<sup>46</sup>

The WePROTECT Global Alliance's 2019 Global Threat Assessment indicated that the scale and seriousness of online child sexual abuse is growing at a pace that outstrips the efforts of law enforcement to combat it.<sup>47</sup> The National Crime Agency estimates that there are 300,000 people in this country who pose a sexual threat to children online<sup>48</sup> and UK referrals of child abuse images online up 1000% since 2013.<sup>49</sup> The Global Threat Assessment reported 18.4 million referrals of indecent images of children by US based tech companies to the American clearing house (NCMEC) in the preceding year.<sup>50</sup> This will in some part reflect tech companies having better systems in place to identify and report CSAM.

### **Britons are the third largest consumer of indecent images of children behind only American and Canada.**

Of the child sexual abuse material the Internet Watch Foundation identified in 2019, 12% featured children aged six or younger and 20% showed Category A sexual crimes which are the most serious child sexual abuse acts.<sup>51</sup> The Global Threat Assessment also highlighted the galling statistic that at any given time there are 750,000 people looking to connect online with children for sexual purposes.<sup>52</sup> Britons are the third largest consumer of indecent images of children behind only American and Canada.<sup>53</sup>

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46 *Independent Inquiry Child Sexual Abuse*, The Internet: Investigation Report, March 2020, [Accessed via: [www.iicsa.org.uk/publications/investigation/internet](http://www.iicsa.org.uk/publications/investigation/internet)]

47 *WePROTECT Global Alliance*, Global Threat Assessment 2019: working together to end the sexual exploitation of children online, 2019, [Accessed via: <https://static1.squarespace.com/static/5630f48de4b00a75476ecf0a/tv5deecb0fc4c5ef23016423cf/1575930642519/FINAL+-+Global+Threat+Assessment.pdf>]

48 *National Crime Agency*, Law enforcement in coronavirus online safety push as National Crime Agency reveals 300,000 in UK pose sexual threat to children, 4 April 2020, [Accessed via: [www.nationalcrimeagency.gov.uk/news/onlinesafetyathome?highlight=WylzMDAsMDAwll0=](http://www.nationalcrimeagency.gov.uk/news/onlinesafetyathome?highlight=WylzMDAsMDAwll0=)]

49 HMG, Tackling child sexual abuse online and offline, 25 June 2019, [Accessed via: [www.gov.uk/government/speeches/tackling-child-sexual-abuse-online-and-offline](http://www.gov.uk/government/speeches/tackling-child-sexual-abuse-online-and-offline)]

50 *WePROTECT Global Alliance*, Global Threat Assessment 2019: Working together to end the sexual exploitation of children online, October 2019, [Accessed via: [www.end-violence.org/sites/default/files/paragraphs/download/Global Threat Assessment 2019.pdf](http://www.end-violence.org/sites/default/files/paragraphs/download/Global%20Threat%20Assessment%202019.pdf)]

51 *Internet Watch Foundation*, Zero Tolerance: 2019 Annual Report, April 2020, [Accessed via: [www.iwf.org.uk/sites/default/files/reports/2020-04/IWF\\_Annual\\_Report\\_2020\\_Low-res-Digital\\_AW\\_6mb.pdf](http://www.iwf.org.uk/sites/default/files/reports/2020-04/IWF_Annual_Report_2020_Low-res-Digital_AW_6mb.pdf)]

52 *WePROTECT Global Alliance*, Global Threat Assessment 2019: Working together to end the sexual exploitation of children online, October 2019, [Accessed via: [www.end-violence.org/sites/default/files/paragraphs/download/Global Threat Assessment 2019.pdf](http://www.end-violence.org/sites/default/files/paragraphs/download/Global%20Threat%20Assessment%202019.pdf)]

53 *Parliament.uk*, Child sexual abuse, accessed January 2021, [Accessed via: <https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/515/51508.htm>]

In-person abuse may be a necessary prerequisite for an abuse image to exist, and sharing original first-generation child sexual abuse material may be a condition of joining certain online perpetrator communities.<sup>54</sup> The Home Office told the Independent Inquiry into Child Sexual Abuse of a site on the dark web that required its subscribers to submit either 20 new pieces of CSAM or a 2 minute video of infant or toddler abuse each month to retain membership.<sup>55</sup>

This serves two purposes: first, it reassures online offenders that the individual attempting to join their circle is not an agent of the police. Secondly, it feeds the horrific demand for new CSAM. Dark web pages hosting child sexual abuse material are not niche and small-scale operations as we may wish to believe – indeed the National Crime Agency has identified that the 10 most horrific dark web platforms have 2.88 million registered accounts.<sup>56</sup> The Independent Inquiry into Child Sexual Abuse has found that of the millions of indecent images of children circulating online, the majority was on the open web.<sup>57</sup>

**The National Crime Agency has identified that the 10 most horrific dark web platforms have 2.88 million registered accounts.**

Every piece of CSAM depicts a real child being harmed in the real world. Elsewhere, grooming or deception that originates online may result in the contact abuse of a child and CSAM abusers may have a contact abuse history or future. A 2011 US study found that 41% of those arrested for CSAM possession had sexually victimised children both online and in person, which suggests a relationship between the two criminal spheres of action.<sup>58</sup> While the internet and widespread smart phone access have certainly enabled sexual crimes against children to be perpetrated, online crimes have not replaced contact abuse and indeed are often perpetrated concurrently with in-person sexual crimes against children.

Clearly, the online world has generated both new environments and opportunities for people with a sexual interest in children. New tech has enabled potential child victims/survivors to be more easily accessed by abusers who benefit from anonymisation tactics that may reduce their inhibitions. Equally, traditional indicators of childhood vulnerability may be less relevant across the board with online CSA: as in theory, any child with an internet access can be targeted. This can mean that children who are being harmed online are harder to identify as they may be less known to agencies.<sup>59</sup>

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- 54 *The United States Department of Justice, Attorney General and DHS Secretary Announce Largest U.S. Prosecution of International Criminal Network Organized to Sexually Exploit Children*, 3 August 2011, [Accessed via: [www.justice.gov/opa/pr/attorney-general-and-dhs-secretary-announce-largest-us-prosecution-international-criminal](http://www.justice.gov/opa/pr/attorney-general-and-dhs-secretary-announce-largest-us-prosecution-international-criminal)]
- 55 *Independent Inquiry Child Sexual Abuse, The Internet: Investigation Report*, March 2020, [Accessed via: [www.iicsa.org.uk/publications/investigation/internet](http://www.iicsa.org.uk/publications/investigation/internet)]
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- 57 *House of Lords Library, Covid-19: Risking a risk in online child sexual abuse?*, 10 June 2020, [Accessed via: <https://lordslibrary.parliament.uk/covid-19-risking-a-rise-in-online-child-sexual-abuse/>]
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- 59 *Barnardo's, The Marie Collins Foundation: Palmer, T. Digital Dangers: the impact of technology on the sexual abuse and exploitation of children and young people*, 2015, [Accessed via: [www.barnardos.org.uk/sites/default/files/uploads/digital-dangers.pdf](http://www.barnardos.org.uk/sites/default/files/uploads/digital-dangers.pdf)]

## Contact child sexual abuse

Online interaction is such a major part of modern daily life that the Centre for Expertise on Child Sexual Abuse suggests it is 'likely to feature in almost all cases of CSA' but this is not to say that online-facilitated CSA has replaced in person abuse of children, which remains a central and concerning risk.<sup>60</sup>

Two thirds of child sexual abuse that is reported to the police has been perpetrated by a family member or someone close to the child. This abuse type is often termed intra-familial child abuse.<sup>61</sup> Statistically speaking, the stranger-danger narrative around child sexual abuse is something of a red herring. This does not necessarily mean the perpetrator will be related to the child but the key consideration is that in the mind of the child, their abuser feels like family. The Crown Prosecution Service's guidelines on the Sexual Offences Act 2003 state that with intra-familial CSA: 'These offences reflect the modern family unit and take account of situations where someone is living within the same household as a child and assuming a position of trust or authority over that child, as well as relationships defined by blood ties, adoption, fostering, marriage or living together as partners'.<sup>62</sup>

### **Two thirds of child sexual abuse that is reported to the police has been perpetrated by a family member or someone close to the child.**

Intra-familial abuse can be particularly traumatic for the victim/survivor because it typically involves immense betrayal and stigma and tends to start at a younger age than abuse outside of the family.<sup>63</sup> It is also more likely to be perpetrated repeatedly over a longer duration of time, with abusers often leveraging the child's trust in them and fears of consequences attached to reporting the abuse.<sup>64</sup> It may also be the case that abusers seek to gain access to a child by way of their adult relationships, for example establishing a romantic relationship with a parent and either encouraging the parent to share CSAM of the child with them or contact abusing the child themselves.<sup>65</sup>

Individuals may also gain access to a child by paying an intermediary to sexually abuse them. This commercialised form of abuse can take place domestically; perpetrators may also travel overseas in order to pay to sexually abuse children. This abuse type will usually mean the victim/survivor is subjected to abuse by multiple perpetrators and can include

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60 *Centre of Expertise on Child Sexual Abuse, A new typology of child sexual abuse offending*, March 2020, [Accessed via: [www.csacentre.org.uk/documents/new-typology-of-child-sexual-abuse-offending/](http://www.csacentre.org.uk/documents/new-typology-of-child-sexual-abuse-offending/)]

61 *Centre of Expertise on child sexual abuse, Key messages from research on intra-familial child sexual abuse*, June 2018, [Accessed via: [www.csacentre.org.uk/index.cfm/\\_api/render/file/?method=inline&fileID=C6B6D637-308F-4C6F-95DF0AC61E61E3AA](http://www.csacentre.org.uk/index.cfm/_api/render/file/?method=inline&fileID=C6B6D637-308F-4C6F-95DF0AC61E61E3AA)]

62 *Centre of Expertise on child sexual abuse, Key messages from research on intra-familial child sexual abuse*, June 2018, [Accessed via: [www.csacentre.org.uk/index.cfm/\\_api/render/file/?method=inline&fileID=C6B6D637-308F-4C6F-95DF0AC61E61E3AA](http://www.csacentre.org.uk/index.cfm/_api/render/file/?method=inline&fileID=C6B6D637-308F-4C6F-95DF0AC61E61E3AA)]

63 *Centre of Expertise on child sexual abuse, Key messages from research on intra-familial child sexual abuse*, June 2018, [Accessed via: [www.csacentre.org.uk/index.cfm/\\_api/render/file/?method=inline&fileID=C6B6D637-308F-4C6F-95DF0AC61E61E3AA](http://www.csacentre.org.uk/index.cfm/_api/render/file/?method=inline&fileID=C6B6D637-308F-4C6F-95DF0AC61E61E3AA)]

64 *Centre of Expertise on Child Sexual Abuse, A new typology of child sexual abuse offending*, March 2020, [Accessed via: [www.csacentre.org.uk/documents/new-typology-of-child-sexual-abuse-offending/](http://www.csacentre.org.uk/documents/new-typology-of-child-sexual-abuse-offending/)]

65 *Centre of Expertise on Child Sexual Abuse, A new typology of child sexual abuse offending*, March 2020, [Accessed via: [www.csacentre.org.uk/documents/new-typology-of-child-sexual-abuse-offending/](http://www.csacentre.org.uk/documents/new-typology-of-child-sexual-abuse-offending/)]

live-streamed CSA and the creation of new CSAM.<sup>66</sup> These crimes plainly have a great deal in common with modern slavery offences, the ramifications and criminal justice opportunities of which will be explored throughout the course of this report.

Children can be victimised through trusted relationships outside the family environment where the perpetrator could be in a position of power such as a sports coach, educator or club leader. These individuals may hold a certain position within their community that makes it easier for them to gain unquestioned access to children. Grooming disguised as affection is frequently involved.<sup>67</sup>

Harmful sexual behaviours exhibited by children and young people are also of profound concern. Around one third of child sexual abuse is by other children and young people and these behaviours are most commonly to be found in teenage boys but are also found in girls and younger children.<sup>68</sup> These behaviours range from minor incidents to very serious CSA and comprise a significant proportion of abuse cases. Where very young children are demonstrating harmful sexual behaviours, they may be 'acting out' sexual abuse they have experienced themselves or externalising responses to other adverse childhood experiences.<sup>69</sup> Indeed, children and young people who are displaying harmful sexual behaviour are more likely to have difficult home lives and to have experienced maltreatment.<sup>70</sup> It is critical that these children and young people are not stigmatised as 'mini adult sex offenders' – the majority of whom do not become sexual offenders in adult life.<sup>71</sup>

Those who are most at risk of adult offending are older teenagers who harm young children and those whose behaviours include violence. Generally, though while harmful sexual behaviours can be serious, there are only a small number of cases in which the child sets out to be abusive.<sup>72</sup>

A perpetrator does not always necessarily need a personal relationship with the child victim/survivor. Child sexual abuse may also be perpetrated by individuals who are part of a group or network. These illegal behaviours range from contact abuse and granting access to victims/survivors to other abusers to creating and distributing CSAM. The group may normalise, facilitate and even encourage CSA, creating permissive environments in which children can be harmed. Members may know each other and form a social

66 *Centre of Expertise on Child Sexual Abuse*, A new typology of child sexual abuse offending, March 2020, [Accessed via: [www.csacentre.org.uk/documents/new-typology-of-child-sexual-abuse-offending](http://www.csacentre.org.uk/documents/new-typology-of-child-sexual-abuse-offending)]

67 *Centre of Expertise on Child Sexual Abuse*, A new typology of child sexual abuse offending, March 2020, [Accessed via: [www.csacentre.org.uk/documents/new-typology-of-child-sexual-abuse-offending](http://www.csacentre.org.uk/documents/new-typology-of-child-sexual-abuse-offending)]

68 *Erooga M. and Masson H. (eds) (2006)*, Children and young people who sexually abuse others: current developments and practice responses (2nd ed). Abingdon, Oxon: Routledge

69 *Centre of Expertise on child sexual abuse*, Key messages from research on children and young people who display harmful sexual behaviour, July 2018, [Accessed via: [www.csacentre.org.uk/index.cfm/\\_api/render/file/?method=inline&fileID=60855274-DB8B-4CE9-9C76E1032BC261D9](http://www.csacentre.org.uk/index.cfm/_api/render/file/?method=inline&fileID=60855274-DB8B-4CE9-9C76E1032BC261D9)]

70 *Centre of Expertise on child sexual abuse*, Key messages from research on children and young people who display harmful sexual behaviour, July 2018, [Accessed via: [www.csacentre.org.uk/index.cfm/\\_api/render/file/?method=inline&fileID=60855274-DB8B-4CE9-9C76E1032BC261D9](http://www.csacentre.org.uk/index.cfm/_api/render/file/?method=inline&fileID=60855274-DB8B-4CE9-9C76E1032BC261D9)]

71 *Centre of Expertise on child sexual abuse*, Key messages from research on children and young people who display harmful sexual behaviour, July 2018, [Accessed via: [www.csacentre.org.uk/index.cfm/\\_api/render/file/?method=inline&fileID=60855274-DB8B-4CE9-9C76E1032BC261D9](http://www.csacentre.org.uk/index.cfm/_api/render/file/?method=inline&fileID=60855274-DB8B-4CE9-9C76E1032BC261D9)]

72 *Centre of Expertise on child sexual abuse*, Key messages from research on children and young people who display harmful sexual behaviour, July 2018, [Accessed via: [www.csacentre.org.uk/index.cfm/\\_api/render/file/?method=inline&fileID=60855274-DB8B-4CE9-9C76E1032BC261D9](http://www.csacentre.org.uk/index.cfm/_api/render/file/?method=inline&fileID=60855274-DB8B-4CE9-9C76E1032BC261D9)]

circle or be from the same community or could solely communicate anonymously online. These groups can be incredibly high harm with victims/survivors being abused by multiple perpetrators, either in person or by way of groups of abusers viewing their CSAM.<sup>73</sup>

A child may also be victimised by an abuser not previously known to them but who has historically attempted to connect with them, for example on social media and who subsequently abuses them. There is likely to be some grooming process and this abuse type tends to originate online with contact abuse further down the line. Children may also be attacked by an unknown person with whom the child has no previous connection.<sup>74</sup> Grooming has been closely associated with child sexual exploitation, discussed below, but it is important to flag that it can be a feature of all forms of abuse and features across the spectrum of sexual crimes against children and other forms of exploitation.

Child sexual abuse has many different iterations and offending occurs in various contexts. While on and offline child sexual offending are often treated as separate and distinct, it is evident that the online world has both created new opportunities for CSA and bled into how contact abuse is being perpetrated. CSA offending is highly complex: understanding the different ways and contexts in which children can be vulnerable is critical to establishing a plan of action to respond robustly and sensitively when a child has been harmed.

## Child sexual exploitation

'Child sexual exploitation is a form of CSA where an individual or a group takes advantage of an imbalance in power to coerce, manipulate or deceive a child or young person under the age of 18 years old into sexual activity in exchange for something the victims needs or wants and/or for the financial advantage or increased status of the perpetrator or facilitator. Child sexual exploitation does not always involve contact abuse but can be perpetrated by the use of technology'.

CSE as defined above is now the common statutory definition used by government and other agencies that emerged from a 2016 consultation of interested parties.<sup>75</sup> Whilst this definition encapsulates the key features of the phenomenon its necessary brevity is only a starting point: in practice child sexual exploitation happens in myriad ways.

### **Child sexual exploitation does not always involve contact abuse but can be perpetrated by the use of technology.**

The fact that policy makers and agencies required and consulted upon a working definition indicates the growing concern about CSE that increased as the shocking extent of what became labelled the 'grooming gang' scandals emerged primarily in English northern towns. Local agencies had been aware of problems in several of these towns,

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73 *Centre of Expertise on Child Sexual Abuse*, A new typology of child sexual abuse offending, March 2020, [Accessed via: [www.csacentre.org.uk/documents/new-typology-of-child-sexual-abuse-offending](http://www.csacentre.org.uk/documents/new-typology-of-child-sexual-abuse-offending)]

74 *Centre of Expertise on Child Sexual Abuse*, A new typology of child sexual abuse offending, March 2020, [Accessed via: [www.csacentre.org.uk/documents/new-typology-of-child-sexual-abuse-offending](http://www.csacentre.org.uk/documents/new-typology-of-child-sexual-abuse-offending)]

75 *HM Government*, Definition of child sexual exploitation Government consultation response, February 2016, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/591512/HO\\_DfE\\_consultation\\_response\\_on\\_CSE\\_definition\\_FINAL\\_13\\_Feb\\_2017\\_\\_2\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/591512/HO_DfE_consultation_response_on_CSE_definition_FINAL_13_Feb_2017__2_.pdf)]

in some cases dating back to the 1980s, it was not until January 2011 that the coalition government initiated an investigation into the street grooming of young girls in part prompted by a long running investigation in *The Times*.<sup>76</sup> In May 2012, press attention to the prosecution of a grooming gang in Rochdale added to the sense of a national scandal.<sup>77</sup>

Across the board, agencies intended to protect children, government, police and the criminal justice system had failed to recognise, detect and prosecute to prevent the routine, networked and habitual rape of children. The horror of such crimes and these systemic failings were again laid bare to the public by the Jay Report, August 2014,<sup>78</sup> which reveals the extent of abuse in Rotherham between 1997 and 2013, and in many similar cases.

It is worth revisiting here key findings of the Jay Report because whilst focused on abuse in Rotherham, the character of the crime it brought to prominence has appeared across the country. Arrests, prosecutions and convictions reveal that since 1990 startlingly similar offending has happened, or is suspected of having happened, in at least 31 English settings, here featured because cases are in the public domain. These include Aylesbury,<sup>79</sup> Banbury,<sup>80</sup> Barnsley,<sup>81</sup> Birmingham,<sup>82</sup> Bolton,<sup>83</sup> Bradford,<sup>84</sup> Bristol,<sup>85</sup> Bury,<sup>86</sup> Burton on Trent,<sup>87</sup> Calderdale,<sup>88</sup> Coventry,<sup>89</sup> Derby,<sup>90</sup> Dewsbury<sup>91</sup> Doncaster,<sup>92</sup>

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- 76 *The Times*, Times prompts investigation, January 2011, [Accessed via: [www.thetimes.co.uk/article/times-prompts-investigation-into-grooming-of-young-girls-by-pimp-gangs-jrxb32rjgh3](http://www.thetimes.co.uk/article/times-prompts-investigation-into-grooming-of-young-girls-by-pimp-gangs-jrxb32rjgh3)]
- 77 *The Telegraph*, Rochdale grooming trial: gang convicted for sex trafficking, May 2012, [Accessed via: [www.telegraph.co.uk/news/uknews/crime/9239126/Rochdale-grooming-trial-gang-convicted-for-sex-trafficking.html](http://www.telegraph.co.uk/news/uknews/crime/9239126/Rochdale-grooming-trial-gang-convicted-for-sex-trafficking.html)]
- 78 Alexis Jay OBE, Independent Inquiry into Child Sexual Exploitation in Rotherham 1997–2013, August 2014, [Accessed via: [www.legislation.gov.uk/ukpga/2003/42/contents](http://www.legislation.gov.uk/ukpga/2003/42/contents)]
- 79 *The Daily Express*, The list of Britain's towns and cities shamed by Asian grooming gangs, August 2017, [Accessed via: [www.express.co.uk/news/uk/839509/Britain-towns-cities-asian-grooming-gangs-Newcastle-Rochdale-Rotherham](http://www.express.co.uk/news/uk/839509/Britain-towns-cities-asian-grooming-gangs-Newcastle-Rochdale-Rotherham)]
- 80 *MailOnline*, 'Six man grooming gang from Banbury begin long jail sentences', April 2015, [Accessed via: [www.dailymail.co.uk/news/article-3046073/Six-man-grooming-gang-begins-long-jail-sentences-convicted-sexually-exploiting-children.html](http://www.dailymail.co.uk/news/article-3046073/Six-man-grooming-gang-begins-long-jail-sentences-convicted-sexually-exploiting-children.html)]
- 81 *The Barnsley Chronicle*, 'Police investigate child sexual exploitation cases', June 2013, [Accessed via: [www.barnsleychronicle.com/article/police-investigate-child-sexual-exploitation-cases](http://www.barnsleychronicle.com/article/police-investigate-child-sexual-exploitation-cases)]
- 82 *The Birmingham Mail*, 'Almost 500 children in Birmingham sexually groomed in last 12 months', December 2019 [Accessed via: [www.birminghammail.co.uk/news/midlands-news/almost-500-children-birmingham-sexually-17484316](http://www.birminghammail.co.uk/news/midlands-news/almost-500-children-birmingham-sexually-17484316)]
- 83 *The Independent*, 'Police investigate new alleged grooming gang in Bolton', September 2018, [Accessed via: [www.independent.co.uk/news/uk/crime/grooming-gangs-uk-bolton-investigation-police-teenage-girl-raped-arrests-suspects-latest-a8552811.html](http://www.independent.co.uk/news/uk/crime/grooming-gangs-uk-bolton-investigation-police-teenage-girl-raped-arrests-suspects-latest-a8552811.html)]
- 84 *The Independent*, 'Bradford grooming gang jailed for total of 132 years', February 2019, [Accessed via: [www.independent.co.uk/news/uk/crime/bradford-grooming-gang-jail-sexual-abuse-exploitation-132-years-a8800386.html](http://www.independent.co.uk/news/uk/crime/bradford-grooming-gang-jail-sexual-abuse-exploitation-132-years-a8800386.html)]
- 85 *The Daily Express*, The list of Britain's towns and cities shamed by Asian grooming gangs, August 2017, [Accessed via: [www.express.co.uk/news/uk/839509/Britain-towns-cities-asian-grooming-gangs-Newcastle-Rochdale-Rotherham](http://www.express.co.uk/news/uk/839509/Britain-towns-cities-asian-grooming-gangs-Newcastle-Rochdale-Rotherham)]
- 86 *The Manchester Evening News*, 'Five arrested by police investigating child grooming in Bury' [Accessed via: [www.manchestereveningnews.co.uk/news/greater-manchester-news/five-men-one-woman-arrested-15823367](http://www.manchestereveningnews.co.uk/news/greater-manchester-news/five-men-one-woman-arrested-15823367)]
- 87 *The Daily Express*, 'Paedophile grooming gang treated victims as young as 13 'like trophies'', April 2018, [Accessed via: [www.express.co.uk/news/uk/948836/Grooming-gang-victims-like-trophies-Burton-on-Trent-in-Staffordshire](http://www.express.co.uk/news/uk/948836/Grooming-gang-victims-like-trophies-Burton-on-Trent-in-Staffordshire)]
- 88 *BBC online*, 'Calderdale gang jailed for abusing and grooming girls', June 2016, [Accessed via: [www.bbc.co.uk/news/uk-england-leeds-36559092](http://www.bbc.co.uk/news/uk-england-leeds-36559092)]
- 89 *Coventry Live*, 'Faces of evil: Facebook rape gang who plied girls with booze and drugs jailed for 42 years', January 2017, [Accessed via: [www.coventrytelegraph.net/news/coventry-news/live-coventry-facebook-rape-gang-12509391](http://www.coventrytelegraph.net/news/coventry-news/live-coventry-facebook-rape-gang-12509391)]
- 90 *MailOnline*, 'Asian gangs, schoolgirls and a sinister taboo: As nine men are jailed for grooming up to 100 for sex, the disturbing trend few dare talk about', November 2010, [Accessed via: [www.dailymail.co.uk/news/article-1333537/Nine-men-Derby-jailed-grooming-100-sex.html](http://www.dailymail.co.uk/news/article-1333537/Nine-men-Derby-jailed-grooming-100-sex.html)]
- 91 *Yorkshire Live*, 'Rape and sexual grooming gang jailed for total of 50 years', September 2016 [Accessed via: [www.examinerlive.co.uk/news/west-yorkshire-news/rape-sexual-grooming-gang-jailed-11946283](http://www.examinerlive.co.uk/news/west-yorkshire-news/rape-sexual-grooming-gang-jailed-11946283)]
- 92 *Professor John Drew*, An independent review of South Yorkshire Police's handling of child sexual exploitation 1997–2016, March 2016, [Accessed via: [www.drewreview.uk/wp-content/uploads/2016/03/SYP030-Final-report.pdf](http://www.drewreview.uk/wp-content/uploads/2016/03/SYP030-Final-report.pdf)]

High Wycombe,<sup>93</sup> Huddersfield,<sup>94</sup> Hull,<sup>95</sup> Ipswich,<sup>96</sup> Keighley,<sup>97</sup> Kirklees,<sup>98</sup> Leeds,<sup>99</sup> Middlesbrough,<sup>100</sup> Newcastle,<sup>101</sup> Oxford,<sup>102</sup> Peterborough,<sup>103</sup> Preston,<sup>104</sup> Rochdale,<sup>105</sup> Rotherham, Sheffield,<sup>106</sup> Telford<sup>107</sup> and Wakefield.<sup>108</sup>

The Jay Report estimated that at least 1,400 children had been abused in Rotherham between 1997 and 2013. This included the rape of girls as young as 11 by 'large numbers of male perpetrators'. Many were raped by multiple attackers, trafficked to other towns and cities in the north of England, abducted, beaten and intimidated. Some were doused in petrol and threatened with being set alight, while others were threatened with guns, forced to witness 'brutally violent rapes' and warned they would be next if they told anyone. The majority of those behind the abuse were British Pakistani, while the recorded victims/survivors were typically young white girls.<sup>109</sup>

**At least 1,400 children had been abused in Rotherham between 1997 and 2013. This included the rape of girls as young as 11.**

A similar account appears in the case of four of the men convicted for offences as part of a grooming gang in Oxford.<sup>110</sup> They appealed their sentences in 2015. The judge's dismissal from confidential court papers details the abuse which has been observed as characteristic of grooming gang behaviour across other settings:

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- 93 *BBC online*, 'High Wycombe child exploitation inquiry: Five arrests', accessed August 2020, [Accessed via: [www.bbc.co.uk/news/uk-england-beds-bucks-herts-53388884](http://www.bbc.co.uk/news/uk-england-beds-bucks-herts-53388884)]
- 94 *The Independent*, 'Huddersfield grooming gang 'used and abused' vulnerable young girls for sex', September 2019, [Accessed via: [www.independent.co.uk/news/uk/crime/huddersfield-grooming-gang-trial-court-case-latest-young-girls-sex-a9100406.html](http://www.independent.co.uk/news/uk/crime/huddersfield-grooming-gang-trial-court-case-latest-young-girls-sex-a9100406.html)]
- 95 *The Independent*, 'Six men arrested in Hull in probe into cross-county child sex grooming', October 2019, [Accessed via: [www.express.co.uk/news/uk/1186968/Six-men-arrested-Hull-Humberside-Police-probe-cross-county-child-sex-grooming](http://www.express.co.uk/news/uk/1186968/Six-men-arrested-Hull-Humberside-Police-probe-cross-county-child-sex-grooming)]
- 96 *BBC online*, 'Gang used girl as sex slave in Ipswich, court hears', January 2013, [Accessed via: [www.bbc.co.uk/news/uk-england-suffolk-21048865](http://www.bbc.co.uk/news/uk-england-suffolk-21048865)]
- 97 *The Daily Express*, 'The list of Britain's towns and cities shamed by Asian grooming gangs', August 2017, [Accessed via: [www.express.co.uk/news/uk/839509/Britain-towns-cities-asian-grooming-gangs-Newcastle-Rochdale-Rotherham](http://www.express.co.uk/news/uk/839509/Britain-towns-cities-asian-grooming-gangs-Newcastle-Rochdale-Rotherham)]
- 98 *The Independent*, 'Kirklees grooming gang: Police arrest 44 suspects over sexual abuse of girls in Yorkshire', June 2019, [Accessed via: [www.independent.co.uk/news/uk/crime/kirklees-grooming-gang-yorkshire-child-sex-abuse-police-arrests-a8968501.html](http://www.independent.co.uk/news/uk/crime/kirklees-grooming-gang-yorkshire-child-sex-abuse-police-arrests-a8968501.html)]
- 99 *The Yorkshire Evening Post*, 'Four Leeds men jailed for sexually abusing young girl', June 2015, [Accessed via: [www.yorkshireeveningpost.co.uk/news/four-leeds-men-jailed-sexually-abusing-young-girl-1817570](http://www.yorkshireeveningpost.co.uk/news/four-leeds-men-jailed-sexually-abusing-young-girl-1817570)]
- 100 *BBC online*, 'Middlesbrough grooming: Trio jailed for child sex offences' February 2014, [Accessed via: [www.bbc.co.uk/news/uk-england-tees-26167790](http://www.bbc.co.uk/news/uk-england-tees-26167790)]
- 101 *The Daily Express*, 'The list of Britain's towns and cities shamed by Asian grooming gangs', August 2017, [Accessed via: [www.express.co.uk/news/uk/839509/Britain-towns-cities-asian-grooming-gangs-Newcastle-Rochdale-Rotherham](http://www.express.co.uk/news/uk/839509/Britain-towns-cities-asian-grooming-gangs-Newcastle-Rochdale-Rotherham)]
- 102 *The Daily Express*, 'The list of Britain's towns and cities shamed by Asian grooming gangs', August 2017, [Accessed via: [www.express.co.uk/news/uk/839509/Britain-towns-cities-asian-grooming-gangs-Newcastle-Rochdale-Rotherham](http://www.express.co.uk/news/uk/839509/Britain-towns-cities-asian-grooming-gangs-Newcastle-Rochdale-Rotherham)]
- 103 *The Daily Express*, 'The list of Britain's towns and cities shamed by Asian grooming gangs', August 2017, [Accessed via: [www.express.co.uk/news/uk/839509/Britain-towns-cities-asian-grooming-gangs-Newcastle-Rochdale-Rotherham](http://www.express.co.uk/news/uk/839509/Britain-towns-cities-asian-grooming-gangs-Newcastle-Rochdale-Rotherham)]
- 104 *Lancashire Post*, 'Members of Preston gang responsible for child rapes, drug dealing and burglaries sentenced', March 2020 [Accessed via: [www.lep.co.uk/news/crime/members-preston-gang-responsible-child-rapes-drug-dealing-and-burglaries-sentenced-2505967](http://www.lep.co.uk/news/crime/members-preston-gang-responsible-child-rapes-drug-dealing-and-burglaries-sentenced-2505967)]
- 105 *The Daily Express*, 'The list of Britain's towns and cities shamed by Asian grooming gangs', August 2017, [Accessed via: [www.express.co.uk/news/uk/839509/Britain-towns-cities-asian-grooming-gangs-Newcastle-Rochdale-Rotherham](http://www.express.co.uk/news/uk/839509/Britain-towns-cities-asian-grooming-gangs-Newcastle-Rochdale-Rotherham)]
- 106 *The Star*, 'Sheffield grooming gang sentenced to 74 years in jail', March 2020, [Accessed via: [www.thestar.co.uk/news/crime/sheffield-grooming-gang-sentenced-74-years-jail-2449808](http://www.thestar.co.uk/news/crime/sheffield-grooming-gang-sentenced-74-years-jail-2449808)]
- 107 *Birmingham Live*, 'Telford grooming gang jailed for 22 years for abusing 'helpless' girl', December 2019, [Accessed via: [www.birminghammail.co.uk/news/midlands-news/telford-grooming-gang-jailed-22-17446226](http://www.birminghammail.co.uk/news/midlands-news/telford-grooming-gang-jailed-22-17446226)]
- 108 *BBC online*, 'Twenty arrested in Wakefield child sexual exploitation enquiry', March 2019, [Accessed via: [www.bbc.co.uk/news/uk-england-leeds-47501300](http://www.bbc.co.uk/news/uk-england-leeds-47501300)]
- 109 *The Jay Report*, Independent Inquiry into Child Sexual Exploitation in Rotherham, August 2014, [Accessed via: [www.rotherham.gov.uk/downloads/file/279/independent-inquiry-into-child-sexual-exploitation-in-rotherham](http://www.rotherham.gov.uk/downloads/file/279/independent-inquiry-into-child-sexual-exploitation-in-rotherham)]
- 110 *Court of Appeal R. v Karrar (Bassam Abdu)*, 2015 WL 2238762 (2015) May 2015

'The case involved the exploitation and corruption of children by a group of men. The appellants targeted vulnerable girls as young as 11 with troubled upbringings. Once they had recruited and groomed them, the girls would be sent out to recruit others. The appellants used a number of ways to groom the girls. They would also exercise extreme physical and sexual violence upon them and threaten them should they ever seek to escape. The girls endured appalling and sustained abuse.<sup>111</sup>

What is universally common in CSE is a targeted grooming or initiation process designed to ensnare children into abusive exploitation, sexual and otherwise. This may start with the offer of something that the child needs or desires. It may be a financial inducement. It may purely be attention. Through this process many victims/survivors of CSE come to feel that they are in a genuine relationship (what some refer to as the 'boyfriend' model).<sup>112</sup> The perpetrator is intending to create a sense of obligation and loyalty in the child.

Though such examples of grooming which also have been referred to as 'on-street' or 'localised' grooming do not constitute or define the extent of CSE, an evolving crime type, their prominence in the national conversation has made them synonymous with it.

These cases are hideous and egregious but are by no means a representative model of CSE. There is no one type of victim/survivor or one type of perpetrator. If we allow ourselves to fall into the trap of expecting a specific model, we create blind spots for perpetrators to exploit. We run the risk of failing to identify Black and minoritised children who have also suffered terrible harm at the hands of grooming gangs, boys, those with disabilities and those who are not from white working-class backgrounds. We are united in our horror at CSE and all want to build a country in which every perpetrator responsible for these terrible abuses is identified and punished. We cannot restrict our thinking to a single model of offending.

Many features of CSE might also be described as CSA, but it was nevertheless necessary to have developed a distinct definition. Essentially, a child that has been sexually exploited also has been sexually abused, but there are features of this abuse that warrant specific analysis and response.

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<sup>111</sup> *Court of Appeal R. v Karrar (Bassam Abdu)*, 2015 WL 2238762 (2015) May 2015

<sup>112</sup> *The Children's Society*, What is child sexual exploitation, accessed August 2020, [Accessed via: [www.childrensociety.org.uk/what-is-child-sexual-exploitation](http://www.childrensociety.org.uk/what-is-child-sexual-exploitation)]



## chapter three

# Education response

### Relationships and sex education

While efforts to teach children about healthy relationships, boundaries, digital literacy and risks online can be extremely fruitful, we should be clear that children are in no way responsible for any sexual abuse perpetrated against them. The role of safe adults around the child is a crucial strand of CSA prevention efforts, as is creating safer environments.

If we can encourage disclosure in children by instilling them with confidence and understanding of their rights and boundaries, we should. While public awareness of CSA is critical, efforts must be made to ensure children (particularly victims/survivors) are not exposed to frightening messages and information. If our efforts in tackling CSA are to protect the innocence of children, public messaging should always endeavour to keep the same aim in mind.

A best practice example of messaging that clearly conveys vital messages to children without introducing frightening concepts or mentioning sex is the NSPCC's Talk PANTS campaign.<sup>113</sup> The charity has developed a memorable song complete with a child-friendly character that communicates a range of messages to children through the PANTS acronym including 'Always remember your body belongs to you' and 'talk about secrets that upset you'. The campaign comes with bespoke guidance for different audiences like parents and carers with supporting content for children, including children with learning disabilities and autism.<sup>114</sup>

School is the most obvious and important context in which to be delivering education efforts. Relationships Education will soon be made compulsory in all English primary schools, with Relationships and Sex Education compulsory in secondary schools.<sup>115</sup> Primary school aged children will be taught the characteristics of healthy relationships with peers and their families both on and offline. They will be introduced to concepts such as personal space, boundaries and what showing respect looks like.

113 NSPCC, Talk PANTS, accessed January 2021, [Accessed via: [www.nspcc.org.uk/keeping-children-safe/support-for-parents/pants-underwear-rule](http://www.nspcc.org.uk/keeping-children-safe/support-for-parents/pants-underwear-rule)]

114 NSPCC, Talk PANTS, accessed January 2021, [Accessed via: [www.nspcc.org.uk/keeping-children-safe/support-for-parents/pants-underwear-rule](http://www.nspcc.org.uk/keeping-children-safe/support-for-parents/pants-underwear-rule)]

115 *Department for Education*, Relationships Education, Relationships and Sex Education and Health Education, February 2019, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/781150/Draft\\_guidance\\_Relationships\\_Education\\_\\_Relationships\\_and\\_Sex\\_Education\\_\\_RSE\\_\\_and\\_Health\\_Education2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/781150/Draft_guidance_Relationships_Education__Relationships_and_Sex_Education__RSE__and_Health_Education2.pdf)]



These early discussions will set the stage for secondary school conversations about consent and promise to help children identify negative relationships and interactions should they encounter them and give them steers on how to report things that concern them. The critical balance here for schools to strike will be between protecting children and avoiding frightening them.<sup>116</sup>

Secondary school Relationships and Sexual Education (RSE) will build on learnings from primary school but introduce concepts that are connected to sex like contraception, the ability to recognise pressure and the right to say no, actively communicating and recognising consent and what healthy intimate relationships look like. Grooming, abuse, so called 'honour'-based violence and coercive behaviours will also be addressed.<sup>117</sup>

There is the potential for Relationships and Sex Education to be less effective than is required. Firstly, we have identified that certain children may be both more vulnerable to CSA and face greater barriers to disclosure such as those with special educational needs and disabilities. Schools will need to be aware of how to ensure their relationships/relationships and sex education lessons are accessible and useful for these children too, preventing the emergence of gaps in knowledge and understanding that render them more vulnerable. Schools will need to be aware that they may have children or young people in their classrooms who have suffered CSA who may respond differently to these lessons. Consideration will also need to be given to children who are home educated and those in alternative provision. This will need significant consideration in both the design and delivery of these subjects. The Department for Education has not yet produced best practice resources for schools on delivering this curriculum, issued guidance on how best

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116 *Department for Education, Relationships Education, Relationships and Sex Education and Health Education, February 2019, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/781150/Draft\\_guidance\\_Relationships\\_Education\\_\\_Relationships\\_and\\_Sex\\_Education\\_\\_RSE\\_\\_and\\_Health\\_Education2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/781150/Draft_guidance_Relationships_Education__Relationships_and_Sex_Education__RSE__and_Health_Education2.pdf)]*

117 *Department for Education, Relationships Education, Relationships and Sex Education and Health Education, February 2019, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/781150/Draft\\_guidance\\_Relationships\\_Education\\_\\_Relationships\\_and\\_Sex\\_Education\\_\\_RSE\\_\\_and\\_Health\\_Education2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/781150/Draft_guidance_Relationships_Education__Relationships_and_Sex_Education__RSE__and_Health_Education2.pdf)]*

to select teaching products, developed a training support package or quality assured the material that is already available from independent providers. These workstreams should clearly be prioritised.

Secondly, some primary-age pupils will have questions related to sex. It will be insufficient for teachers to respond to these questions by explaining that that goes beyond the scope of primary school Relationship Education. There must be an agreed plan for combatting these questions in an age-appropriate fashion.

If these questions are swerved when a child's curiosity or concern has been piqued, there is every chance they will look for answers to their questions elsewhere such as online. This runs the risk of being deeply counter-productive and may leave children exposed to highly inappropriate and harmful sources of information. The Department for Education should fully interrogate this possibility and ensure teachers are equipped with best practice advice on how to handle these circumstances.

## Supporting disclosure

The Children's Commissioner is clear that only a small proportion of victims/survivors ever come to the attention of the authorities<sup>118</sup> so creating environments in which children feel safe disclosing CSA and responding appropriately to these disclosures is critical.

Research into disclosures of child sexual abuse has found that they are made in many different ways, which can be complicated, fragmented and over a long period of time. Conceptualising disclosure as a process or journey that is influenced by the relationships and interactions with others is key to understanding disclosures.<sup>119</sup>

Young people may disclose to anyone, it may be that they disclose in informal, everyday settings such as with friends or family members. Their experience when disclosing in these informal settings may impact on the way they engage in formal settings, such as with social workers, teachers and the police.<sup>120</sup>

Research with children has explored a number of barriers to disclosing. Some children may believe they have no one to help them. Some children may have experienced multiple adverse childhood experiences like parental substance abuse or domestic abuse or poverty and may be nervous of disrupting their family by disclosing,<sup>121,122</sup> Some children with positive family relationships may also worry about the disruption to the family a disclosure can cause.<sup>123</sup> Children expressed fear of their perpetrator and for many, they

118 *Independent Inquiry into Child Sexual Abuse*, The impacts of child sexual abuse: a rapid evidence assessment, July 2017, [Accessed via: [www.iicsa.org.uk/publications/research/impacts-csa](http://www.iicsa.org.uk/publications/research/impacts-csa)]

119 *CSA Centre*, Key messages from research on identifying and responding to disclosures of child sexual abuse, 2019, [Accessed via: [www.csacentre.org.uk/resources/key-messages/disclosures-csa](http://www.csacentre.org.uk/resources/key-messages/disclosures-csa)]

120 *CSA Centre*, Key messages from research on identifying and responding to disclosures of child sexual abuse, 2019, [Accessed via: [www.csacentre.org.uk/resources/key-messages/disclosures-csa](http://www.csacentre.org.uk/resources/key-messages/disclosures-csa)]

121 *CSA Centre*, Key messages from research on identifying and responding to disclosures of child sexual abuse, 2019, [Accessed via: [www.csacentre.org.uk/resources/key-messages/disclosures-csa](http://www.csacentre.org.uk/resources/key-messages/disclosures-csa)]

122 *NSPCC*, No one noticed, no one heard: A study of disclosures of childhood abuse, 2013, [Accessed via: <https://learning.nspcc.org.uk/media/1052/no-one-noticed-no-one-heard-report.pdf>]

123 *NSPCC*, No one noticed, no one heard: A study of disclosures of childhood abuse, 2013, [Accessed via: <https://learning.nspcc.org.uk/media/1052/no-one-noticed-no-one-heard-report.pdf>]

were developmentally ill equipped with the language to describe their suffering.<sup>124</sup> This once again highlights the importance of Relationships Education in schools to aid children in further identifying behaviours that are unacceptable.

The NSPCC has been clear 'it is a very powerful motivator for young people to disclose if an adult takes notice of their struggles and asks them'.<sup>125</sup> Professionals must be empowered to deploy professional curiosity appropriately without being deterred by fears that such interventions could encourage false disclosures or compromise potential criminal justice outcomes.

With this in mind, we echo the call of the Children's Commissioner for schools to adopt 'whole-school' approaches to child sexual abuse and broader child abuse. This essentially means every staff member should be equipped with the relevant training to identify the signs of abuse and have the knowledge of next steps.<sup>126</sup>

It is important to recognise that not all children who disclose make direct disclosures, verbally and deliberately telling someone they are being abused. Some disclose partially, by attempting to convey that something is not right.<sup>127</sup> Some children made non-verbal disclosures of CSA in the form of writing notes, drawing pictures or behavioural signals such as self-harm, physical injury or personality/demeanour changes that indicate their suffering.<sup>128</sup>

**Children also made non-verbal and behavioural disclosures of CSA in the form of writing notes, drawing pictures or behavioural signals such as self-harm, physical injury or personality/demeanour changes that suggest the child is suffering.**

This research also demonstrated that, for the overwhelming majority of children asked, at least part of their disclosure process was negative. The young people pointed to several missed opportunities to help them and often cited disappointing responses from those they had disclosed to. Some of these young people were forced to meet with professionals and their perpetrator after disclosing abuse.<sup>129</sup>

It is certainly the case that many child victims/survivors do not disclose their sexual abuse in a straightforward verbal manner. Instead, their behaviours and the behaviours of those around them may be the indicator that something is very wrong in their lives. The Centre

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124 CSA Centre, Key messages from research on identifying and responding to disclosures of child sexual abuse, 2019, [Accessed via: [www.csacentre.org.uk/resources/key-messages/disclosures-csa](http://www.csacentre.org.uk/resources/key-messages/disclosures-csa)]

125 NSPCC, No one noticed, no one heard: A study of disclosures of childhood abuse, 2013, [Accessed via: <https://learning.nspcc.org.uk/media/1052/no-one-noticed-no-one-heard-report.pdf>]

126 *The Office of the Children's Commissioner*, Protecting children from harm: a critical assessment of child sexual abuse in the family network in England and priorities for action, November 2015, [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Protecting-children-from-harm-full-report.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Protecting-children-from-harm-full-report.pdf)]

127 NSPCC, No one noticed, no one heard: A study of disclosures of childhood abuse, 2013, [Accessed via: <https://learning.nspcc.org.uk/media/1052/no-one-noticed-no-one-heard-report.pdf>]

128 NSPCC, No one noticed, no one heard: A study of disclosures of childhood abuse, 2013, [Accessed via: <https://learning.nspcc.org.uk/media/1052/no-one-noticed-no-one-heard-report.pdf>]

129 NSPCC, No one noticed, no one heard: A study of disclosures of childhood abuse, 2013, [Accessed via: <https://learning.nspcc.org.uk/media/1052/no-one-noticed-no-one-heard-report.pdf>]

for Expertise on Child Sexual Abuse is clear that it's critically important for children to have access to safe adults they can trust who are equipped to respond appropriately to any disclosure.<sup>130</sup>

Clearly, disclosure can manifest in many different ways and it is incumbent on safe adults to understand the behaviours and signs that could indicate CSA in the life of a child and respond to them appropriately. The aim of educating children about consent, coercion and healthy relationships is not to 'train' children to avoid sexual abuse. We would never countenance placing the onus on the child to avoid other forms of abuse like neglect – sexual abuse should be no different. We should be focused on education efforts facilitating disclosure and making clear to children the behaviours that are unacceptable and that a grown-up will help them with.

Children from some minoritised groups like South Asian communities may struggle to raise the subject of sexual abuse at all because of their religious and cultural contexts and for fear of impacting or being rejected by their family and/or community.<sup>131</sup> Issues surrounding shame and so-called honour can also be highly relevant for this cohort of children.<sup>132</sup> Disabled children have also been found to be less likely to disclose abuse and to wait longer to disclose.<sup>133</sup> Research also demonstrates that children who have been harmed by a female family member struggle more to be believed by professionals who may treat the abuse they have suffered with less seriousness.<sup>134</sup>

A joint targeted area inspection review report found that many professionals lacked the confidence required to discuss intra-familial sexual abuse. This is clearly a serious problem that needs combatting in continuing professional development.<sup>135</sup> The report also raised the concerns some professionals may have of incorrectly accusing someone of CSA and disrupting the family.<sup>136</sup> This again demonstrates the clear need for professionals to be adequately trained in responding to CSA, including next steps and we recommend statutory guidance be issued to this effect, making clear that professional curiosity can support disclosure rather than undermine disclosures made.

130 *Centre of Expertise on child sexual abuse, Key messages from research on intra-familial child sexual abuse*, June 2018, [Accessed via: [www.csacentre.org.uk/index.cfm/\\_api/render/file?method=inline&fileID=CCB6D637-308F-4C6F-95DF0AC61E61E3AA](http://www.csacentre.org.uk/index.cfm/_api/render/file?method=inline&fileID=CCB6D637-308F-4C6F-95DF0AC61E61E3AA)]

131 *Coventry Rape and Sexual Abuse Centre, The price of honour: exploring the issues of sexual violence within South Asian communities*, 2014

132 *Coventry Rape and Sexual Abuse Centre, The price of honour: exploring the issues of sexual violence within South Asian communities*, 2014

133 *Ofsted, Care Quality Commission (CQC), HMI Constabulary and Fire and Rescue Services (HMICFRS) and HMI Probation (HMIP), The multi-agency response to child sexual abuse in the family environment*, 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862454/Multi\\_agency\\_response\\_to\\_child\\_sexual\\_abuse\\_in\\_the\\_family\\_environment\\_joint\\_targeted\\_area\\_inspections\\_JTAs.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862454/Multi_agency_response_to_child_sexual_abuse_in_the_family_environment_joint_targeted_area_inspections_JTAs.pdf)]

134 *Ofsted, Care Quality Commission (CQC), HMI Constabulary and Fire and Rescue Services (HMICFRS) and HMI Probation (HMIP), The multi-agency response to child sexual abuse in the family environment*, 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862454/Multi\\_agency\\_response\\_to\\_child\\_sexual\\_abuse\\_in\\_the\\_family\\_environment\\_joint\\_targeted\\_area\\_inspections\\_JTAs.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862454/Multi_agency_response_to_child_sexual_abuse_in_the_family_environment_joint_targeted_area_inspections_JTAs.pdf)]

135 *Ofsted, Care Quality Commission (CQC), HMI Constabulary and Fire and Rescue Services (HMICFRS) and HMI Probation (HMIP), The multi-agency response to child sexual abuse in the family environment*, 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862454/Multi\\_agency\\_response\\_to\\_child\\_sexual\\_abuse\\_in\\_the\\_family\\_environment\\_joint\\_targeted\\_area\\_inspections\\_JTAs.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862454/Multi_agency_response_to_child_sexual_abuse_in_the_family_environment_joint_targeted_area_inspections_JTAs.pdf)]

136 *Ofsted, Care Quality Commission (CQC), HMI Constabulary and Fire and Rescue Services (HMICFRS) and HMI Probation (HMIP), The multi-agency response to child sexual abuse in the family environment*, 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862454/Multi\\_agency\\_response\\_to\\_child\\_sexual\\_abuse\\_in\\_the\\_family\\_environment\\_joint\\_targeted\\_area\\_inspections\\_JTAs.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862454/Multi_agency_response_to_child_sexual_abuse_in_the_family_environment_joint_targeted_area_inspections_JTAs.pdf)]

It's important to recognise that the majority of victims/survivors of intra-familial abuse do not come to the attention of the authorities. Evidence heard by the Children's Commissioner showed that Black and minoritized victims/survivors harmed in the home can face added barriers to disclosure, including a mistrust of statutory services.<sup>137</sup> The Children's Commissioner also raised that children with a physical or learning disability may struggle to understand abuse and make verbal disclosures with a risk of any harmful sexual behaviours being attributed to learning disabilities without the potential for CSA in the home to be considered.<sup>138</sup> Intra-familial abuse is in and of itself a barrier to disclosure as it can be fraught with complicated emotions such as loyalty, love, fear and a wish to protect other family members. Intra-familial abuse can involve a range of perpetrators including those under the age of 18, like brothers and cousins.<sup>139</sup>

**Intra-familial abuse is in and of itself a barrier to disclosure as it can be fraught with complicated emotions like loyalty, love, fear and a wish to protect other family members.**

The Children's Commissioner has explained that intra-familial abuse often comes to the attention of agencies because of the presence of another presenting factor or adverse childhood experience. This serves to reemphasise the importance of professionals making proactive enquiries rather than relying on a disclosure-led approach.<sup>140</sup> Children should be receiving clear messages from the professionals around them that they stand ready to listen to support them.

## School nurses

Some young people will feel able to access healthcare for issues that may be related such as emergency contraception, sexually transmitted infections or urinary tract infections but are not yet in a place where they would be comfortable discussing the abuse they have suffered or seeking out counselling.<sup>141</sup> We are also conscious of the reality that some children and young people suffering from undisclosed appalling abuse may have presentations that cause relationships such as those with teachers to become strained. Pathways to disclosure and safeguarding must be open and varied for young victims/survivors.

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137 *The Office of the Children's Commissioner*, Protecting children from harm: a critical assessment of child sexual abuse in the family network in England and priorities for action, November 2015, [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Protecting-children-from-harm-full-report.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Protecting-children-from-harm-full-report.pdf)]

138 *The Office of the Children's Commissioner*, Protecting children from harm: a critical assessment of child sexual abuse in the family network in England and priorities for action, November 2015, [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Protecting-children-from-harm-full-report.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Protecting-children-from-harm-full-report.pdf)]

139 *The Office of the Children's Commissioner*, Protecting children from harm: a critical assessment of child sexual abuse in the family network in England and priorities for action, November 2015, [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Protecting-children-from-harm-full-report.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Protecting-children-from-harm-full-report.pdf)]

140 *The Office of the Children's Commissioner*, Protecting children from harm: a critical assessment of child sexual abuse in the family network in England and priorities for action, November 2015, [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Protecting-children-from-harm-full-report.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Protecting-children-from-harm-full-report.pdf)]

141 *Department for Health and Social Care*, Helping school nurses to tackle child sexual exploitation, October 2015, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/512907/2903823\\_PHE\\_Child\\_Sexual\\_Exploitation\\_Accessible\\_FINAL.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/512907/2903823_PHE_Child_Sexual_Exploitation_Accessible_FINAL.pdf)]

That is why the CSJ is clear on the importance of the role of school nurses. The Royal College of Nursing stated in 2019 that the number of school nurses had fallen by nearly 30% since 2010 in the face of public health budget restraints.<sup>142</sup> These practitioners could play a clear role in safeguarding children where CSA is suspected but the young person is not yet ready to disclose and have significant potential in early intervention efforts.

**Some young people will feel able to access healthcare for issues that may be related such as emergency contraception, sexually transmitted infections or urinary tract infections but are not yet in a place where they would be comfortable discussing the abuse.**

We recommend that the number of school nurses be returned to pre-2010 levels and that each practitioner be required to undertake training on child sexual abuse including exploitation. They should work closely alongside the school's designated safeguarding and RSE leads to clarify for young people what constitutes unacceptable sexual behaviours in order to help support disclosure. Nurses should also be capable of using technology such as texting and emailing to increase uptake with young people and should endeavour to be visible within schools.

The NWG Network has also made the important point that abuse does not stop during the school holidays, so school nurses should be working and accessible all year round and not to term dates so young people can still reach out to them.<sup>143</sup>



<sup>142</sup> *Nursing Notes*, 29 August 2019, [Accessed via: <https://nursingnotes.co.uk/news/budget-cuts-school-nurses-number-dwindle/>]

<sup>143</sup> *NWG Network*, 'If you shine a light you will probably find it': Report of a grassroots survey of Health Professionals with regard to their experiences in dealing with child sexual exploitation, March 2013, [Accessed via: [www.nhs.uk/about-the-nhs-website/professionals/healthandcareprofessionals/child-sexual-exploitation/documents/shine-a-light.pdf](http://www.nhs.uk/about-the-nhs-website/professionals/healthandcareprofessionals/child-sexual-exploitation/documents/shine-a-light.pdf)]

## Recommendations

- Department for Education should produce best practice resources for schools on delivering Relationships and Sex Education, issue guidance on how best to select teaching products and quality assure the material that is already available from independent providers. These resources should be accessible to those children with special educational needs and disabilities.
- Department for Education should issue guidance for primary school teachers on how to handle questions related to sex that go beyond the Relationships Education curriculum.
- Schools should adopt a 'whole-school' approach to child sexual abuse, meaning every staff member should be equipped with the relevant training to identify the signs of abuse and have the knowledge of next steps.
- School nurses should be returned to pre-2010 levels with practitioners required to both undertake training on child sexual abuse and work alongside the school's designated safeguarding and RSE leads to help support disclosure.

## chapter four

# Online regulation response

### Online Safety Bill

This report was produced in the context of the Government working to develop the Online Safety Bill, new legislation to regulate platforms with user generated content functions, private messaging and search engines. The Government states that this bill is about 'A new regulatory framework for online safety [to] make clear companies' responsibilities to keep UK users, particularly children, safer online with the most robust action to counter illegal content and activity'.<sup>144</sup>

Content and communication that relate to online-facilitated child sexual offences are in scope of this legislation: indeed, they are prioritised, with the plan at present being for the Home Secretary to have 'the power to direct the regulator in relation to codes of practice on...child sexual exploitation and abuse'.<sup>145</sup> This focus is hugely welcome and will supplement existing work streams on CSA. We have clear views on the delivery of the legislation and crucial measures that must be included or take place alongside regulation, several of which are detailed below.

### Duty of care

It is clear the regulator should be enforcing action on a non-exhaustive list of harms and be sufficiently agile to ensure the emerging risks can be combatted. As offenders change their modus operandi and new technologies become more mainstream – such as Deepfake CSAM, the regulator must be able to identify and act on any new risks posed.

The NSPCC has identified the clear need for the regulator to be stating that 'safety by design' efforts are necessary to be complying with the Duty of Care requirements they will set. They state: 'In order to demonstrate compliance with the Duty of Care, a social

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<sup>144</sup> DCMS, Home Office, Online Harms White Paper: Consultation Outcome, December 2020, [Accessed via: [www.gov.uk/government/consultations/online-harms-white-paper/online-harms-white-paper](http://www.gov.uk/government/consultations/online-harms-white-paper/online-harms-white-paper)]

<sup>145</sup> DCMS, Home Office, Online Harms White Paper: Consultation Outcome, December 2020, [Accessed via: [www.gov.uk/government/consultations/online-harms-white-paper/online-harms-white-paper](http://www.gov.uk/government/consultations/online-harms-white-paper/online-harms-white-paper)]

network would need to demonstrate it had taken reasonable steps to ensure its products and processes are both designed and operated in a way that minimises the potential for harm'.<sup>146</sup> We echo this eminently sensible recommendation.

These 'safety by design' efforts should involve minimum safeguarding standards across platforms. We would wish to see measures considered like default privacy settings for children's accounts, clear and child-friendly terms and conditions, and simple reporting channels for complaints and content removal.

We would also suggest that the regulator insists that the platforms subject to the Duty of Care are proactively seeking out potential risks on their platform so they can be addressed. Platforms should be seeking to disrupt abusive behaviours at the earliest possible opportunity: efforts should be made to identify accounts with patterns that indicate risk like those that seek out contact with children. As the NSPCC flags, 'Such analysis can be conducted in a non-intrusive way, using metadata to flag accounts which should be reviewed by moderators'.<sup>147</sup>

With regards to child sexual abuse material, we wish to see platforms proactively searching for such material and producing new technology to do so rather than waiting for CSAM to be reported to them. Internal policies should recognise the need to remove material that does not necessarily constitute a Category A, B or C image but holds the potential to cause harm. This would include circumstances where perfectly innocuous images of children are being misappropriated by those with a sexual interest in children. The NSPCC recommends platforms should report and remove such images where a legitimate hotline has flagged it is being misappropriated or where scanning tech has identified abusive conversations related to such material.<sup>148</sup> This measures forms Principle 8 of the Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse, developed by the Five County Ministerial group.<sup>149</sup> While there are some industry partners who are setting good examples in this regard, we would also expect to see a consistent approach from platforms on what they take down.

## Reporting and transparency

Parents, schools and wider society have the right to know the extent to which different user-generated platforms are safe. While large companies do currently release transparency reports – with Google even producing a specific CSAM Transparency Report,<sup>150</sup> these can be difficult to compare across different platforms. Transparency reports should be like for like so they can be adequately compared by the same metrics. For example, one platform

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146 NSPCC, How to win the Wild West Web: Six tests for delivering the Online Safety Bill, September 2020, [Accessed via: [www.nspcc.org.uk/globalassets/documents/research-reports/how-to-win-the-wild-west-web-report.pdf](http://www.nspcc.org.uk/globalassets/documents/research-reports/how-to-win-the-wild-west-web-report.pdf)]

147 NSPCC, How to win the Wild West Web: Six tests for delivering the Online Safety Bill, September 2020, [Accessed via: [www.nspcc.org.uk/globalassets/documents/research-reports/how-to-win-the-wild-west-web-report.pdf](http://www.nspcc.org.uk/globalassets/documents/research-reports/how-to-win-the-wild-west-web-report.pdf)]

148 NSPCC, How to win the Wild West Web: Six tests for delivering the Online Safety Bill, September 2020, [Accessed via: [www.nspcc.org.uk/globalassets/documents/research-reports/how-to-win-the-wild-west-web-report.pdf](http://www.nspcc.org.uk/globalassets/documents/research-reports/how-to-win-the-wild-west-web-report.pdf)]

149 Gov.uk, Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse, accessed March 2021, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/870623/11\\_Voluntary\\_principles\\_-\\_formal\\_letter\\_\\_1\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/870623/11_Voluntary_principles_-_formal_letter__1_.pdf)]

150 Google, Google's efforts to combat online child sexual abuse material, accessed March 2021, [Accessed via: <https://transparencyreport.google.com/child-sexual-abuse-material/reporting>]

may flag a far higher number of referrals for CSAM which will look like a site is a particular hot bed for such abusive material. However, this could be because the platform in question is proactively looking for such material which is an approach we would endorse.

We must ensure that reporting requirements do not create perverse incentives like making reporting pathways non-user friendly or hard to find to suppress the number of images flagged. We would also recommend that a central repository of such transparency reports is kept by Government and would wish to see evidence of year on year improvements.

**For example, one platform may flag a far higher number of referrals for CSAM which will look like a site is a particular hot bed for such abusive material. However, this could be because the platform in question is proactively looking for such material which is an approach we would endorse.**

It is also crucial that the regulator holds sufficient power to compel platforms to disclose information about the extent of harm on their sites over and above transparency reporting.

We would also wish to see platforms communicate with Ofcom proactively when issues are emerging so other potentially affected platforms can take action to protect their users. The NSPCC has raised that: ‘a similar proactive duty already applies in the financial services sector. Principle 11 of the financial services regime requires firms to deal cooperatively with the regulator, and to disclose anything of which the regulator would reasonably expect notice. This is supported by a non-exhaustive list of examples’.<sup>151</sup>

## The impact of pornography on children and young people

Young people’s exposure to legal content such as pornography has been deemed in scope for the Online Safety Bill.<sup>152</sup> Coverage of Pornhub, the UK’s largest open access porn site, indicates that some of the videos they host feature extremely hardcore pornography.<sup>153</sup> The content that young people are exposed to is not Playboy magazine – it is violent, abusive, and often racist extreme content.

**The content that young people are exposed to is not Playboy magazine – it is violent, abusive, and often racist extreme content.**

The Centre for Expertise on Child Sexual Abuse also indicates that for some young people, a link may exist between viewing pornography and exhibiting harmful sexual behaviours: many pre-adolescent children with harmful sexual behaviours have been exposed to CSA or exposed to pornography at a developmentally inappropriate juncture.<sup>154</sup> Again, this raises the question of the impact of free online access to content that can be extreme in nature.

151 NSPCC, How to win the Wild West Web: Six tests for delivering the Online Safety Bill, September 2020, [Accessed via: [www.nspcc.org.uk/globalassets/documents/research-reports/how-to-win-the-wild-west-web-report.pdf](http://www.nspcc.org.uk/globalassets/documents/research-reports/how-to-win-the-wild-west-web-report.pdf)]

152 DCMS, Home Office, Online Harms White Paper: Consultation Outcome, December 2020, [Accessed via: [www.gov.uk/government/consultations/online-harms-white-paper/online-harms-white-paper](http://www.gov.uk/government/consultations/online-harms-white-paper/online-harms-white-paper)]

153 *The Guardian*, World’s biggest porn site under fire over rape and abuse videos, 9 March 2020, [Accessed via: [www.theguardian.com/global-development/2020/mar/09/worlds-biggest-porn-site-under-fire-over-videos-pornhub](http://www.theguardian.com/global-development/2020/mar/09/worlds-biggest-porn-site-under-fire-over-videos-pornhub)]

154 *Centre of Expertise on child sexual abuse*, Key messages from research on children and young people who display harmful sexual behaviour, July 2018, [Accessed via: [www.csacentre.org.uk/index.cfm/\\_api/render/file/?method=inline&fileID=60855274-DB8B-4CE9-9C76E1032BC261D9](http://www.csacentre.org.uk/index.cfm/_api/render/file/?method=inline&fileID=60855274-DB8B-4CE9-9C76E1032BC261D9)]

Laura Bates included the following case study in her recent book: 'At one school at which they'd had a rape case involving a 14-year-old boy, a teacher asked: 'Why didn't you stop when she was crying?' The boy looked back at her bewildered and said: 'Because it's normal for girls to cry during sex'.<sup>155</sup> Where do we imagine a 14-year-old boy has acquired this notion?

Part 3 of The Digital Economy Act would have helped restrict access to pornographic websites to those over the age of 18, helping prevent children from seeing extreme and hardcore pornography.<sup>156</sup> Dedicated pornography sites are by no means the only online location that host pornography, with adult content frequently found on social media platforms. However, it's clear that measures are needed to prevent young people from accessing material that might warp their sense of what is healthy consent-based sexual activity and distort their sense of how to treat their peers. As such, the upcoming Online Safety Bill should include age assurance of pornography websites to help ensure that under 18s do not have easy, unfettered access to this content. Whilst it is true that some youngsters may well find ways to get around the age assurance process, that does not mean we should let the perfect be the enemy of the good.

**Measures are needed to prevent young people from accessing material that might warp their sense of what is healthy consent-based sexual activity and distort their sense of how to treat their peers.**

## The impact of pornography on offending

It is important to consider the role that legal adult pornography plays in pathways to viewing CSAM. CC Bailey is clear that free access to pornography is: 'creating a group of men who will look at pornography and the pornography gets harder and harder and harder, to the point where they are simply getting no sexual stimulation from it at all, so the next click is child abuse imagery. This is a real problem. It really worries me that children who should not be being able to access that material ... are being led to believe this is what a normal relationship looks like and this is normal activity.' The National Crime Agency (NCA) has been clear that a fair few perpetrators they deal with 'are not who would be seen as a stereotypical person that poses a threat to a child'. Rather, they are people who have grown up online and had progressed to viewing CSAM.<sup>157</sup>

A member of the Survivors Group raised the harms of pornography websites and the fetishisation of teenage children with reference to a specific section dedicated to 'teenagers' on Mind Geek hosted platforms.

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<sup>155</sup> Laura Bates, *Men who Hate Women*, 2020

<sup>156</sup> *Gov.uk*, Digital Economy Act 2017, accessed January 2020, [Accessed via: [www.legislation.gov.uk/ukpga/2017/30/part3/enacted](http://www.legislation.gov.uk/ukpga/2017/30/part3/enacted)]

<sup>157</sup> *Independent Inquiry Child Sexual Abuse*, The Internet: Investigation Report, March 2020, [Accessed via: [www.iicsa.org.uk/publications/investigation/internet](http://www.iicsa.org.uk/publications/investigation/internet)]

The Internet Watch Foundation, which specialises in detecting and removing child sexual abuse material, has also found 118 videos on Pornhub itself between 2017 and 2019 featuring children being raped and sexually abused.<sup>158</sup> Pornhub has responded to concerns about CSAM on their platform. Recently they removed millions of videos and introduced new prohibitions to ensure unverified users could not upload content.<sup>159</sup>

This is a really positive step. However, Home Office research identified that one in ten websites dedicated to child sexual abuse material hosted adverts for legitimate brands with the majority of these brands being legal adult pornography and dating sites. The pornography industry should work alongside experts like the Internet Watch Foundation to eradicate this risk and we would urge the Home Secretary to convene a taskforce to get these partners round the table and identify solutions.<sup>160</sup>

**One in ten websites dedicated to child sexual abuse material hosted adverts for legitimate brands with the majority of these brands being legal adult pornography and dating sites.**

In 2015, child protection charity, The Lucy Faithfull Foundation, launched a campaign to deter the online viewing and sharing of sexual images of children. The campaign has included digital advertising, press and PR, partnership activities, online search deterrence messaging, and Splash pages which are deployed once the Internet Watch Foundation (IWF) has identified websites that host illegal images. All activities signpost to Stop It Now! Get Help, an online self-help programme, and to the Stop It Now! Helpline. Key messages communicated are:

- Sexual images of anyone under 18 are **illegal**.
- The creation and viewing of these images causes **harm** to the children and young people involved.
- There are severe **consequences** for those commencing or persisting with such viewing or sharing.
- **Help to stop** is available and it is **confidential**.

Independent evaluation from 2019/20 showed that the campaign activity drives un-arrested offenders towards Stop It Now! Resources and that after engaging with Stop It Now! resources offenders reported positive attitude changes including a greater awareness of the personal and legal consequences of viewing indecent images of children, and a belief in their ability to stop for the long-term.

Un-arrested offenders self-reported changing their online behaviour to prevent further offending, including:

- Enlisting the support of a friend or family member to manage their behaviour.
- Stopping pornography use.

158 *The Guardian*, Pornhub removes millions of videos after investigation finds child abuse content, December 2020, [Accessed via: [www.theguardian.com/technology/2020/dec/14/pornhub-purge-removes-unverified-videos-investigation-child-abuse](http://www.theguardian.com/technology/2020/dec/14/pornhub-purge-removes-unverified-videos-investigation-child-abuse)]

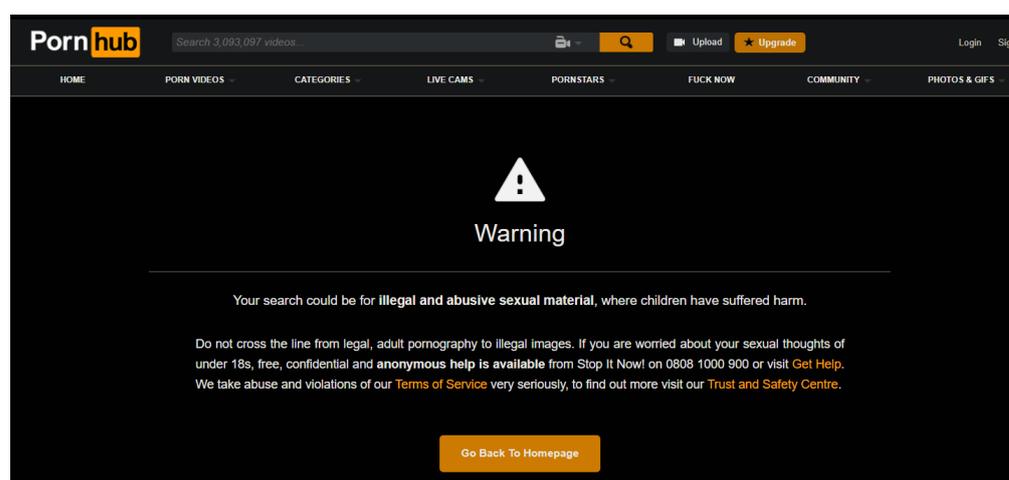
159 *The Guardian*, Pornhub removes millions of videos after investigation finds child abuse content, December 2020, [Accessed via: [www.theguardian.com/technology/2020/dec/14/pornhub-purge-removes-unverified-videos-investigation-child-abuse](http://www.theguardian.com/technology/2020/dec/14/pornhub-purge-removes-unverified-videos-investigation-child-abuse)]

160 *Home Office*, Advertisers urged to help tackle online child sexual exploitation, December 2018, [Accessed via: [www.gov.uk/government/news/advertisers-urged-to-help-tackle-online-child-sexual-exploitation](http://www.gov.uk/government/news/advertisers-urged-to-help-tackle-online-child-sexual-exploitation)]

- Installing controls and filters on devices.
- Ceasing use of sexual images of anyone who is or might be under 18-years-old.

Since 2015, search deterrence has been deployed by Google, Facebook and via the Internet Watch Foundation. When users make an indicative search they are presented with a warning message. Over a five year period, this has led to over 50,000 click-throughs to online self-help as well as increased calls to the Stop It Now! Helpline from those wanting help to stop.

So, in theory, these interventions could stop people from developing a sexual interest in children at all; or could stop those with a sexual interest in children from becoming CSAM offenders.<sup>161</sup><sup>162</sup> The Lucy Faithfull Foundation is now working with MindGeek, which owns platforms like Pornhub, to deliver warning messages on their platforms for individuals who enter search terms related to child sexual abuse. This new initiative with Mind Geek is extremely promising since the Lucy Faithfull Foundation has pointed to heavy use of legal, adult pornography as a route into viewing indecent images of children by some offenders.<sup>163</sup> The landing page for search terms related to CSAM on Pornhub will now show the below message:



This is a fantastic initiative and the Lucy Faithfull Foundation should be supported to expand this service to other platforms like Twitter and Instagram, which should be following Google's example.

## Deterring CSAM offenders

The Centre of Expertise on Child Sexual Abuse undertook research with offenders which found clear narratives in the heads of abusers engaged with as to how and why their crimes happened. Worryingly, the majority of those the Centre of Expertise spoke with attempted to rationalise or excuse their offending behaviours with some suggesting they

<sup>161</sup> *The Lucy Faithfull Foundation and Stop it Now! Campaign and Helpline*, Child sexual exploitation prevention strategies in the online environment: tackling online sexual abuse by protection, education, deterrence, response and prevention, 2018

<sup>162</sup> *The Lucy Faithfull Foundation, Stop It Now!*, Protecting children by deterring online sexual offending, accessed January 2021

<sup>163</sup> *The Lucy Faithfull Foundation, Stop It Now!*, Protecting children by deterring online sexual offending, accessed January 2021

had not understood they were causing harm.<sup>164</sup> This was a particularly relevant narrative with CSAM offenders who tried to excuse their behaviours by stating that they had not personally created the images or harmed the child in person. Others claimed they did not understand the law and were not aware of the legal age of consent.<sup>165</sup>

Another concerning attempt to rationalise criminal activity was found in those with online offences who believed they were unlikely to be caught and could even put strategies in place to hide their activities. This clearly indicates that efforts need to be taken to force offenders to confront both the criminality of their behaviour and the harm such behaviours cause and reinforce the message and the reality that committing such crimes will result in apprehension and criminal justice sanctions.<sup>166</sup>

**Efforts need to be taken to force offenders to confront both the criminality of their behaviour and the harm such behaviours cause.**

The resourcing implications of EU exit on the online child protection space must also be considered. Until recently, the UK Safer Internet Centre received 50% of its funding from the EU.<sup>167</sup> The Safer Internet Centre delivers Safer Internet Day, which reaches nearly 50% of the country's children, has removed millions of pieces of child sexual abuse material and trains tens of thousands of professionals working with children. This resourcing drop off is deeply concerning and should be met by Government to ensure this crucial work can continue.

It is critical to ensure that those with a latent or potential sexual interest in children cannot access CSAM. This is why the NCA's proposal for internet companies made to the Home Affairs Select Committee on pre-screening is important. They recommend that online platforms should scan any image against the hash set from the Internet Watch Foundation or the National Centre for Missing and Exploited Children before it is uploaded. If the image matches a known hash of child sexual abuse material it can be stopped from being uploaded. While this would not capture abuse videos effectively for which there is a less developed response than for still images, to support law enforcement to identify new material and rescue the children being victimised.<sup>168</sup> This could result in a higher number of referrals which will not necessarily free up the National Crime Agency to achieve their aims in this regard. Government should interrogate the potential benefits of pre-screening, including the potential resourcing implications for the NCA and privacy implications for the law abiding.

164 *Centre of Expertise on Child Sexual Abuse, Coventry University*, Characteristics and perspectives of adults who have sexually exploited children: Scoping research, February 2018, [Accessed via: [www.csacentre.org.uk/documents/cse-adult-perpetrators-perspectives](http://www.csacentre.org.uk/documents/cse-adult-perpetrators-perspectives)]

165 *Centre of Expertise on Child Sexual Abuse, Coventry University*, Characteristics and perspectives of adults who have sexually exploited children: Scoping research, February 2018, [Accessed via: [www.csacentre.org.uk/documents/cse-adult-perpetrators-perspectives](http://www.csacentre.org.uk/documents/cse-adult-perpetrators-perspectives)]

166 *Centre of Expertise on Child Sexual Abuse, Coventry University*, Characteristics and perspectives of adults who have sexually exploited children: Scoping research, February 2018, [Accessed via: [www.csacentre.org.uk/documents/cse-adult-perpetrators-perspectives](http://www.csacentre.org.uk/documents/cse-adult-perpetrators-perspectives)]

167 *Safer Internet Centre*, Government must invest in the UK Safer Internet Centre at this week's spending review if it is to become a global leader in online safety, November 2020, [Accessed via: [www.saferinternet.org.uk/blog/government-must-invest-uk-safer-internet-centre-week's-spending-review-if-it-become-global](http://www.saferinternet.org.uk/blog/government-must-invest-uk-safer-internet-centre-week's-spending-review-if-it-become-global)]

168 *Independent Inquiry Child Sexual Abuse*, The Internet: Investigation Report, March 2020, [Accessed via: [www.iicsa.org.uk/publications/investigation/internet](http://www.iicsa.org.uk/publications/investigation/internet)]

Hash matching is a technology that creates a unique digital fingerprint known as a hash value for an image which you can then bounce against other collections of images to see if the image you are concerned about has been replicated somewhere else. The Internet Watch Foundation and the National Centre for Missing and Exploited Children in the US then keep a list of hashes of child sexual abuse material which their members can use to stop these known images from being uploaded on their platforms.<sup>169</sup>

This helps ensure that a piece of CSAM that has been uploaded widely on different platforms can be found and removed. Microsoft has open sourced such a tool, PhotoDNA, to law enforcement across the world and small organisations who deploy cloud services as part of their offering and created a similar product for videos of child sexual abuse.<sup>170</sup>

Google has also developed CSAI Match, an innovative tool designed to flag videos containing known child sexual abuse material. This tech even indicates the portion of the video that contains the illegal content. This product is made available by Google to partners in industry and NGOs such as Thorn and the Canadian Centre for Child Protection and greatly reduces the exposure to CSAM that analysts have to endure.<sup>171</sup>

Technologies like web crawlers have also assisted in proactively sweeping large quantities of data to find known indecent images of children and alerting the site of the need to remove the egregious content.<sup>172</sup> But despite these extraordinary efforts, it remains possible to access child sexual abuse material from mainstream platforms in as few as three clicks.<sup>173</sup> This plainly demonstrates that internet companies must focus their attention on pre-screening uploads to ensure that CSAM does not end up on their platforms and making it as difficult as possible for people with a sexual interest in children to access it.

We have made great strides as a country in detecting and removing child sexual abuse material from UK-hosted websites, largely thanks to the Internet Watch Foundation and the development of Microsoft's PhotoDNA and other hash matching technology. When the Internet Watch Foundation was established in 1996, UK hosted websites were responsible for 18% of the world's child sexual abuse material – now that figure is just 0.12%.<sup>174</sup>

Nonetheless, we must continue to try to prevent people with a sexual interest in children from becoming CSAM offenders could also prompt a reduction in contact abuse. Tink Palmer, the CEO of the Marie Collins Foundation told the Independent Inquiry into

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169 *Independent Inquiry Child Sexual Abuse*, The Internet: Investigation Report, March 2020, [Accessed via: [www.iicsa.org.uk/publications/investigation/internet](http://www.iicsa.org.uk/publications/investigation/internet)]

170 Microsoft, PhotoDNA Cloud Service, accessed January 2021, [Accessed via: [www.microsoft.com/en-us/PhotoDNA/FAQ](http://www.microsoft.com/en-us/PhotoDNA/FAQ)]

171 *YouTube*, CSAI Match, accessed February 2021, [Accessed via: [www.youtube.com/csai-match/](http://www.youtube.com/csai-match/)]

172 *Independent Inquiry Child Sexual Abuse*, The Internet: Investigation Report, March 2020, [Accessed via: [www.iicsa.org.uk/publications/investigation/internet](http://www.iicsa.org.uk/publications/investigation/internet)]

173 *Independent Inquiry Child Sexual Abuse*, The Internet: Investigation Report, March 2020, [Accessed via: [www.iicsa.org.uk/publications/investigation/internet](http://www.iicsa.org.uk/publications/investigation/internet)]

174 *Independent Inquiry Child Sexual Abuse*, The Internet: Investigation Report, March 2020, [Accessed via: [www.iicsa.org.uk/publications/investigation/internet](http://www.iicsa.org.uk/publications/investigation/internet)]; *Internet Watch Foundation*, Zero Tolerance: 2019 Annual Report, April 2020, [Accessed via: [www.iwf.org.uk/sites/default/files/reports/2020-04/IWF\\_Annual\\_Report\\_2020\\_Low-res-Digital\\_AW\\_6mb.pdf](http://www.iwf.org.uk/sites/default/files/reports/2020-04/IWF_Annual_Report_2020_Low-res-Digital_AW_6mb.pdf)]



Child Sexual Abuse: 'If I were to look at the majority of the cases I have either been involved with myself or acted as a consultant, I would say at least about 65% to 70% there's been activities both online and offline'.<sup>175</sup>

## Reporting CSAM

There are millions of pieces of child sexual abuse material in circulation online some of which feature unimaginable sadism with victims/survivors as young as infants and toddlers.<sup>176</sup> While it is certainly true that the dark web contains some of the most egregious CSAM, a huge number of websites hosting indecent images of children are readily available on the surface web.<sup>177</sup>

**There are millions of pieces of child sexual abuse material in circulation online some of which feature unimaginable sadism with victims/survivors as young as infants and toddlers.**

A member of the Survivors Group raised how difficult it often was to find the correct method to report CSAM on social media platforms and that this was unacceptable when the impact of these images being in circulation was deeply traumatising for victims/survivors.

The Canadian Centre for Child Protection examined the reporting tools for child sexual abuse material on popular web platforms. Their findings were concerning, pointing to platforms contravening the Voluntary Principles released after the last Five Country

<sup>175</sup> *Independent Inquiry Child Sexual Abuse*, The Internet: Investigation Report, March 2020, [Accessed via: [www.iicsa.org.uk/publications/investigation/internet](http://www.iicsa.org.uk/publications/investigation/internet)]

<sup>176</sup> *Independent Inquiry Child Sexual Abuse*, The Internet: Investigation Report, March 2020, [Accessed via: [www.iicsa.org.uk/publications/investigation/internet](http://www.iicsa.org.uk/publications/investigation/internet)]

<sup>177</sup> *Independent Inquiry Child Sexual Abuse*, The Internet: Investigation Report, March 2020, [Accessed via: [www.iicsa.org.uk/publications/investigation/internet](http://www.iicsa.org.uk/publications/investigation/internet)]

ministerial meeting. These principles were developed to drive a consistent response across tech platforms to child sexual abuse material and were signed up to by some of the largest companies including Twitter, Facebook, Microsoft and Google.<sup>178</sup>

Two of the principles related to reporting mechanisms and taking down indecent images of children are:

- Companies seek to prevent known child sexual abuse material from being made available to users or accessible on their platforms and services, take appropriate action under their terms of service, and report to appropriate authorities.
- Companies seek to identify and combat the dissemination of new child sexual abuse material via their platforms and services, take appropriate action under their terms of service, and report to appropriate authorities.<sup>179</sup>

With regards to new child sexual abuse material which would not be picked up by hash matching technology, Google has developed a tool, Content Safety API, that has dramatically improved their ability to identify potentially abusive content. Using machine learning, they have built a classifier that sorts through images and prioritises content that is most likely to be abusive and allows a reviewer to 'take action on 700% more CSAM content'.<sup>180</sup> This game-changing product is offered for free to NGOs and industry partners.<sup>181</sup> One of the principle benefits of Content Safety API is it allows action to be taken to protect children who are being abused today who may not have been safeguarded yet and supports the police to stop offenders in their tracks.

The Canadian Centre for Child Protection found that while most platforms had a reporting function for general content, hardly any had a mechanism for reporting child sexual abuse material. If they did have such a function, it would enable them to better prioritise the removal of such content that had been flagged. They also found that the reporting functions on some sites created barriers to flagging content including requirements to provide personally identifiable information when reporting illegal content, the difficulties of reporting content on a platform that you do not have an account on, reporting tools being hard to find or navigate especially when moving between desktop and app versions of the same platform and challenges reporting particular pages or users.<sup>182</sup>

There were positive signs on some platforms, such as including a text box to allow additional information to be added to a report but best practice would be offering child sexual abuse material as a specific category under which content can be flagged and that this could be done without a reporter having to have an account for the platform in question. Individual users, pages, direct messages, posts and groups should have this

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178 *Canadian Centre for Child Protection*, Reviewing Child Sexual Abuse Material reporting functions on popular platforms, 1 December 2020, [Accessed via: [https://protectchildren.ca/pdfs/C3P\\_ReviewingCSAMMaterialReporting\\_Summary\\_en.pdf](https://protectchildren.ca/pdfs/C3P_ReviewingCSAMMaterialReporting_Summary_en.pdf)]

179 *Canadian Centre for Child Protection*, Reviewing Child Sexual Abuse Material reporting functions on popular platforms, 1 December 2020, [Accessed via: [https://protectchildren.ca/pdfs/C3P\\_ReviewingCSAMMaterialReporting\\_Summary\\_en.pdf](https://protectchildren.ca/pdfs/C3P_ReviewingCSAMMaterialReporting_Summary_en.pdf)]

180 *Google*, Using AI to help organisations detect and report child sexual abuse material online, September 2018, [Accessed via: <https://blog.google/around-the-globe/google-europe/using-ai-help-organizations-detect-and-report-child-sexual-abuse-material-online>]

181 *Google*, Using AI to help organisations detect and report child sexual abuse material online, September 2018, [Accessed via: <https://blog.google/around-the-globe/google-europe/using-ai-help-organizations-detect-and-report-child-sexual-abuse-material-online>]

182 *Canadian Centre for Child Protection*, Reviewing Child Sexual Abuse Material reporting functions on popular platforms, 1 December 2020, [Accessed via: [https://protectchildren.ca/pdfs/C3P\\_ReviewingCSAMMaterialReporting\\_Summary\\_en.pdf](https://protectchildren.ca/pdfs/C3P_ReviewingCSAMMaterialReporting_Summary_en.pdf)]

reporting functionality.<sup>183</sup> We would recommend that this measure is considered in the Online Safety Bill alongside assurances that reporting functions are easy to find and navigate and do not require personally identifiable information from the reporter.

## End to end encryption and enhanced anonymisation

Many social media platforms have reasonable and legitimate concerns with regards to privacy. For online companies, it is important to protect user data and it can be a disaster for platforms when this goes wrong. Facebook's plan to introduce end-to-end encryption on their Messenger platform and Instagram Direct<sup>184</sup> like other services have done, meaning no one but the sender and the recipient of a message can ever see it, is no doubt motivated by efforts to restore their reputation for privacy. Encryption does serve an important role in protecting privacy, intellectual property and for journalists and human rights workers in repressive regimes. However, a by-product of Facebook's move, which doesn't mitigate risk to children, could mean privacy for offenders to exchange images of the worst moments of a child's life.

Even with the best of intentions, Facebook cannot moderate or report on what it cannot see. The National Centre for Missing and Exploited Children estimates that if this move goes ahead, it would reduce the number of abuse images Facebook is able to report by 70% – or 12 million images of frightened and exploited children a year.<sup>185</sup>

Facebook's reaction to the e-Privacy Directive from the European Commission provided a preview of what this move might mean in their act to halt scanning their platforms for child sexual abuse material. NSPCC CEO Sir Peter Wanless said of this move: 'Although Facebook claims legislative changes forced its hand, this is a clear break from the likes of Google and Microsoft, companies which have read the same laws but found a way to carry on'.<sup>186</sup> Wanless pointed to the fact that in the first month following Facebook taking these steps, child abuse reports dropped by close to 50% across the European Union.<sup>187</sup> This gives us a startling glimpse into the future.

A tangible example of the impact a move to end-to-end-encryption would have is a recent police investigation. The National Crime Agency arrested an individual named David Wilson who admitted 96 sexual abuse offences against 51 boys aged between four and fourteen years. They found that he had contacted over 5,000 children in the UK on Facebook and other social media platforms.<sup>188</sup>

183 *Canadian Centre for Child Protection*, Reviewing Child Sexual Abuse Material reporting functions on popular platforms, 1 December 2020, [Accessed via: [https://protectchildren.ca/pdfs/C3P\\_ReviewingCSAMMaterialReporting\\_Summary\\_en.pdf](https://protectchildren.ca/pdfs/C3P_ReviewingCSAMMaterialReporting_Summary_en.pdf)]

184 *Wired*, Facebook says encrypting Messenger by default will take years, January 2020, [Accessed via: [www.wired.com/story/facebook-messenger-end-to-end-encryption-default](http://www.wired.com/story/facebook-messenger-end-to-end-encryption-default)]

185 *Financial Times*, Facebook urged to halt encryption plans over child abuse risks, 6 February 2020, [Accessed via: [www.ft.com/content/feda422a-483a-11ea-aeb3-955839e06441](http://www.ft.com/content/feda422a-483a-11ea-aeb3-955839e06441)]

186 *The Times*, Facebook encryption leaves children vulnerable to predators, February 2021, [Accessed via: [www.thetimes.co.uk/article/facebook-encryption-leaves-children-vulnerable-to-predators-w6tcn5dhm](http://www.thetimes.co.uk/article/facebook-encryption-leaves-children-vulnerable-to-predators-w6tcn5dhm)]

187 *The Times*, Facebook encryption leaves children vulnerable to predators, February 2021, [Accessed via: [www.thetimes.co.uk/article/facebook-encryption-leaves-children-vulnerable-to-predators-w6tcn5dhm](http://www.thetimes.co.uk/article/facebook-encryption-leaves-children-vulnerable-to-predators-w6tcn5dhm)]

188 *National Crime Agency*, Man who approached more than 5,000 children globally in child sexual abuse case pleads guilty, 23 November 2020, [Accessed via: [www.nationalcrimeagency.gov.uk/news/man-admits-96-online-sexual-offences-against-51-young-boys](http://www.nationalcrimeagency.gov.uk/news/man-admits-96-online-sexual-offences-against-51-young-boys)]

He was recently sentenced to 25 years in prison.<sup>189</sup> The NCA was clear that the information it received from Facebook was vital to this case and that their plans to end-to-end encrypt their Messenger platform would mean that abusers like David Wilson would be more likely to commit crimes without detection.<sup>190</sup> The CSJ supports the resistance to this move expressed by the Home Secretary and would urge Facebook to identify a solution that provides from strong privacy but puts child safety first, permitting law enforcement access to readable and usable content when there is a proportionate need to do so.<sup>191</sup>

**While most social media sites prevent or discourage children under the age of 13 from using their products, it is not remotely unusual for these systems to be circumvented and for young children who are vulnerable to grooming to have accounts.**

Online-facilitated grooming on social media platforms is also of particular concern. While most social media sites prevent or discourage children under the age of 13 from using their products, it is not remotely unusual for these systems to be circumvented and for young children who are vulnerable to grooming to have accounts.<sup>192</sup>

There are some promising tech developments that can help detect online conversations that are grooming in nature. A major concern though, is whether these products will work where communication is encrypted.<sup>193</sup> We would urge tech companies to establish a solution that allows for such products to continue to be deployed and for Government to make clear that should they proceed with these plans, they will face stringent sanctions as soon as the Duty of Care regulation as part of the Online Safety Bill is instituted. We would wish to see that the introduction of a high-risk design feature like end-to-end-encryption without evidencing corresponding safeguards would be a clear breach of the Duty of Care. It will be insufficient for a platform to argue that introducing such a high-risk design feature will have benefits in other spaces like user privacy and preventing online financial crime. Government has been clear that it is child sexual abuse and terrorist content that is their priority to address in this legislation. We will expect Ofcom to stay zoomed in on the specific impact on child safety and to be able to act retroactively should any high-risk design features be introduced in advance of the Online Safety Bill passing.

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189 *BBC News*, David Wilson: Sex offender who posed as girls online jailed for 25 years, February 2021, [Accessed via: [www.bbc.co.uk/news/uk-england-norfolk-56009383](http://www.bbc.co.uk/news/uk-england-norfolk-56009383)]

190 *National Crime Agency*, Man who approached more than 5,000 children globally in child sexual abuse case pleads guilty, 23 November 2020, [Accessed via: [www.nationalcrimeagency.gov.uk/news/man-admits-96-online-sexual-offences-against-51-young-boys](http://www.nationalcrimeagency.gov.uk/news/man-admits-96-online-sexual-offences-against-51-young-boys)]

191 *Gov.uk*, Home Secretary and international partners tell tech companies to put child safety first, October 2020, [Accessed via: [www.gov.uk/government/news/home-secretary-and-international-partners-tell-tech-companies-to-put-child-safety-first](http://www.gov.uk/government/news/home-secretary-and-international-partners-tell-tech-companies-to-put-child-safety-first)]

192 *Independent Inquiry Child Sexual Abuse*, The Internet: Investigation Report, March 2020, [Accessed via: [www.iicsa.org.uk/publications/investigation/internet](http://www.iicsa.org.uk/publications/investigation/internet)]

193 *Independent Inquiry Child Sexual Abuse*, The Internet: Investigation Report, March 2020, [Accessed via: [www.iicsa.org.uk/publications/investigation/internet](http://www.iicsa.org.uk/publications/investigation/internet)]

## Self-generated CSAM

Young children have ever increasing access to smart phones and digital technology. An Ofcom report on child usage of digital media in 2019 found that 83% of 12–15-year olds, 37% of 8–11-year olds and 5% of 5–7-year olds have their own smart phone. The report showed that even higher numbers have access to a phone or tablet which they use to go online.<sup>194</sup>

A subsequent Ofcom report which assessed the impact of the coronavirus lockdown, found that children are lacking structure and filling their time with online activities, often while alone and unsupervised in their room.<sup>195</sup>

The issue of self-generated CSAM is profoundly concerning with the Internet Watch Foundation now estimating that it comprises nearly half of the indecent images of children that they remove.<sup>196</sup> Technically, if sexual images are shared between 16-year olds who are legally having sex, they are both committing a crime for which they could both be prosecuted. However, the Home Office developed 'Outcome 21' to prevent the inappropriate criminalisation of children that might seriously impact their futures.<sup>197</sup>

Where there are no aggravating factors, like the involvement of an adult, extortion or coercion, Outcome 21 means the police can record a crime has been committed but not proceed with it on the grounds that it is not in the public interest.<sup>198</sup> ONS statistics show Outcome 21 was the most likely outcome in an indecent image against children investigation by a considerable margin, with 30% of cases receiving Outcome Code 21 in 2018–2019, up from 27.5% the previous year.<sup>199</sup> In practice, we know that Outcome 21 is not actioned consistently across police forces, and there is a need for greater scrutiny of its application. Research by the University of Suffolk and the Marie Collins Foundations found that the application of Outcome 21 was disproportionate and inconsistent across the country. As a result, there is a risk that children and young people engaging in sexting practices were falling victim to a postcode lottery where in some instances they would be arrested for doing something that in another location would be recorded as an Outcome 21 incident.<sup>200</sup>

Avoiding inappropriate criminalisation is a must, which is not to say that self-generated CSAM is not fraught with risks. Firstly, there may be non-consensual onwards sharing which could result in the material being stolen and shared amongst perpetrators. Secondly,

194 Ofcom, Children and parents: media use and attitudes report 2019, February 2020, [Accessed via: [www.ofcom.org.uk/\\_\\_data/assets/pdf\\_file/0023/190616/children-media-use-attitudes-2019-report.pdf](http://www.ofcom.org.uk/__data/assets/pdf_file/0023/190616/children-media-use-attitudes-2019-report.pdf)]

195 Ofcom, *Children's Media Lives: Life in Lockdown, August 2020*, [Accessed via: [www.ofcom.org.uk/\\_\\_data/assets/pdf\\_file/0024/200976/cml-life-in-lockdown-report.pdf](http://www.ofcom.org.uk/__data/assets/pdf_file/0024/200976/cml-life-in-lockdown-report.pdf)]

196 *Internet Watch Foundation, October 2020*, [Accessed via: [www.iwf.org.uk/news/'disturbing'-rise-videos-of-children-who-have-been-groomed-into-filming-their-own-abuse](http://www.iwf.org.uk/news/'disturbing'-rise-videos-of-children-who-have-been-groomed-into-filming-their-own-abuse)]

197 *College of Policing, Briefing note: police action in response to youth produced sexual imagery ('Sexting'), November 2016*, [Accessed via: [www.college.police.uk/News/College-news/Documents/Police\\_action\\_in\\_response\\_to\\_sexting\\_-\\_briefing\\_\(003\).pdf](http://www.college.police.uk/News/College-news/Documents/Police_action_in_response_to_sexting_-_briefing_(003).pdf)]

198 *College of Policing, Briefing note: police action in response to youth produced sexual imagery ('Sexting'), November 2016*, [Accessed via: [www.college.police.uk/News/College-news/Documents/Police\\_action\\_in\\_response\\_to\\_sexting\\_-\\_briefing\\_\(003\).pdf](http://www.college.police.uk/News/College-news/Documents/Police_action_in_response_to_sexting_-_briefing_(003).pdf)]

199 Office for National Statistics, *Child abuse and the criminal justice system in England and Wales: year ending March 2020*, March 2020, [Accessed via: [www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childabuseandthecriminaljusticesystemenglandandwales/yearendingmarch2019#prosecutions](http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childabuseandthecriminaljusticesystemenglandandwales/yearendingmarch2019#prosecutions)]

200 *University of Suffolk, The Marie Collins Foundation, Police Response to Youth Offending Around the Generation and Distribution of Indecent Images of Children and its Implications*, 2019, [Accessed via: [www.uos.ac.uk/sites/default/files/FOL-Report-Final-Outcome-21.pdf](http://www.uos.ac.uk/sites/default/files/FOL-Report-Final-Outcome-21.pdf)]

the existence of self-generated CSAM may catalyse 'sextortion'. Sextortion is blackmailing someone with a sexual image of them to make them do something or to hurt or humiliate them. It has a long and lasting impact on victims/survivors, who report being frightened, embarrassed and ashamed, with the behaviour adversely impacting both their on and offline lives.<sup>201</sup>

**Sextortion is blackmailing someone with a sexual image of them to make them do something or to hurt or humiliate them.**

The existence of these images is deeply traumatic for victims/survivors and each time they are circulated further there is the potential for revictimization. We recommend the Home Office and Department for Culture, Media and Sport ensure that within the CSA Code of Practice as part of the Online Safety Bill, a requirement on companies is included to ensure a simple pathway for victims/survivors to flag such images and have them removed at pace.

Efforts should also be made to ensure victims/survivors can flag the existence of images of concern so uploads can be pre-screened and kept off platforms to begin with. The NSPCC has been clear that children do have rights under GDPR to request for any content to be removed simply on the grounds that they have withdrawn their consent. However, the GDPR Right to Remove has not been meaningfully taken forward by any major platform – children need to be meaningfully able to exercise their legal rights and if companies continue to fail in this regard, this should be an enforcement issue for the Information Commissioner (and in time, on the basis that sites have a Duty of Care to protect against abuse, for the online harms regulator). These processes for removing content must be child-centric and simple to navigate, as enforced by Ofcom as part of the Online Safety Bill.<sup>202</sup>

## Ofcom enforcement

If regulation of companies whose services host user-generated content or facilitate interaction between users, one or more of whom is based in the UK is to work effectively, enforcement powers must be sufficiently stringent to actually serve as a deterrent. This means Ofcom needs a suite of powers that are flexible and can be applied proportionately to different platforms based on their size and the harm in question.

Financial penalties for breaches of Duty of Care measures must be sufficiently punitive to be impactful and incentivise behaviour change. Given that some of the companies that are in scope are enormous multi-national power houses who can withstand economic sanctions, we believe the suite of sanctions should include criminal sanctions and we would wish to see them potentially applied to companies as a whole with individual director liability also included. As the NSPCC raises, 'across other regulated sectors, senior management liability is widely seen as a valuable means of securing regulatory compliance, securing a solid risk and control culture in regulated firms, and as a powerful means

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201 *Thorn*, Sextortion: summary findings from a 2017 survey of 2,097 survivors, 2017, [Accessed via: [www.thorn.org/wp-content/uploads/2019/12/Sextortion\\_Wave2Report\\_121919.pdf](http://www.thorn.org/wp-content/uploads/2019/12/Sextortion_Wave2Report_121919.pdf)]

202 *NSPCC*, How to win the Wild West Web: Six tests for delivering the Online Safety Bill, September 2020, [Accessed via: [www.nspcc.org.uk/globalassets/documents/research-reports/how-to-win-the-wild-west-web-report.pdf](http://www.nspcc.org.uk/globalassets/documents/research-reports/how-to-win-the-wild-west-web-report.pdf)]

of delivering both organisational and sectoral cultural change'.<sup>203</sup> We would wish to see sanctions leveraged against individuals ranging from fines, bans from taking on similar roles and criminal punishments where such action is proportionate. These would exist for extremely serious breaches of the Duty of Care, would have serious reputational impacts and could serve as strong deterrents.

## Live streamed sexual abuse

Over recent years, the live streaming of child sexual abuse has become more common. This is the sexual abuse of a child streamed in real time via webcam for an abuser/abusers to watch. This horrific activity is sometimes even specified to order or directed by the offender. Chief Constable Simon Bailey is clear that the UK is 'the third greatest consumer in the world of the live streaming of abuse'.<sup>204</sup> The Independent Inquiry into Child Sexual Abuse has been told of a case in which an abuser paid just 93 pence to watch the live streamed sexual abuse of a little girl.<sup>205</sup> While it is certainly the case that children in the developing world can be vulnerable to live streamed abuse, children in England and Wales are also suffering from this abuse type, with girls between the age of 11 and 13 often victimised.<sup>206</sup>

### **The Independent Inquiry into Child Sexual Abuse has been told of a case in which an abuser paid just 93 pence to watch the live streamed sexual abuse of a little girl.**

This type of abuse material poses enormous challenges for law enforcement as unless the abuse is recorded, once the live stream ends the CSAM is gone with very little evidence of the crime scene left behind. End-to-end encryption can also make it more difficult for the police to intercept live streams they suspect may be exploitative. Some companies have made good strides to make their platforms more hostile to abusive live streaming but this is a relatively new phenomenon and so more work must be undertaken to establish what more can be done by all relevant parties to prevent, detect and prosecute the live streaming of child sexual abuse. We would recommend that Government establishes a taskforce consisting of Home Office ministers, Foreign, Commonwealth and Development Office ministers, policing and industry including money transfer services such as Western Union and PayPal to develop a more joined up and proactive policy approach to live-streamed child sexual abuse.

203 NSPCC, How to win the Wild West Web: Six tests for delivering the Online Safety Bill, September 2020,

[Accessed via: [www.nspcc.org.uk/globalassets/documents/research-reports/how-to-win-the-wild-west-web-report.pdf](http://www.nspcc.org.uk/globalassets/documents/research-reports/how-to-win-the-wild-west-web-report.pdf)]

204 International Centre for Missing and Exploited Children, Child sexual abuse material: model legislation and global review, 2018, [Accessed via: [www.icmec.org/wp-content/uploads/2018/12/CSAM-Model-Law-9th-Ed-FINAL-12-3-18.pdf](http://www.icmec.org/wp-content/uploads/2018/12/CSAM-Model-Law-9th-Ed-FINAL-12-3-18.pdf)];

*Independent Inquiry Child Sexual Abuse*, The Internet: Investigation Report, March 2020,

[Accessed via: [www.iicsa.org.uk/publications/investigation/internet](http://www.iicsa.org.uk/publications/investigation/internet)]

205 *Independent Inquiry Child Sexual Abuse*, The Internet: Investigation Report, March 2020,

[Accessed via: [www.iicsa.org.uk/publications/investigation/internet](http://www.iicsa.org.uk/publications/investigation/internet)]

206 *Internet Watch Foundation*, Trends in Online Child Sexual Exploitation: Examining the Distribution of Captures of Live-streamed Child Sexual Abuse, May 2018, [Accessed via: [www.iwf.org.uk/sites/default/files/inline-files/Distribution of Captures of Live-streamed Child Sexual Abuse FINAL.pdf](http://www.iwf.org.uk/sites/default/files/inline-files/Distribution%20of%20Captures%20of%20Live-streamed%20Child%20Sexual%20Abuse%20FINAL.pdf)]

The International Justice Mission has calculated that UK offenders who had viewed the live streamed sexual abuse of children were receiving an average 2-year custodial sentence.<sup>207</sup> Live streamed offences are distinctive from CSAM offences. They involve online child sexual offenders seeking out child traffickers and paying them to sexually abuse children over a live link in specific ways. Children from countries in the developing world like the Philippines are often targeted for this abuse type which involves the creation of new CSAM and at least two child sexual abusers – on both the supply and demand sides.<sup>208</sup> These crimes are simply appalling – some offenders are specifying the age, hair colour, gender and clothing of the child they want to see being abused.<sup>209</sup> The Chair of our Commission Sajid Javid MP was clear as Home Secretary that ‘there is no difference between doing this sort of thing to a child in a bedroom in Manchester or having someone else do it for you to a child in Manila’.<sup>210</sup>

UK case law holds a precedent for treating online sexual offenders against children as on par with contact abusers. In the case of *UK v Charnley*, Lord Justice Moses said: ‘The fact [the children] were on the other side of the world was no mitigation. It is indeed an aggravation. No doubt the offender thought he could more easily escape detection by committing the offences by a payment on a credit card than if he had dared to be present and commit these offences within this country. There would be a public outcry if the children had come from the United Kingdom and a sentence of no more than five years’ imprisonment had been passed’.<sup>211</sup>

The IJM are clear that the supply offender tends to receive a more punitive sanction than the demand offender, even though they are both plainly inextricably linked to, and culpable for the harm that has been meted out to the child. The IJM makes several recommendations for ensuring the punishment truly fits the crime with regards to live-streamed offences.

**There is no difference between doing this sort of thing to a child in a bedroom in Manchester or having someone else do it for you to a child in Manila.**

Firstly, existing sexual offences do not contain measures to make offenders accountable specifically for ‘driving and directing’ the creation of CSAM and other abusive materials.<sup>212</sup> We echo the IJM in their call to see new statutory provisions to be introduced to better capture demand-side live streaming offences. These offences are often captured by ‘making’ offences within indecent image offence law. But these ‘making’ offences, which have the lowest sentencing guidelines across image offences, also apply to downloading an image which is plainly different to directing and causing the live-streamed abuse of a child.<sup>213</sup>

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207 *International Justice Mission*, Falling short: UK sentencing for online sexual exploitation of children, accessed 2 June 2020

208 *International Justice Mission*, Falling short: UK sentencing for online sexual exploitation of children, accessed 2 June 2020

209 *Gov.uk*, Keeping our children safe, September 2018, [Accessed via: [www.gov.uk/government/speeches/keeping-our-children-safe](http://www.gov.uk/government/speeches/keeping-our-children-safe)]

210 *Gov.uk*, Keeping our children safe, September 2018, [Accessed via: [www.gov.uk/government/speeches/keeping-our-children-safe](http://www.gov.uk/government/speeches/keeping-our-children-safe)]

211 *International Justice Mission*, Falling short: UK sentencing for online sexual exploitation of children, accessed 2 June 2020

212 *International Justice Mission*, Falling short: UK sentencing for online sexual exploitation of children, accessed 2 June 2020

213 *International Justice Mission*, Falling short: UK sentencing for online sexual exploitation of children, accessed 2 June 2020

The Australian Criminal Code includes an offence criminalising ‘causing a child to engage in activity in the defendant’s presence’ (including via electronic communications) with a 20-year maximum sentence. In a recent amendment, it is clarified that ‘causing a child to engage in sexual activity with a defendant via electronic communication falls under the definition of ‘engaging in sexual activity’ A defendant is, therefore, considered to be engaging in sexual activity with a child whether remotely or in-person’.<sup>214</sup> This treats perpetrators committing live-stream offences the same way as the perpetrator committing the in person abuse and is a measure that should be added to the Sexual Offences Act.

## Recommendations

- The Duty of Care should include evidence of ‘safety by design’ – meaning products and processes are designed and work to mitigate harm with minimum safeguarding standards across platforms.
- The Duty of Care should include platforms proactively seeking out potential risks on their platform so they can be addressed.
- The Online Safety Bill should include age assurance of pornography websites to help ensure that under 18s do not have easy, unfettered access to this content.
- Home Office should establish a taskforce to combat legitimate advertising appearing on websites hosting CSAM.
- Central Government should meet the funding drop off that EU exit led to for the Safer Internet Centre.
- Internet companies should be pre-screening content uploads to ensure CSAM doesn’t end up on their platforms.
- Ofcom should treat high-risk design features like end-to-end-encryption as breaches of the Duty of Care and sanctions should be able to apply retroactively.
- Sanctions for breaches of the Duty of Care should include stringent financial penalties, individual director liability, criminal sanctions and directorship bans.

<sup>214</sup> *International Justice Mission*, Falling short: UK sentencing for online sexual exploitation of children, accessed 2 June 2020



## chapter five

# Legislative response

### The definition of CSE

Government established a definition of child sexual exploitation for practitioners in 2017 to support first responders to victims/survivors in providing them with an appropriate response and level of support. This reads as follows: ‘Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology’.<sup>215</sup>

While designed to explain vulnerability to grooming, referring to an ‘exchange’ that takes place between a child and her or his abuser could suggest voluntary, even informed participation on the part of the child. While the guidelines are explicitly clear that this is not intended to imply complicity but simply to describe a process that is a common feature of CSE, we still feel the choice of word is problematic.

A member of the Survivors Group expressed how problematic the word ‘exchange’ was in the statutory definition of CSE as it suggests a level of complicity on the part of the child when we know children cannot consent to their abuse in any circumstances. She was clear that 14-year olds cannot make business transactions.

To suggest any sort of culpability on the behalf of child victims/survivors could reinforce outmoded and dangerous assumptions about the nature of these crimes. Sexual abuse and rape are never something that a child can ‘choose’ via an exchange or otherwise, not least since many cases of CSE involve children being drugged, forcibly inebriated or subjected to extreme violence and intimidation.<sup>216</sup>

215 *HM Government*, Definition of child sexual exploitation Government consultation response, *February 2016*, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/591512/HO\\_DfE\\_consultation\\_response\\_on\\_CSE\\_definition\\_FINAL\\_13\\_Feb\\_2017\\_\\_2\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/591512/HO_DfE_consultation_response_on_CSE_definition_FINAL_13_Feb_2017__2_.pdf)]

216 *NHS England*, Advice for Healthcarers, 2017, [Accessed via: [www.england.nhs.uk/wp-content/uploads/2017/02/cse-pocket-guide.pdf](http://www.england.nhs.uk/wp-content/uploads/2017/02/cse-pocket-guide.pdf)]

Of the many child victims/survivors of sexual exploitation, one whose name we do know and whose story should be seared in our collective consciousness is that of Victoria Agoglia, originally from Rochdale, who was placed in the care of Manchester council at the age of eight. Victoria died from a suspected heroin overdose in September 2003. She had been subjected to a vicious campaign of rape and torture culminating in her death brought on by forcible injections of heroin administered by a 50-year-old man. He was later cleared of manslaughter and jailed for three-and-a-half years for administering the noxious substance.<sup>217</sup>

**Sexual abuse and rape are never something that a child can ‘choose’ via an exchange or otherwise, particularly as many cases of CSE involve children being drugged, forcibly inebriated or subjected to extreme violence and intimidation.**

A review into the police operation which should have saved her, Greater Manchester Police’s Operation Augusta, revealed that at her inquest in 2007, coroner Simon Nelson concluded that the authorities could not have foreseen her death and appallingly referred to her ‘propensity to grant sexual favours’.<sup>218</sup>

Our collective understanding of the coercive nature of CSE has evolved drastically over the last decade so there is reason to hope that such a view could not be advanced by a contemporary professional. However this extraordinary contention that a child, whether below 18, or below the age of consent at 16, could make an informed and willing choice to trade sex for drugs with an adult revealed a mindset that has been all too prevalent across child services and the police, as reflected on in the Jay report and others.

Making no reference to ‘exchange’, various interested parties have finessed their own definitions. For example, the website of West Yorkshire Police points to different modes of CSE, using language rooted in the crime as it actually happens. A more detailed approach like theirs shows the extent to which agencies have now focused on the problem and are galvanised toward prevention. Their definition reads:

‘Child sexual exploitation (CSE) is a type of child sexual abuse. It is the organised and deliberate exploitation of a child purely for the sexual gratification of adults. Any young person could become a victim of child sexual exploitation; the crime affects both girls and boys, from any background and of any ethnicity’.<sup>219</sup>

While the guidance is clear that the use of the word ‘exchange’ is not to imply any complicity on the part of the child, we would still recommend that the Department for Education works with the Home Office to review the use of the word ‘exchange’ in its definition of child sexual exploitation and finds an alternative that does not imply complicity on the part of the victim/survivor.

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217 *Manchester Evening News*, ‘Coroner significantly underplayed CSE’, [Accessed via: [www.manchestereveningnews.co.uk/news/greater-manchester-news/victoria-agoglia-new-inquest-report-17561548](http://www.manchestereveningnews.co.uk/news/greater-manchester-news/victoria-agoglia-new-inquest-report-17561548)]

218 *Commissioned by GMA Police and Crime Commissioner – An Assurance Review into Operation Augusta*, Malcolm Newsome and Gary Ridgway, 2019, [Accessed via: [www.greatermanchester-ca.gov.uk/media/2569/operation\\_augusta\\_january\\_2020\\_digital\\_final.pdf](http://www.greatermanchester-ca.gov.uk/media/2569/operation_augusta_january_2020_digital_final.pdf)]

219 *West Yorkshire Police*, Child Sexual Exploitation, accessed January 2020, [Accessed via: [www.westyorkshire.police.uk/advice/child-protection/child-sexual-exploitation-cse/child-sexual-exploitation-cse/](http://www.westyorkshire.police.uk/advice/child-protection/child-sexual-exploitation-cse/child-sexual-exploitation-cse/)]

## Statutory definition of child criminal exploitation

Child criminal exploitation (CCE) is currently not defined within the contents of the Modern Slavery Act. This has been identified by The Children's Society as creating serious problems for children and young people.<sup>220</sup> Because of this lack of a definition, exploited children are vulnerable to being treated as criminals rather than victims/survivors of serious crimes. They found that there were 1,395 children entering the youth justice system last year due to drug offences and 1,900 due to weapons offences.<sup>221</sup> Given that we know these issues are often related to county lines exploitation, these figures are very worrying.

The relevance of this for our purposes is increasing evidence that perpetrators of child sexual exploitation are also forcing children into criminal activity and vice versa. We must ensure that these young people are not criminalised but are protected as victims/survivors and receive the support they deserve. The Children's Society advocates for the introduction of a single statutory definition of child criminal exploitation in primary legislation to support law enforcement and child services to identify children and young people who are being criminally exploited, ensuring they are not punished for crimes they were forced, coerced or manipulated into committing.<sup>222</sup> Alongside this statutory definition there must be increased capacity within the National Referral Mechanism, a framework for identifying and referring potential victims of human trafficking and modern slavery to help ensure they receive the support they need,<sup>223</sup> so that victims/survivors have clear pathways available to them and are recognised as having been victimised.

We recommend that Government takes up this suggestion from The Children's Society and proceeds with a statutory definition of CCE.

## Grooming law

The sexual exploitation of a child is a deeply complex process rather than a series of one-off crimes. There are patterns of behaviours that precede the abuse and that are designed to ensure the perpetrator can exert control over the child. We commonly understand this process as grooming and it can manifest in many different ways, including the perpetrator using their status or their relationship to the child, the promise or giving of gifts and material objects including drugs and alcohol, threatening behaviours, debt bondage and manipulating the child's sense of what is acceptable.

**The sexual exploitation of a child is a deeply complex process rather than a series of one-off crimes. There are patterns of behaviours that precede the abuse and that are designed to ensure the perpetrator can exert control over the child.**

220 *The Children's Society*, Tackling child exploitation in this parliament: a proposal from The Children' Society, October 2020

221 *The Children's Society*, Tackling child exploitation in this parliament: a proposal from The Children' Society, October 2020

222 *The Children's Society*, Tackling child exploitation in this parliament: a proposal from The Children' Society, October 2020

223 *Gov.uk*, National referral mechanism guidance: adult (England and Wales), accessed January 2021, [Accessed via:

[www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales](http://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales)]

Prosecutions for child sexual offences often focus on specific counts or incidents of abuse and fail to consider that child sexual abuse is a process that more often than not relies on grooming. The Survivors Group is clear that the grooming and crushing of their sense of agency and self-esteem was as harmful as the acts of sexual abuse.

We must ensure custodial sentencing reflects this matter. There are two offences related to grooming on the statute books – Meeting a Child After Sexual Grooming and Sexual Communication with a Child. Both are contained within the Sexual Offences Act 2003.<sup>224</sup> With the first, case law states that the communication does not have to be sexual in nature.<sup>225</sup> The offence is made out when the suspect has any meeting or communication with the child and then intentionally meets them. In the offence of Sexual Communication with a Child the communication must be sexual in order to be made out.<sup>226</sup>

The CPS should be making clear to prosecutors that the case law for the offence of Meeting a Child After Sexual Grooming offence makes clear that the grooming communication does not need to be of a sexual nature for the offence to apply.

There is a step change in legislation demonstrable for victims/survivors of different ages. In law, 16 is the age of consent for sexual activity but the Sexual Offences Act 2003 sorts offending against children into three age groups: offences against under-13-year olds, offences against under-16-year olds, offences against under-18-year olds.

To take these in turn, under-13-year olds are legally considered to be unable to have the capacity to ever consent to any form of sexual activity whatsoever.<sup>227</sup> For those under 16-years of ages, the age of consent remains 16 but there is a defence if the suspect reasonably believed the child to be over the age of 16 and consenting to sexual activity. With regards to under-18-year olds, abuse of position of trust offences, sexual activity with a child family member and sexual exploitation of children offences do apply where the abuser could not reasonably have believed the child was over the age of 18.<sup>228</sup>

The age differentials are reflected in sentencing with offences against under-13s tending to carry more stringent punishment as the accused cannot use the defence that they believed the child was over the age of 16. With this in mind, it is also worth prosecutors considering whether they can evidence that grooming commenced before the age of 13 even if other offences took place after 13 which may leave the suspect liable to a more severe custodial sentence upon conviction. We would wish to see the same principle apply where grooming behaviours preceded a child's 16th or 18th birthday with other offences following are considered in charging.

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224 *Sexual Offences Act 2003*, accessed September 2020, [Accessed via: [www.legislation.gov.uk/ukpga/2003/42/part/1/crossheading/abuse-of-children-through-prostitution-and-pornography](http://www.legislation.gov.uk/ukpga/2003/42/part/1/crossheading/abuse-of-children-through-prostitution-and-pornography)]

225 (R v G [2010] EWCA 1693)

226 *Sexual Offences Act 2003*, accessed September 2020, [Accessed via: [www.legislation.gov.uk/ukpga/2003/42/part/1/crossheading/abuse-of-children-through-prostitution-and-pornography](http://www.legislation.gov.uk/ukpga/2003/42/part/1/crossheading/abuse-of-children-through-prostitution-and-pornography)]

227 *Ofsted, Care Quality Commission (CQC), HMI Constabulary and Fire and Rescue Services (HMICFRS) and HMI Probation (HMIP)*, The multi-agency response to child sexual abuse in the family environment, 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862454/Multi\\_agency\\_response\\_to\\_child\\_sexual\\_abuse\\_in\\_the\\_family\\_environment\\_joint\\_targeted\\_area\\_inspections\\_JTAs.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862454/Multi_agency_response_to_child_sexual_abuse_in_the_family_environment_joint_targeted_area_inspections_JTAs.pdf)]

228 *Ofsted, Care Quality Commission (CQC), HMI Constabulary and Fire and Rescue Services (HMICFRS) and HMI Probation (HMIP)*, The multi-agency response to child sexual abuse in the family environment, 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862454/Multi\\_agency\\_response\\_to\\_child\\_sexual\\_abuse\\_in\\_the\\_family\\_environment\\_joint\\_targeted\\_area\\_inspections\\_JTAs.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862454/Multi_agency_response_to_child_sexual_abuse_in_the_family_environment_joint_targeted_area_inspections_JTAs.pdf)]

## Placing victims/survivors on the indictment

As a society, we still see far too many examples of victim blaming, often with devastating consequences. A specific and horrific example of this is in the experiences of ‘Amber’.<sup>229</sup> Amber had been known to the police in Rochdale for some time – she survived appalling abuse and exploitation from the age of 14 and bravely shared her experiences with the authorities. It was decided by the Crown Prosecution Service that the evidence she had given was not going to be added to the prosecution’s case against the men who abused her. This is a fact that was never formally communicated to her.<sup>230</sup> This came after Amber had been designated and proactively re-engaged by the police and the CPS alongside a commitment that should she cooperate with the prosecution she would be supported throughout the process.

Instead, she was added to the indictment as a co-conspirator alongside her abusers as a way of showing her evidence at trial without her being a witness. This was procedurally unnecessary as the prosecution’s case did not rest on Amber’s evidence. Again, this was not communicated to her and she was never ‘given an opportunity to defend herself’.<sup>231</sup>

Once Amber had been formally dubbed a child abuser, she encountered serious difficulties with social services who expressed concern about her own children’s safety in her care.<sup>232</sup> For a child who has been repeatedly raped and terrorised to find the courage to share her story, only to be categorised alongside the men who caused her suffering harmed her terribly.

There is no CPS guidance which specifically endorses putting a child on an indictment in the way Amber suffered.<sup>233</sup> We recommend that Government asks the Law Commission to interrogate both the extent to which this takes place and whether this practice should be explicitly banned – ‘The Amber Principle’.

## Sentences for offenders of particular concern

The Ministry of Justice recently released a White Paper, titled ‘A Smarter Approach to Sentencing’ that signalled a clear commitment to ensuring that sexual offenders and those who would harm children face the full weight of the law. Convicted offences under Sections 5 and 6 of the Sexual Offences Act will result in a sentence for offenders of particular concern (SOPC).<sup>234</sup> The Government currently plans to ensure that offenders

229 IICSA, Child sexual exploitation by organised networks investigation post hearing submissions on behalf of Maggie Oliver and John Wedger, accessed January 2021, [Accessed via: [www.iicsa.org.uk/key-documents/24543/view/inq006352.pdf](http://www.iicsa.org.uk/key-documents/24543/view/inq006352.pdf)]

230 IICSA, Child sexual exploitation by organised networks investigation post hearing submissions on behalf of Maggie Oliver and John Wedger, accessed January 2021, [Accessed via: [www.iicsa.org.uk/key-documents/24543/view/inq006352.pdf](http://www.iicsa.org.uk/key-documents/24543/view/inq006352.pdf)]

231 IICSA, Child sexual exploitation by organised networks investigation post hearing submissions on behalf of Maggie Oliver and John Wedger, accessed January 2021, [Accessed via: [www.iicsa.org.uk/key-documents/24543/view/inq006352.pdf](http://www.iicsa.org.uk/key-documents/24543/view/inq006352.pdf)]

232 IICSA, Child sexual exploitation by organised networks investigation post hearing submissions on behalf of Maggie Oliver and John Wedger, accessed January 2021, [Accessed via: [www.iicsa.org.uk/key-documents/24543/view/inq006352.pdf](http://www.iicsa.org.uk/key-documents/24543/view/inq006352.pdf)]

233 IICSA, Child sexual exploitation by organised networks investigation post hearing submissions on behalf of Maggie Oliver and John Wedger, accessed January 2021, [Accessed via: [www.iicsa.org.uk/key-documents/24543/view/inq006352.pdf](http://www.iicsa.org.uk/key-documents/24543/view/inq006352.pdf)]

234 *The Law Society*, Section 236a sentences, April 2020, [Accessed via: [www.lawsociety.org.uk/en/topics/advocacy/section-236a-sentences](http://www.lawsociety.org.uk/en/topics/advocacy/section-236a-sentences)]

of this type are ineligible for consideration of release from prison by the Parole Board until they have served two-thirds of their sentence, rather than half their sentence, as is the status quo in the Police, Crime, Sentencing and Courts Bill.<sup>235, 236</sup>

This is most welcome but may apply too narrowly to significantly move the dial on our response to these crimes. Some of the most shattering and horrific sexual offences against children will not be covered by this move such as image and live-streamed abuse offences.

We would urge the Ministry of Justice to consider including online sexual offences against minors in these plans by expanding Schedule 18A of the Criminal Justice Act 2003.

### 'Position of trust' loophole

It is important that no young person is left vulnerable to predatory adults. The Sexual Offences Act 2003 contains a number of offences criminalising sexual activity with children over the age of 16 but under the age of 18, by people who hold a 'position of trust' even if the activity appears consensual. This aims to stop people with power and influence over children and young people from abusing their position to manipulate young people into sexual activity. In 2019, the Ministry of Justice carried out an internal review into this legislation and are committed to 'ensuring the law in this area works effectively'.<sup>237</sup> We were delighted to see the Government move to address the 'position of trust' loophole in the Police, Crime, Sentencing and Courts Bill.<sup>238</sup>



235 *Ministry of Justice*, A Smarter Approach to Sentencing, September 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/918187/a-smarter-approach-to-sentencing.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/918187/a-smarter-approach-to-sentencing.pdf)]

236 *Ministry of Justice*, Justice overhaul to better protect the public and back our police, March 2021, [Accessed via: [www.gov.uk/government/news/justice-overhaul-to-better-protect-the-public-and-back-our-police](http://www.gov.uk/government/news/justice-overhaul-to-better-protect-the-public-and-back-our-police)]

237 *Home Office*, Tackling Child Sexual Abuse Strategy, January 2021, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/954676/6.6378\\_HO\\_SOC\\_CSA\\_Report\\_Final\\_Web\\_3\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/954676/6.6378_HO_SOC_CSA_Report_Final_Web_3_.pdf)]

238 *Ministry of Justice*, Justice overhaul to better protect the public and back our police, March 2021, [Accessed via: [www.gov.uk/government/news/justice-overhaul-to-better-protect-the-public-and-back-our-police](http://www.gov.uk/government/news/justice-overhaul-to-better-protect-the-public-and-back-our-police)]

It is currently illegal for adults in a range of positions in education, social care, health and criminal justice to engage in sexual activity with a 16 or 17-year-old they encounter in their jobs. This new legislation will criminalise the same behaviours if conducted by faith leaders and sports coaches.<sup>239</sup> This is an issue that the NSPCC has long campaigned on through their ‘Close the Loophole’<sup>240</sup> campaign alongside Parliamentarians such as Sarah Champion MP and Tracey Crouch MP.

**It is currently illegal for a teacher, care worker or criminal justice worker to engage in sexual activity with a 16 or 17-year-old they encounter in their jobs. However, this does not apply to professions across the board.**

Whilst we are very pleased that the Government has taken some steps to address this problem, we remain concerned that their actions will not address the risk potential across all professionals who have close contact with children as part of their role like driving instructors and dance teachers. We should be focussed on preventing these behaviours from cropping up, rather than mitigating against them once they have occurred. We concur with the APPG on Faith Settings that the position of trust offence should include any adult that is ‘regularly involved in caring for, training, supervising or being in sole charge’ of a child.<sup>241</sup>

These young people are still children and so we urge the Government to legislate to close this dangerous gap as soon as possible so that *all* professionals working with children are held to the same standards.

## Assault by penetration offence and ‘plugging’

There is also a case for reviewing the law on Sexual Assault by Penetration. The Sexual Offences Act includes the offences of assault by penetration and assault of a child under 13 by penetration, but both definitions state that for the threshold for the offence to be met, the penetration must be sexual. The purpose of this caveat is to avoid criminalising professionals who may have a perfectly reasonable and legitimate cause to conduct intimate searches or medical examinations.

Children criminally exploited by gangs, especially those forced to run county lines or transport drugs across the country, are often forced or coerced into holding drugs inside their bodies. Needless to say, this practice which is known as ‘plugging’ is both extremely dangerous and deeply traumatising for children and plainly an abusive act.<sup>242</sup> The Children’s Society has no knowledge of a prosecution having been secured for an adult forcing or coercing a child into such behaviours. But while the purpose of plugging may not be sexual, forcing a child to insert drugs into their body is an obvious sexual violation.<sup>243</sup>

239 *Ministry of Justice*, Justice overhaul to better protect the public and back our police, March 2021, [Accessed via: [www.gov.uk/government/news/justice-overhaul-to-better-protect-the-public-and-back-our-police](http://www.gov.uk/government/news/justice-overhaul-to-better-protect-the-public-and-back-our-police)]

240 *NSPCC*, Close the Loophole, accessed 2021, [Accessed via: [www.nspcc.org.uk/support-us/campaigns/close-the-loophole](http://www.nspcc.org.uk/support-us/campaigns/close-the-loophole)]

241 *ThirtyOneEight*, Report of the Inquiry by the APPG on Safeguarding in Faith Settings, accessed January 2021, [Accessed via: <https://thirtyoneeight.org/get-help/resources/appg-report-pot>]

242 *The Children’s Society*, Tackling child exploitation in this parliament: a proposal from The Children’s Society, October 2020

243 *The Children’s Society*, Tackling child exploitation in this parliament: a proposal from The Children’s Society, October 2020

We agree with The Children's Society that the Home Office should consult on a new criminal offence outlawing the practice of making or forcing a child to insert and carry illegal products (e.g. drugs) within their body, prioritising the need to avoid criminalising exploited young people. For the purposes of clarity and consistency, the criminality of this specific iteration of 'assault by penetration' should be set out via an amendment to the Sexual Offences Act 2003.

**But while the purpose of plugging may not be sexual, forcing a child to insert drugs into their body is an obvious sexual violation.**

## Sammy's law – the intersect between criminal and sexual exploitation

It is a terrible reality that child criminal exploitation can take place alongside sexual exploitation and some victims/survivors who were forced to commit crimes by their abusers' face having to disclose these convictions to potential employers.

Survivors Group member, Sammy Woodhouse, faces this injustice. She suffered sexual exploitation in Rotherham as a young teen and was also groomed into committing crimes. This is clearly a problem that needs addressing. Victims/survivors in Sammy's position may struggle to gain employment and may feel they have to compromise their anonymity to explain past convictions to potential employers. We should not expect victims/survivors to have to disclose their childhood abuse to virtual strangers in Human Resources departments.

Commissioner and Labour MP for Rotherham, Sarah Champion has said that such criminal exploitation was 'an insurance policy [by perpetrators] so the victim is no longer credible to the police' and could harm 'every aspect of (the victim's/survivor's) life, from job applications to the shame of being found out.'<sup>244</sup>

The Government has already tacitly conceded the point that exploited minors cannot be held accountable for crimes they committed as a direct result of their exploitation. Section 45 of the Modern Slavery Act states:

'A person is not guilty of an offence if –

- The person is under the age of 18 when the person does the act which constitutes the offence,
- The person does that act as a direct consequence of the person being, or having been, a victim of slavery or a victim of relevant exploitation, and
- A reasonable person in the same situation as the person and having the person's relevant characteristics would do that act.'<sup>245</sup>

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<sup>244</sup> *The Guardian*, Top police officer backs 'Sammy's law' pardons for grooming victims, October 2017, [Accessed via: [www.theguardian.com/society/2017/oct/08/sammys-law-child-sexual-abuse-grooming-cases-pardon-crimes-national-police-lead](http://www.theguardian.com/society/2017/oct/08/sammys-law-child-sexual-abuse-grooming-cases-pardon-crimes-national-police-lead)]

<sup>245</sup> *HM Government*, Modern Slavery Act 2015, [Accessed via: [www.legislation.gov.uk/ukpga/2015/30/section/45/2016-07-12](http://www.legislation.gov.uk/ukpga/2015/30/section/45/2016-07-12)]

There is statutory guidance about avoiding the criminalisation of children but no specific legislation to address this. The National Crime Agency inform us that Section 45 of the Modern Slavery Act can be used to mount a defence,<sup>246</sup> but its application is open to interpretation and its effectiveness depends on the solicitors involved.

There is a defence available to allow for children who are sexually exploited to avoid prosecution for offences that are likely carried out under extreme duress. Section 45 of the legislation states that a child will not be guilty of an offence carried out 'as a direct consequence of the person being, or having been, a victim of slavery or a victim of relevant exploitation'<sup>247</sup>. However, 140 offences, many of which are common in child trafficking cases, for example arson, are exempt.<sup>248</sup>

This principle must be applied retroactively to victims/survivors in Sammy's position and the offences that are exempt must be re-examined. As such, Government should instruct the Law Commission to examine how 'Sammy's Law' – legislation to expunge the criminal records of victims/survivors of both CSE and CCE – would work practically so that such legislation can be introduced.

## Recommendations

- The Department for Education and Home Office should review the use of the word 'exchange' in the statutory definition of child sexual exploitation.
- Government should introduce a statutory definition of child criminal exploitation.
- The CPS should be making clear to prosecutors that the case law for the offence of Meeting a Child After Sexual Grooming offence makes clear that the grooming communication does not need to be of a sexual nature for the offence to apply.
- Prosecutors should consider whether they can evidence that grooming commenced before the age of 13 even if other offences took place after 13. We would wish to see the same principle apply where grooming behaviours that preceded a child's 16th or 18th birthday with other offences following are considered in charging.
- Government should ask the Law Commission to interrogate whether the practice of tactically placing a victim/survivor on the indictment to include their evidence without calling them as a witness should be explicitly banned in legislation.
- Ministry of Justice should consider including online sexual offences against minors in the SOPC scheme by expanding Schedule 18A of the Criminal Justice Act 2003.
- Government should legislate to close the 'positions of trust' loophole to ensure all professionals working with children are held to the same standards.
- The Sexual Offences Act 2003 should be amended to make clear that 'plugging' constitutes a sexual offence and can be included under 'assault by penetration'.
- Home Office should review the offences that Section 45 of the Modern Slavery Act does not cover to ensure crimes aren't included that are common in child criminal exploitation.

<sup>246</sup> HM Government, Modern Slavery Act 2015, [Accessed via: [www.legislation.gov.uk/ukpga/2015/30/section/45/2016-07-12](http://www.legislation.gov.uk/ukpga/2015/30/section/45/2016-07-12)]

<sup>247</sup> HM Government, Modern Slavery Act 2015, [Accessed via: [www.legislation.gov.uk/ukpga/2015/30/section/45/2016-07-12](http://www.legislation.gov.uk/ukpga/2015/30/section/45/2016-07-12)]

<sup>248</sup> HM Government, Modern Slavery Act 2015, [Accessed via: [www.legislation.gov.uk/ukpga/2015/30/section/45/2016-07-12](http://www.legislation.gov.uk/ukpga/2015/30/section/45/2016-07-12)]

- Government should instruct the Law Commission to examine how 'Sammy's Law' – legislation to expunge the criminal records of victims/survivors of both child sexual and criminal exploitation – would work practically so that such legislation can be introduced.
- Government should ask the Law Commission to interrogate both the extent to which placing victims/survivors on the indictment takes place and whether this practice should be explicitly banned – 'The Amber Principle'.

## chapter six

# Criminal justice response

### Length of criminal justice processes

A crucial strand in our response to CSA for both child and adult victims/survivors is their experience of the criminal justice system. Preliminary research indicates that there is significant room for improvement. Home Office statistics on crime outcomes in England and Wales for the year ending March 2019 indicate that sexual offences took the longest time to assign an outcome, with 77 days as the median length of time. By way of contrast, theft crimes took an average of two days to be assigned an outcome.<sup>249</sup>

This in and of itself is not particularly surprising – sexual offences are complex crimes to investigate and where there is a significant volume of digital evidence, investigations can be more resource intensive. While we have seen an uptick in CSA reports and investigations, only a small proportion of cases reach the Crown Prosecution Service and subsequently get to court. For those few victims/survivors who even get their day in court, these legal processes can be deeply traumatic with long waits for trials and cross examination often cited as problematic.<sup>250</sup>

The Crown Prosecution Service is clear that courts should avoid delays in cases where children are victims/survivors and that such delays to proceedings can be harmful to children and cause evidentiary difficulties.<sup>251</sup>

Long waits for trials could leave victims/survivors in a state of limbo, desperate to move on with their lives, and will certainly contribute to the attrition rate we see in CSA cases where a case is closed because the victim/survivor no longer supports the action.<sup>252</sup> Lack of clarity around pre-trial therapy (delved into more deeply within this report) alongside court delays can mean that victims/survivors are unsupported for a dangerously long period of

249 Home Office, Crime Outcomes in England and Wales: year ending March 2019, July 2019, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/817769/crime-outcomes-hosb1219.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817769/crime-outcomes-hosb1219.pdf)]

250 Centre of Expertise on child sexual abuse, Key messages from research on intra-familial child sexual abuse, June 2018, [Accessed via: [www.csacentre.org.uk/index.cfm/\\_api/render/file/?method=inline&fileID=CCB6D637-308F-4C6F-95DF0AC61E61E3AA](http://www.csacentre.org.uk/index.cfm/_api/render/file/?method=inline&fileID=CCB6D637-308F-4C6F-95DF0AC61E61E3AA)]

251 Barnardo's, Journey to Justice: prioritising the wellbeing of children involved in criminal justice processes relating to sexual exploitation and abuse, September 2017, [Accessed via: [www.basw.co.uk/system/files/resources/journey\\_to\\_justice\\_full\\_report\\_0.pdf](http://www.basw.co.uk/system/files/resources/journey_to_justice_full_report_0.pdf)]

252 Office for National Statistics, Child abuse and the criminal justice system England and Wales: year ending March 2019, March 2020, [Accessed via: [www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childabuseandthecriminaljusticesystemenglandandwales/yearendingmarch2019](http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childabuseandthecriminaljusticesystemenglandandwales/yearendingmarch2019)]

time. The courts will be faced with a massive back log post Covid-19,<sup>253</sup> which will only serve to exacerbate the back log that that already existed. Courts must be supported financially to ensure that cases can be heard as quickly as possible to help victims/survivors remain engaged in their case.

**Long waits for trials could leave victims/survivors in a state of limbo, desperate to move on with their lives, and will certainly contribute to the attrition rate we see in CSA cases where a case is closed because the victim/survivor no longer supports the action.**

### Provision of special measures

The criminal justice process can be extremely distressing for victims/survivors who are already vulnerable. There is a clear need to make sure victims/survivors are supported throughout their cases. Child and vulnerable witnesses are eligible for special measures in court that include protective screens, video-recorded evidence and for judges and barristers not to wear wigs and gowns.<sup>254</sup>



Around 28% of child sexual abuse cases did not proceed through the criminal justice system last year because the victim/survivor did not support further action. This can be for a number of reasons, including the length of processes, as discussed above/ but also includes concerns that the legal process may be too upsetting.<sup>255</sup> If this preconception is meaning offenders walk free and denying victims/survivors justice, this is clearly a major problem that needs addressing.

253 *BBC News*, Covid and the courts: 'grave concerns' for justice warn watchdogs, January 2021, [Accessed via: [www.bbc.co.uk/news/uk-55712106](http://www.bbc.co.uk/news/uk-55712106)]

254 *Barnardo's*, Journey to Justice: prioritising the wellbeing of children involved in criminal justice processes relating to sexual exploitation and abuse, September 2017, [Accessed via: [www.basw.co.uk/system/files/resources/journey\\_to\\_justice\\_full\\_report\\_0.pdf](http://www.basw.co.uk/system/files/resources/journey_to_justice_full_report_0.pdf)]

255 *Office for National Statistics*, Child abuse and the criminal justice system England and Wales: year ending March 2019, March 2020, [Accessed via: [www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childabuseandthecriminaljusticesystemenglandandwales/yearendingmarch2019](http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childabuseandthecriminaljusticesystemenglandandwales/yearendingmarch2019)]

Many argue that the delivery of these special measures is patchy which may contribute to the volume of victims/survivors who are not supporting further action. The APPG for Adult Survivors of Childhood Sexual Abuse found that too many victims/survivors were not being afforded special measures that could have really helped to reduce the potential for re-traumatisation.<sup>256</sup> 44% of those the APPG engaged with were offered the opportunity to give their evidence remotely, a measure which removes the risk of a victim/survivor having to encounter their abuser in court.<sup>257</sup> This would ideally be communicated by an Independent Sexual Violence Advisors (ISVAs) discussed in detail later in this report, but this relies on the ISVA service being radically expanded.

A super-complaint to HMICFRS from The Halo Project focused on minoritised victims/survivors found that too many were not given enough information throughout court processes, leaving them 'isolated, anxious, uninformed...and unsupported.'<sup>258</sup> Additional barriers to understanding court processes include a lack of translated materials, limited numbers of interpreters and where an interpreter was available in some cases no questions were asked about whether the interpreter was known to the victim/survivor.<sup>259</sup> Needless to say, this is extremely bad practice and has the potential to make victims/survivors very vulnerable.

## Independent sexual violence advisors

A crucial support service for victims/survivors are ISVAs and especially child ISVAs (CISVAs). These specially trained professionals can be based out of a range of organisations including charities and Sexual Assault Referral Centres and are funded by Police and Crime Commissioners, NHS England, charities and local councils.<sup>260</sup> Their role is to provide impartial information to the victim/survivor about their process and the options that are available to them. This might include guidance on accessing therapeutic support, police reporting and what to expect in court.<sup>261</sup> They are there solely for the victim/survivor, to consider their individual needs and to empower them to make well-informed decisions. Crucially, they are there for the victim/survivor whether they choose to report their case to the police or not or whether their case goes to trial or not.<sup>262</sup>

256 *All Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse*, Survivors' experience of court and applying for compensation, October 2019, [Accessed via: <https://static1.squarespace.com/static/5c8faf788d97401af928638c/t/5daf7856b44b5003d766ee7c/1571780697125/EMBARGOED+until+Wed+23+Oct+--+Adult+Survivors+of+CSA.pdf>]

257 *All Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse*, Survivors' experience of court and applying for compensation, October 2019, [Accessed via: <https://static1.squarespace.com/static/5c8faf788d97401af928638c/t/5daf7856b44b5003d766ee7c/1571780697125/EMBARGOED+until+Wed+23+Oct+--+Adult+Survivors+of+CSA.pdf>]

258 *The Halo Project; Tees Valley Inclusion*, Invisible Survivors – the long wait for justice: police response to BAME victims of sexual abuse, August 2020

259 *The Halo Project; Tees Valley Inclusion*, Invisible Survivors – the long wait for justice: police response to BAME victims of sexual abuse, August 2020

260 *Home Office*, The Role of the Independent Sexual Violence Adviser, September 2017, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/647112/The\\_Role\\_of\\_the\\_Independent\\_Sexual\\_Violence\\_Adviser\\_-\\_Essential\\_Elements\\_September\\_2017\\_Final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/647112/The_Role_of_the_Independent_Sexual_Violence_Adviser_-_Essential_Elements_September_2017_Final.pdf)]

261 *Home Office*, The Role of the Independent Sexual Violence Adviser, September 2017, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/647112/The\\_Role\\_of\\_the\\_Independent\\_Sexual\\_Violence\\_Adviser\\_-\\_Essential\\_Elements\\_September\\_2017\\_Final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/647112/The_Role_of_the_Independent_Sexual_Violence_Adviser_-_Essential_Elements_September_2017_Final.pdf)]

262 *Home Office*, The Role of the Independent Sexual Violence Adviser, September 2017, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/647112/The\\_Role\\_of\\_the\\_Independent\\_Sexual\\_Violence\\_Adviser\\_-\\_Essential\\_Elements\\_September\\_2017\\_Final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/647112/The_Role_of_the_Independent_Sexual_Violence_Adviser_-_Essential_Elements_September_2017_Final.pdf)]

The APPG for Adult Survivors of Childhood Sexual Abuse cited research from the University of Bedfordshire indicating a strong link between having an ISVA and criminal justice outcomes for sexual violence survivors.<sup>263</sup> 'Where an ISVA was involved 43.2% of cases received a charge, as opposed to 21.5% where one was not... 32.5% of cases went to trial, as opposed to 14.2% that did not... 20.3% of cases received a conviction, as opposed to only 9.7% of cases where one was not'.<sup>264</sup>

This is a really beneficial service which members of the Survivors Group who worked with an ISVA stated made all the difference to their wellbeing. However, the APPG found that some victims/survivors weren't aware of the work of ISVAs and were not offered access to one. Of the victims/survivors the APPG engaged with who saw their case taken to court, 52% were not offered the services of an ISVA.<sup>265</sup> With this in mind, it's enormously welcome that the Ministry of Justice has announced £27 million<sup>266</sup> in funding for the recruitment of more ISVAs, recognising the value of the service they offer.<sup>267</sup> However, without a corresponding overhaul of how this crucial workforce is trained and distributed across both the country and demographic groups, this funding's impact might fall short.

As it stands, the cost of training ISVAs limits both their availability and the diversity of this workforce. Some victims/survivors may prefer to work with someone of their own gender, ethnic background or age. An update report from the Independent Inquiry into Child Sexual Abuse showed that male ISVAs were particularly scarce which will intuitively limit the accessibility of the service for some men and boy victims/survivors.<sup>268</sup> Lime Culture, a specialist sexual violence organisation that trains ISVAs found in a 2015 audit that 97% of ISVAs were female and 90% were white. Only 1% are Black and 2% are Asian British.<sup>269</sup> Some minoritised victims/survivors may also feel more comfortable working with someone who they feel understands their cultural context, so we should be concerned with driving up ethnic diversity within this service.

At present, there is no central coordination of ISVAs, meaning there is little clarity on how many of these individuals there are. Equally, organisations are able to recruit for an ISVA without that individual being registered or their training being quality assured.<sup>270</sup> The Lime Culture audit found that nearly a fifth of ISVAs reported that they had not received specialist training for the role.<sup>271</sup> These roles are too important and sensitive to be taken up by

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263 *All Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse*, Survivors' experience of court and applying for compensation, October 2019, [Accessed via: <https://static1.squarespace.com/static/5c8faf788d97401af928638c/t/5daf7856b44b5003d766ee7c/1571780697125/EMBARGOED+until+Wed+23+Oct++Adult+Survivors+of+CSA.pdf>]

264 *All Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse*, Survivors' experience of court and applying for compensation, October 2019, [Accessed via: <https://static1.squarespace.com/static/5c8faf788d97401af928638c/t/5daf7856b44b5003d766ee7c/1571780697125/EMBARGOED+until+Wed+23+Oct++Adult+Survivors+of+CSA.pdf>]

265 *All Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse*, Survivors' experience of court and applying for compensation, October 2019, [Accessed via: <https://static1.squarespace.com/static/5c8faf788d97401af928638c/t/5daf7856b44b5003d766ee7c/1571780697125/EMBARGOED+until+Wed+23+Oct++Adult+Survivors+of+CSA.pdf>]

266 <https://www.gov.uk/government/news/government-move-to-provide-reassurance-to-women-and-girls-15-march-2021>

267 *Gov.uk*, Extra £40m to help victims during pandemic and beyond, February 2021, [Accessed via: [www.gov.uk/government/news/extra-40m-to-help-victims-during-pandemic-and-beyond](http://www.gov.uk/government/news/extra-40m-to-help-victims-during-pandemic-and-beyond)]

268 *JCSA*, Criminal Justice System Seminar: an update report, accessed January 2021

269 *Lime Culture*, An Audit of Independent Sexual Violence Advisers in England and Wales, February 2015, [Accessed via: <https://limeculture.co.uk/wp-content/uploads/2017/10/3KCL-LimeCulture-An-Audit-of-ISVAs-Feb-2015.pdf>]

270 *Lime Culture*, An Audit of Independent Sexual Violence Advisers in England and Wales, February 2015, [Accessed via: <https://limeculture.co.uk/wp-content/uploads/2017/10/3KCL-LimeCulture-An-Audit-of-ISVAs-Feb-2015.pdf>]

271 *Lime Culture*, An Audit of Independent Sexual Violence Advisers in England and Wales, February 2015, [Accessed via: <https://limeculture.co.uk/wp-content/uploads/2017/10/3KCL-LimeCulture-An-Audit-of-ISVAs-Feb-2015.pdf>]

untrained individuals. We concur with Lime Culture that the Home Office should commission the development of a national curriculum for ISVA training, alongside continued professional development to ensure consistency and a high quality of service across the board.<sup>272</sup>

The Home Office should establish a national register of accredited ISVAs as it committed to in the 2014 Violence against Women and Girls Strategy. This will also enable them to identify formally where gaps exist with regards to ISVA provision (geographically, specificity of provision or by any other means). This exercise should include a specific focus on the provision of CISVAs, as currently not enough is known about the number, spread or efficacy of ISVAs working with children.

Once these gaps have been identified the Home Office should be working to support the expansion of the ISVA workforce by match-funding organisations training and recruiting ISVAs over and above the £16 million cash injection which must be strategically deployed. The Lime Culture audit found that 20% of ISVAs had live caseloads of more than 60 clients – clearly capacity is an issue especially given how complex and long some cases can be.<sup>273</sup>

Special attention should be paid to organisations focused on supporting men and boys and Black and minoritised victims/survivors given the indication that there is a paucity of ISVAs currently available from those groups. They should ensure sufficient Children's ISVAs and prioritise training programmes that equip individuals to work with both child and adult victims/survivors.

All victims/survivors should have access to support from a suitable and trained ISVA should they wish for it no matter where they live in the country. So, we would also recommend that more work is done cross-government to make victims/survivors aware of the ISVA service whether in healthcare, religious and community, education, criminal justice or local authority settings. This must come alongside a higher volume of ISVAs however to ensure that existing ISVAs are not working beyond capacity.

The APPG for Adult Survivors of Childhood Sexual Abuse found that some victims/survivors were very upset to learn that their ISVA was not going to be allowed into the court room with them. We concur with the APPG that 'national standards are required to allow ISVAs to sit with victims/survivors so that their court experience can be improved'.<sup>274</sup>

This capacity and geographical spread of registered intermediaries should also be examined. Registered intermediaries are self-employed communication specialists who support vulnerable witnesses to give evidence to the police and court in trials. These individuals can really help child witnesses as they carry out assessments of their communicative abilities and requirements which supports the police to tailor Achieving Best Evidence interviews and recommends how and who should question the witness in order to operate most effectively. They will also go along to the witness's court familiarisation visit to help explain what will happen on the day and will sit alongside them in the live

272 Lime Culture, *An Audit of Independent Sexual Violence Advisers in England and Wales*, February 2015, [Accessed via: <https://limeculture.co.uk/wp-content/uploads/2017/10/3KCL-LimeCulture-An-Audit-of-ISVAs-Feb-2015.pdf>]

273 Lime Culture, *An Audit of Independent Sexual Violence Advisers in England and Wales*, February 2015, [Accessed via: <https://limeculture.co.uk/wp-content/uploads/2017/10/3KCL-LimeCulture-An-Audit-of-ISVAs-Feb-2015.pdf>]

274 *All Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse*, *Survivors' experience of court and applying for compensation*, October 2019, [Accessed via: <https://static1.squarespace.com/static/5c8faf788d97401af928638c/t/5daf7856b44b5003d766ee7c/1571780697125/EMBARGOED+until+Wed+23+Oct+-+Adult+Survivors+of+CSA.pdf>]

link room to support them with communicating where appropriate.<sup>275</sup> We concur with the NSPCC that the Ministry of Justice should consider whether this scheme would benefit from further investment to increase the number, geographical spread and range of specialisms they cover.<sup>276</sup>

## Victims' Law

The Victims' Code sets out the rights to which victims/survivors are entitled and the minimum standard of services they can expect including measures such as the right to receive written confirmation when a crime has been reported, receive information related to the criminal justice process, to be referred to support services and to be given information about compensation claims.<sup>277</sup> The Code also sets out the rights of vulnerable, intimidated or child victims/survivors to Enhanced Rights such as having Special Measures in court.<sup>278</sup>

Whilst we maintain that victims/survivors should have access to an ISVA as a dedicated source of support and impartial advice to ensure they are informed about their options and entitlements from all agencies under the Victims' Code, victims/survivors need those rights to be legally enforceable to ensure accountability and that the service they receive is of a consistent, high quality.

It is for this reason that we would urge Government to expedite its plans as set out in the 2019 Conservative Party Manifesto to introduce a Victim's Law that 'guarantees victim's rights and the level of support they can expect'.<sup>279</sup> At present, there is very little ability to guarantee that a victim's/survivor's rights are being upheld and not everyone benefits from the support of a tenacious ISVA to help ensure these entitlements.

This was first promised in the 2015 election manifesto which aimed to introduce legislation to 'enshrine key rights for victims, including the right to make a personal statement and have it read in court before sentencing – and before the Parole Board decides on a prisoner's release'.<sup>280</sup>

**At present, there is very little ability to guarantee that a victim's/survivor's rights are being upheld and not everyone at present benefits from the support of a tenacious ISVA to help ensure these entitlements.**

Government should expedite the introduction of this long-promised legislation and ensure it holds clear pathways for victims/survivors to legally enforce their rights.

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275 *The Advocate's Gateway*, Intermediaries, accessed February 2021, [Accessed via: [www.theadvocatesgateway.org/intermediaries](http://www.theadvocatesgateway.org/intermediaries)]

276 NSPCC, *Falling short? A snapshot of young witness policy and practice*, February 2019, [Accessed via: <https://learning.nspcc.org.uk/media/1672/falling-short-snapshot-young-witness-policy-practice-full-report.pdf>]

277 *Ministry of Justice*, *Code of Practice for Victims of Crime in England and Wales*, November 2020, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/936239/victims-code-2020.pdf]

278 *Ministry of Justice*, *Code of Practice for Victims of Crime in England and Wales*, November 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/936239/victims-code-2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/936239/victims-code-2020.pdf)]

279 *Conservative Party Manifesto*, 2019, [Accessed via: [https://assets-global.website-files.com/5da42e2cae7ebd3f8bde353c/5dda924905da587992a064ba\\_Conservative%202019%20Manifesto.pdf](https://assets-global.website-files.com/5da42e2cae7ebd3f8bde353c/5dda924905da587992a064ba_Conservative%202019%20Manifesto.pdf)]

280 *House of Commons Library*, *A new victims' law in England and Wales?* May 2016

## Cross examination

The Centre for Women's Justice has clearly explained that, beyond circumstantial evidence, there is often only the testimony of the victim/survivor and the defence of the alleged perpetrator in sexual offences court cases. This adversarial set up incentivises the defence to undermine the credibility of the complainant in order to serve the best interests of their client. Needless to say, this can be a profoundly traumatic process for the victim/survivor.<sup>281</sup>

The APPG for Adult Survivors of Childhood Sexual Abuse found that during court proceedings some victims/survivors had their search history for compensations schemes used against them and had defence barristers imply that they had 'sought sexual activity from a young age'.<sup>282</sup>

In 2015, Government announced that it would introduce mandatory specialist training – 'Advocacy and the Vulnerable' – for publicly funded advocates working on serious sex offence cases to better ensure that cross-examination practice was considering the needs of children.<sup>283</sup> This requirement has not yet been put in place meaning some advocates who need such training and are not receiving it. We concur with the NSPCC that the Ministry of Justice should reconsider and work with the Bar Council and Law Society to agree a solution so that all advocates taking on such cases should be subject to specialist training.<sup>284</sup> We also agree that accreditation on the 'Advocacy and the Vulnerable' course should be extended to external advocates and members of the Queen's Counsel who take on cases with vulnerable or child witnesses.<sup>285</sup>

We concur with the NSPCC that new advocates should receive training on how to question children and vulnerable witnesses.<sup>286</sup> They suggest that the Bar Professional Training Course authorisation framework and the Law Society equivalent should be integrating these requirements which we agree with.<sup>287</sup>

The Crown Court Compendium specifically states in its advice to judges: 'There is a possibility that juries will make and/or be invited by advocates to make unwarranted assumptions. It is important that the judge should alert the jury to guard against this.'<sup>288</sup> The former Lord Chief Justice has identified the need for additional judicial training with regards to young people: 'We continue to press the Ministry of Justice for further

281 *Centre for Women's Justice*, The Decriminalisation of rape: Why the justice system is failing rape survivors and what needs to change, November 2020, [Accessed via: [www.endviolenceagainstawomen.org.uk/wp-content/uploads/C-Decriminalisation-of-Rape-Report-CWJ-EVAW-IMKAAN-RCEW-NOV-2020.pdf](http://www.endviolenceagainstawomen.org.uk/wp-content/uploads/C-Decriminalisation-of-Rape-Report-CWJ-EVAW-IMKAAN-RCEW-NOV-2020.pdf)]

282 *All Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse*, Survivors' experience of court and applying for compensation, October 2019, [Accessed via: <https://static1.squarespace.com/static/5c8faf788d97401af928638c/t/5daf7856b44b5003d766ee7c/1571780697125/EMBARGOED+until+Wed+23+Oct++Adult+Survivors+of+CSA.pdf>]

283 NSPCC, Falling short? A snapshot of young witness policy and practice, February 2019, [Accessed via: <https://learning.nspcc.org.uk/media/1672/falling-short-snapshot-young-witness-policy-practice-full-report.pdf>]

284 NSPCC, Falling short? A snapshot of young witness policy and practice, February 2019, [Accessed via: <https://learning.nspcc.org.uk/media/1672/falling-short-snapshot-young-witness-policy-practice-full-report.pdf>]

285 NSPCC, Falling short? A snapshot of young witness policy and practice, February 2019, [Accessed via: <https://learning.nspcc.org.uk/media/1672/falling-short-snapshot-young-witness-policy-practice-full-report.pdf>]

286 NSPCC, Falling short? A snapshot of young witness policy and practice, February 2019, [Accessed via: <https://learning.nspcc.org.uk/media/1672/falling-short-snapshot-young-witness-policy-practice-full-report.pdf>]

287 NSPCC, Falling short? A snapshot of young witness policy and practice, February 2019, [Accessed via: <https://learning.nspcc.org.uk/media/1672/falling-short-snapshot-young-witness-policy-practice-full-report.pdf>]

288 *All Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse*, Survivors' experience of court and applying for compensation, October 2019, [Accessed via: <https://static1.squarespace.com/static/5c8faf788d97401af928638c/t/5daf7856b44b5003d766ee7c/1571780697125/EMBARGOED+until+Wed+23+Oct++Adult+Survivors+of+CSA.pdf>]

resources to extend the training of judges; it would, if resources permitted, be desirable to provide more extensive training in respect of evidence given by young defendants and witnesses'.<sup>289</sup>

The Ministry of Justice should seek to address this funding gap.

Judges should be sufficiently skilled to control lines of questioning and take over from advocates who cannot or will not change their questions to make them more suitable. The NSPCC recommends that judges 'should be able to construct developmentally appropriate questions if advocates fail to do so'.<sup>290</sup> This skill of drafting such amended questions should form part of judicial training. They also flag the need for all judges, no matter their seniority, to be subject to the same training standards which seems eminently sensible.<sup>291</sup>

A member of the Survivors Group shared that he spent almost three hours on the stand at his abuser's trial, having his character assassinated. He felt it removed both his dignity, and that the emotional distress damaged his ability to give good quality evidence, which he compared to witness tampering.

Credible arguments are made that cross-examination is a fundamentally inappropriate method to make child victims/survivors contend with and might even 'exploit their developmental limitations', leaving them confused and damaging the quality of their evidence.<sup>292</sup>

A member of the Survivors Group shared that while their video interview for trial took place in advance, they had to attend court and be prepared to give evidence and be cross examined. She expressed her view that no child should have to attend court and compared CSA trials to family court proceedings where issues related to specific children are commonplace but none of them are present at court.

## Combatting misconceptions amongst jurors

Often, the only evidence a jury will hear in a CSA case is two completely different versions of events. These jurors are not vetted or required to have any understanding of the crime they are asked to assess. The Centre for Women's Justice is clear that many potential jurors hold beliefs on rape and sexual assaults that are rooted in 'myths and stereotypes' that are completely anachronistic and work against victims/survivors. The prosecution may struggle to overcome the preconceptions of jurors on issues, for example, expectations of what the behaviours and presentations of 'real' victims will be.<sup>293</sup> This can mean

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289 NSPCC, *Falling short? A snapshot of young witness policy and practice*, February 2019, [Accessed via: <https://learning.nspcc.org.uk/media/1672/falling-short-snapshot-young-witness-policy-practice-full-report.pdf>]

290 NSPCC, *Falling short? A snapshot of young witness policy and practice*, February 2019, [Accessed via: <https://learning.nspcc.org.uk/media/1672/falling-short-snapshot-young-witness-policy-practice-full-report.pdf>]

291 NSPCC, *Falling short? A snapshot of young witness policy and practice*, February 2019, [Accessed via: <https://learning.nspcc.org.uk/media/1672/falling-short-snapshot-young-witness-policy-practice-full-report.pdf>]

292 *Barnardo's*, *Journey to Justice: prioritising the wellbeing of children involved in criminal justice processes relating to sexual exploitation and abuse*, September 2017, [Accessed via: [www.basw.co.uk/system/files/resources/journey\\_to\\_justice\\_full\\_report\\_0.pdf](http://www.basw.co.uk/system/files/resources/journey_to_justice_full_report_0.pdf)]

293 *Centre for Women's Justice*, *The Decriminalisation of rape: Why the justice system is failing rape survivors and what needs to change*, November 2020, [Accessed via: [www.endviolenceagainstwomen.org.uk/wp-content/uploads/C-Decriminalisation-of-Rape-Report-CWJ-EVAW-IMKAAN-RCEW-NOV-2020.pdf](http://www.endviolenceagainstwomen.org.uk/wp-content/uploads/C-Decriminalisation-of-Rape-Report-CWJ-EVAW-IMKAAN-RCEW-NOV-2020.pdf)]

that victims/survivors who are most vulnerable to having their credibility undermined by virtue for example of their age, behaviours and presentation can miss out on justice they are owed.<sup>294</sup>

A member of the Survivors Group expressed that many children and young people, including herself did not present as broken and vulnerable but rather exhibited externalising behaviours and felt anger. She was clear that we must abandon our ideas of who the right type of victim/survivor is and they shouldn't have to behave in a certain way to get the sympathy of the jury and that she had even been encouraged to cry when taking the stand.

**The Centre for Women's Justice is clear that many potential jurors hold beliefs on rape and sexual assaults that are rooted in 'myths and stereotypes' that are completely anachronistic and work against victims/survivors.**

Another member explained the pressure to give an Oscar winning performance when taking the stand and drew attention to how humiliating it was to be expected to perform in this way. He was clear that courts should not be a performative space and juries need to understand that the visibly broken victim/survivor is not necessarily something to expect.

There is plainly a need to tackle the false presuppositions held by some members of society all of whom are all potential jurors. We recommend that juries should be provided with information both written and in a short video tackling rape mythology and ensuring jurors are prepared for the fact that victims/survivors are not homogenous and may present very differently. Courts should also consider the feasibility of calling on expert witnesses in CSA cases to better explain issues such as the impact of trauma on memory and adverse adult outcomes related to CSA that could affect victim/survivor presentation.

A member of the Survivors Group raised how important it was to educate jurors but was clear that the courtroom should not be the space for that kind of educational process. He was clear that was an imperfect space for that education to happen as most of the terms of victims/survivors' testimony are set by the defence barrister, who has a vested interest in achieving a certain outcome.

As such, we also recommend the Ministry of Justice and Home Office launch a public information campaign debunking false narratives on how victims/survivors of CSA present with particular reference to the fact that this cohort includes boys and men, disabled people, Black and minoritized people and those who do not present as vulnerable.

<sup>294</sup> Centre for Women's Justice, The Decriminalisation of rape: Why the justice system is failing rape survivors and what needs to change, November 2020, [Accessed via: [www.endviolenceagainstwomen.org.uk/wp-content/uploads/C-Decriminalisation-of-Rape-Report-CWJ-EVAW-IMKAAN-RCEW-NOV-2020.pdf](http://www.endviolenceagainstwomen.org.uk/wp-content/uploads/C-Decriminalisation-of-Rape-Report-CWJ-EVAW-IMKAAN-RCEW-NOV-2020.pdf)]

## Setting children up to succeed in giving evidence

As aforementioned, in CSA cases the only evidence often comes from interviews. This is a problem for two reasons: Firstly, it is traumatising for victims/survivors to have to give repeat accounts of their abuse to different people. Secondly, repeat interviews over a protracted time frame can be overwhelming and confusing for children and might cause them to get tangled up and give evidence that is inconsistent and complicates their account.<sup>295</sup> Therefore, minimising the frequency with which a victim/survivor has to share this evidence is important.

The Barnahus model, established in Iceland in 1998 and replicated in The Lighthouse<sup>296</sup> in London is a best practice example of combating these difficulties.<sup>297</sup> Children are referred to Barnahus when there is a suspicion that they are suffering from CSA and undertake two interviews. The first is conducted by a child psychotherapist with training in forensic interviewing. This interview is designed to sensitively attempt to elicit disclosure of CSA from the child in a non-leading manner.

If the child discloses, the interview is paused allowing for the alleged offender to be apprehended. Then, as soon as is practically possible there will be a second investigative interview. This will be observed via video link by relevant professionals including the police, lawyers and child protective services. These professionals can feed questions to the interviewers who will ask them in a child-friendly way. This process dramatically reduces the number of times the child has to recount their abuse and combats the issue of the quality of evidence being depleted by several accounts.<sup>298</sup>

Therapeutic services are made available immediately for the child and their non-abusing family after the interview. Even if the standard of evidence required to secure a conviction is not reached, the child will be offered support. The role of the non-abusing parent is also critical post disclosure. Children who disclose abuse, especially intra-familial abuse, often report feeling guilty for the related distress of their family members. CSA disclosure can be incredibly traumatic for a parent, especially those who suffered from abuse in their own childhoods. A non-abusing parent remains the adult a child victim/survivor is most likely to disclose to. For these reasons, it is critical that these adults feel equipped to handle disclosure and its aftermath. Some research has even indicated that the support needs of non-abusing parents are inextricably linked to the recovery and wellbeing of the child victim/survivor. Research has indicated that cognitive behavioural therapy for these adults is powerful in enabling them to support the mental health of the child and prevent their repeat victimisation.<sup>299</sup>

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295 *Children's Commissioner*, Barnahus: Improving the response to child sexual abuse in England, January 2016, [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Barnahus-Improving-the-response-to-child-sexual-abuse-in-England.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Barnahus-Improving-the-response-to-child-sexual-abuse-in-England.pdf)]

296 NSPCC, The Lighthouse, Co-ordinated support for children who have been sexually abused, accessed January 2021, [Accessed via: <https://learning.nspcc.org.uk/services-children-families/the-lighthouse>]

297 *Children's Commissioner*, Barnahus: Improving the response to child sexual abuse in England, January 2016, [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Barnahus-Improving-the-response-to-child-sexual-abuse-in-England.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Barnahus-Improving-the-response-to-child-sexual-abuse-in-England.pdf)]

298 *Children's Commissioner*, Barnahus: Improving the response to child sexual abuse in England, January 2016, [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Barnahus-Improving-the-response-to-child-sexual-abuse-in-England.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Barnahus-Improving-the-response-to-child-sexual-abuse-in-England.pdf)]

299 *Centre of Expertise on child sexual abuse*, Key messages from research on intra-familial child sexual abuse, June 2018, [Accessed via: [www.csacentre.org.uk/index.cfm/\\_api/render/file/?method=inline&fileID=C6B6D637-308F-4C6F-95DF0AC61E61E3AA](http://www.csacentre.org.uk/index.cfm/_api/render/file/?method=inline&fileID=C6B6D637-308F-4C6F-95DF0AC61E61E3AA)]

The scheme takes place in an unremarkable looking residential property on an unremarkable street which is a deliberate attempt to make the location seem unthreatening to a child. Children tend to associate police stations with being in trouble and facilities that seem medical with being sick so the concept is for the child to have no negative associations when visiting a Barnahus location.<sup>300</sup> The Icelandic model has seen a trebling of convictions and much improved therapeutic outcomes for victims/survivors.<sup>301</sup> Given how traumatic many victims/survivors find cross-examination, there is clearly a benefit in being able to use the investigative interview in its place. Another interview may also be necessary once the perpetrator has been charged so their legal representative can put questions to the victim/survivor through the forensic interviewer but a reduction in disclosures is still evident.<sup>302</sup>

**Children tend to associate police stations with being in trouble and facilities that seem medical with being sick so the concept is for the child to have no negative associations when visiting a Barnahus location.**

The NSPCC has advocated for the adoption of this model for years. We support them, recommending that the Barnahus Child Houses should be rolled out across the country following the success of the model internationally. We, like the NSPCC, would recommend at least one Barnahus Child House in each region and nation of the UK. This will require upfront capital investment – the NSPCC recommends a £100 million Child House Fund which regions can bid into to assist their development with a longer-term funding stream to encourage the wider roll out of the service. We wholeheartedly lend our support to this measure.

## Support after court processes

Many victims/survivors who obtained convictions have been disappointed with the sentencing their abuser received and the majority did not feel their voice was heard during the sentencing process.<sup>303</sup> There are critical questions to be asked about what happens at the end of any court case. A member of the Survivors Group explained that if you go through the criminal justice system and are spat out at the other end, all the support falls away from you. She was clear that just because a custodial sentence is given to your perpetrator does not mean the pain is gone or that the suffering is cancelled out.

300 *Children's Commissioner*, Barnahus: Improving the response to child sexual abuse in England, January 2016, [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Barnahus-Improving-the-response-to-child-sexual-abuse-in-England.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Barnahus-Improving-the-response-to-child-sexual-abuse-in-England.pdf)]

301 *Children's Commissioner*, Barnahus: Improving the response to child sexual abuse in England, January 2016, [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Barnahus-Improving-the-response-to-child-sexual-abuse-in-England.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Barnahus-Improving-the-response-to-child-sexual-abuse-in-England.pdf)]

302 *Children's Commissioner*, Barnahus: Improving the response to child sexual abuse in England, January 2016, [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Barnahus-Improving-the-response-to-child-sexual-abuse-in-England.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Barnahus-Improving-the-response-to-child-sexual-abuse-in-England.pdf)]

303 *All Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse*, Can adult survivors of childhood sexual abuse access justice and support?, February 2020, [Accessed via: <https://static1.squarespace.com/static/5c8faf788d97401af928638c/t/5e4189062488d55edc679042/1581353239794/EMBARGOED+TO+11.2+++%27Can+adult+survivors+access+justice+and+support%27.pdf>]

This leads us to the broader question of how we can better support those victims/survivors who suffer from an unsuccessful verdict which needless to say can be utterly devastating. A member of the Survivors Group explained that when you make your initial complaint to the police and the offences you are alleging have not yet been proven, you are assigned support by Victim Support and advised to write a personal statement to read in court which felt like a really important document to pull together. If a victim/survivor then does not get the guilty verdict they were hoping for all the support falls away and your right to read your statement is withdrawn. This victim/survivor was clear that the system was happy to treat him as a victim/survivor before the trial in the form of care from Victim Support but that services were ripped away afterwards when he needed them most.

The courts should be responsible for signposting all victims/survivors to aftercare support, not just those who saw a guilty verdict in their case. This right should be added to the Victims' Code so that victims/survivors do not feel abandoned after what can be an intensely traumatic process.

The APPG for Adult Survivors of Childhood Sexual Abuse found that some victims/survivors weren't prepared for various unforeseen outcomes like hung juries or dismissals.<sup>304</sup> Again, this possibility must be explained ideally by an ISVA which requires victims/survivors to have access to this service across the board.

The APPG for Adult Survivors of Childhood Sexual Abuse found that some victims/survivors weren't being sufficiently supported on their abuser's release which left some fearful of reprisals.<sup>305</sup> This can clearly lead to other highly traumatising outcomes, like a victim/survivor seeing their perpetrator when going about their business and being completely blind-sided. Victims/survivors must be informed of the release of their abuser as it is simply unacceptable for such circumstances to arise.

For those who underwent court proceedings as children, their parent may have been the point of contact for parole meaning if their abuser is released when they are an adult, they may not be notified of this fact. We concur with the APPG that 'it is important that the survivor has the option of be – coming the main point of contact up – on turning 18'.<sup>306</sup>

## Crown prosecution service

Several members of the Survivors Group expressed serious concerns about the Crown Prosecution Service in the round and the low volume of charges brought against perpetrators. One said this fosters a culture of impunity and makes victims/survivors think there is no point in reporting crimes they have suffered. Others have expressed confusion and frustration at the Crown Prosecution Service, particularly amongst those who did not see a charge brought which was often accompanied with negligible support.

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304 *All Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse*, Survivors' experience of court and applying for compensation, October 2019, [Accessed via: <https://static1.squarespace.com/static/5c8faf788d97401af928638c/t/5daf7856b44b5003d766ee7c/1571780697125/EMBARGOED+until+Wed+23+Oct++Adult+Survivors+of+CSA.pdf>]

305 *All Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse*, Survivors' experience of court and applying for compensation, October 2019, [Accessed via: <https://static1.squarespace.com/static/5c8faf788d97401af928638c/t/5daf7856b44b5003d766ee7c/1571780697125/EMBARGOED+until+Wed+23+Oct++Adult+Survivors+of+CSA.pdf>]

306 *All Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse*, Survivors' experience of court and applying for compensation, October 2019, [Accessed via: <https://static1.squarespace.com/static/5c8faf788d97401af928638c/t/5daf7856b44b5003d766ee7c/1571780697125/EMBARGOED+until+Wed+23+Oct++Adult+Survivors+of+CSA.pdf>]

Recent data from the Crown Prosecution Service on rape prosecutions also indicate a concerning picture on charge rates. The rape victims/survivors who are suffering from the worst outcomes are children. Just 12% of victims/survivors aged 10–13 were even seeing their abuser charged. 51% then saw no prosecution taking place for the alleged abuse inflicted upon them. By contrast, in the 25–59 victim/survivor bracket the charge rate was 52% and the no prosecution rate was 25%.<sup>307</sup>

Disclosure of a crime as serious as sexual abuse is a massive undertaking so when a victim/survivor does tell someone they are being or have been sexually abused, it is our duty to do everything in our power to protect and serve them and help them seek justice. These figures are clearly miles away from being good enough.

Dame Vera Baird QC, the Victim's Commissioner has offered her view on why a similar pattern can be identified in rape prosecutions more generally. She has suggested that the volume of cases being brought forward by the CPS has 'dropped off a cliff' because they are acting like a 'bookies' by only proceeding with cases that are very likely to secure a successful prosecution.<sup>308</sup>

Needless to say, the CPS strenuously denies this charge which was tested in a recent unsuccessful judicial review brought by the End Violence Against Women Coalition.<sup>309</sup> Harriet Wistrich, the Director of the Centre for Women's Justice who acted for the End Violence Against Women Coalition said of the decision: 'We are deeply disappointed that the Court of Appeal, declined to examine the extensive evidence produced by the Claimant in support of this legal challenge. In particular, we are disappointed that the judges refused to admit the expert statistical evidence we produced which showed that the most plausible explanation for the undoubted collapse in rape prosecutions arose from the CPS decision to change their approach to prosecution decision making and prosecutors becoming more risk-averse as a result'.<sup>310</sup>

The alarming gap between police recorded sexual violence offences and cases proceeded by the CPS does exist and has not been explained or accounted for. This must be combatted head on by the Government's Rape Review.

We will not pre-empt the findings of the imminent Rape Review but will take great interest in recommendations that result from these work streams. Should the cause of the low charge rate be lack of capacity within the CPS, plainly a bid will need to be made on this front into the Comprehensive Spending Review which we would urge the Chancellor to take seriously.

307 *Crown Prosecution Service*, Rape Annual Data Tables Year Ending March 2020, 30 July 2020, [Accessed via: [www.cps.gov.uk/publication/cps-data-summary-quarter-4-2019-2020](http://www.cps.gov.uk/publication/cps-data-summary-quarter-4-2019-2020)]

308 *The Telegraph*, Rape prosecutions have fallen because CPS is acting like a 'bookies', says victims' commissioner, 28 June 2019, [Accessed via: [www.telegraph.co.uk/politics/2019/06/28/rape-prosecutions-have-fallen-cps-operating-like-bookies-says](http://www.telegraph.co.uk/politics/2019/06/28/rape-prosecutions-have-fallen-cps-operating-like-bookies-says)]

309 *End Violence Against Women Coalition*, Women's groups deeply disappointed by judges failure to hold CPS accountable on rape prosecutions collapse, March 2021, [Accessed via: [www.endviolenceagainstwomen.org.uk/breaking-news-womens-groups-deeply-disappointed-by-judges-failure-to-hold-cps-accountable-on-rape-prosecutions-collapse](http://www.endviolenceagainstwomen.org.uk/breaking-news-womens-groups-deeply-disappointed-by-judges-failure-to-hold-cps-accountable-on-rape-prosecutions-collapse)]

310 *End Violence Against Women Coalition*, Women's groups deeply disappointed by judges failure to hold CPS accountable on rape prosecutions collapse, March 2021, [Accessed via: [www.endviolenceagainstwomen.org.uk/breaking-news-womens-groups-deeply-disappointed-by-judges-failure-to-hold-cps-accountable-on-rape-prosecutions-collapse](http://www.endviolenceagainstwomen.org.uk/breaking-news-womens-groups-deeply-disappointed-by-judges-failure-to-hold-cps-accountable-on-rape-prosecutions-collapse)]

## Sentencing as a deterrent

There is an assumption that successful prosecutions and stringent criminal justice sanctions for CSA deter people with a sexual interest from offending. While that may very well be true for some cohorts, CSA crimes continue to be perpetrated at scale. Clearly something is not working. It may be that 'for the already-motivated potential offender, the immediate prospects of self-gratification may be much more compelling than the distant and uncertain risk of criminal justice sanctions'.<sup>311</sup> It is also credible that prosecution rates and custodial sentence lengths are insufficiently punitive to be serving as a deterrence.

NPCC Child Sexual Abuse Lead, Chief Constable Simon Bailey told the Independent Inquiry into Child Sexual Abuse that a significant number of CSAM offenders were not sentenced to an immediate prison sentence and that those who were very rarely received any rehabilitation to address their sexual interest in children.<sup>312</sup> Strong custodial sentencing is not necessarily a silver bullet for crime deterrence, but it serves some critical functions. Most importantly, it provides justice for victims/survivors and indicates an acknowledgement of the harm they have been subjected to. It also indicates the seriousness with which society and Government view this offending. Prison sentencing can in theory disrupt and restrain those who wish to harm children.<sup>313</sup>

The picture of criminal justice outcomes for child abuse offences is mixed. While just shy of 80% of prosecutions were successful in securing a conviction for the year ending March 2019, only 4% of police recorded child abuse offences resulted in a charge or summons.<sup>314</sup>

In the cases where there was a successful conviction last year, around half of these offenders were immediately remanded to custody with an average sentence length of four and half years. It is worth mentioning at this juncture that the average sentence length for child sexual abuse image offences was just under a year and a half and that 44% of these offenders received suspended sentences.<sup>315</sup> It is difficult to credibly assert in the face of these statistics that the punishment is truly fitting the crime.

**Of the cases where there was a successful conviction last year, around half of these offenders were immediately remanded to custody with an average sentence length of four and half years... the average sentence length for child sexual abuse image offences was just under a year and a half.**

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311 *Routledge*, Preventing Child Sexual Abuse: Evidence, policy and practice, Towards a comprehensive prevention strategy, May 2013

312 *Independent Inquiry Child Sexual Abuse*, The Internet: Investigation Report, March 2020, [Accessed via: [www.iicsa.org.uk/publications/investigation/internet](http://www.iicsa.org.uk/publications/investigation/internet)]

313 *International Justice Mission*, Falling short: UK sentencing for online sexual exploitation of children, accessed 2 June 2020

314 *Office for National Statistics*, Child abuse and the criminal justice system England and Wales: year ending March 2019, March 2020, [Accessed via: [www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childabuseandthecriminaljusticesystemenglandandwales/yearendingmarch2019](http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childabuseandthecriminaljusticesystemenglandandwales/yearendingmarch2019)]

315 *Office for National Statistics*, Child abuse and the criminal justice system England and Wales: year ending March 2019, March 2020, [Accessed via: [www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childabuseandthecriminaljusticesystemenglandandwales/yearendingmarch2019](http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childabuseandthecriminaljusticesystemenglandandwales/yearendingmarch2019)]

Examples of particularly egregious sentencing outcomes include that of Callum Haycock who was convicted of the rape of a 5-year-old girl and sentenced to a 3-year community order and ordered to pay the victim/survivor £2,500.<sup>316</sup> Robert Woolner was convicted of attempting to arrange a child sexual offence and multiple up skirting offences on schoolgirls and was sentenced to 12 months imprisonment.<sup>317</sup> Jamie Pickering was convicted of sexual assault and blackmail offences against a teenage boy in case involving ‘sextortion’ and sentenced to 18 months imprisonment.<sup>318</sup>



All three of these cases saw the sentencing increased after being referred to the Unduly Lenient Sentence scheme. This scheme sits within the office of the Attorney General and allows them to consider whether to put a specific sentence to the Court of Appeal to look at again and potentially increase the punishment delivered.<sup>319</sup> The Government recently included new offences to this scheme including indecent image and abuse of position of trust offences.<sup>320</sup> While this report supports the rights of victims/survivors to challenge outcomes related to their case and efforts to further include them in proceedings, we cannot help but conclude that something is going wrong with regards to sentencing.

Low sentencing does undermine the seriousness of these crimes and runs the risk of sending a message to victims/survivors that society does not take the harm done to them seriously. Sentencing guidelines suggest custodial sentences that are significantly lower than the maximum sentence available in legislation, especially when it comes to online

316 Attorney General's Office, Kidderminster child rapist has his sentence increased, 11 December 2020, [Accessed via: [www.gov.uk/government/news/kidderminster-child-rapist-has-his-sentence-increased](http://www.gov.uk/government/news/kidderminster-child-rapist-has-his-sentence-increased)]

317 Attorney General's Office, Hertfordshire paedophile jailed for longer, 17 September 2020, [Accessed via: [www.gov.uk/government/news/hertfordshire-paedophile-jailed-for-longer](http://www.gov.uk/government/news/hertfordshire-paedophile-jailed-for-longer)]

318 Attorney General's Office, Man who blackmailed teenager into sex acts has sentence increased, 23 May 2019, [Accessed via: [www.gov.uk/government/news/man-who-blackmailed-teenager-into-sex-acts-has-sentence-increased](http://www.gov.uk/government/news/man-who-blackmailed-teenager-into-sex-acts-has-sentence-increased)]

319 Ministry of Justice, More victims able to challenge 'unduly lenient' prison sentences, 17 September 2019, [Accessed via: [www.gov.uk/government/news/more-victims-able-to-challenge-unduly-lenient-prison-sentences](http://www.gov.uk/government/news/more-victims-able-to-challenge-unduly-lenient-prison-sentences)]

320 Ministry of Justice, More victims able to challenge 'unduly lenient' prison sentences, 17 September 2019, [Accessed via: [www.gov.uk/government/news/more-victims-able-to-challenge-unduly-lenient-prison-sentences](http://www.gov.uk/government/news/more-victims-able-to-challenge-unduly-lenient-prison-sentences)]

sexual offences against children.<sup>321</sup> They recommend 16 years custody for the most serious iteration of the rape of a child under 13 offence. Possessing an image of the same offence receives a recommended sentence of one year's custody.<sup>322</sup>

One can stack up a perfectly credible case that searching for images of the worst moments of a child's life for your sexual gratification and re-victimising them in the process should be morally equivalent to harming that child in person. It is a legal judgement, though, as to whether viewing a Category A image of a child being raped is equivalent to raping a child yourself and one which this report will leave to them. It is, however, irrefutable that this offence is more serious than the theft of a bicycle worth £500, which sentencing guidelines also recommend a one year custodial sentence for.<sup>323</sup> And while stronger sentencing is not the full picture when it comes to responding to sexual offences against children, it means a great deal to victims/survivors and serves to indicate societal acknowledgement of the harms this crime involves.

While individual sentences are, of course, a matter for the independent judiciary who will make a judgement based on the specific details of a case, the Sentencing Council should undertake a full review of sentencing guidelines to ensure that the punishment fits the crime when it comes to sexual offences against children.

**While stronger sentencing is not the full picture when it comes to responding to sexual offences against children, it means a great deal to victims/survivors and serves to indicate societal acknowledgement of the harms this crime involves.**

The Australian Government has overseen a draft bill aimed at combating lenient sentencing for child sexual offenders with a range of measures including moving to a presumption of cumulative rather than concurrent sentencing.<sup>324</sup> Essentially, this would mean that sentences for various offences on the same indictment would be served one after the other rather than at the same time as with concurrent sentencing.<sup>325</sup>

Other proposed measures include 'mandatory [custodial] minimal sentences for the most serious child sex offences and for [repeat] offenders' and stopping the courts from treating 'good character' as a mitigating factor in sentencing.<sup>326</sup> The Government should interrogate which of these measures could be adopted for our statute books.

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321 *International Justice Mission*, Falling short: UK sentencing for online sexual exploitation of children, accessed 2 June 2020; *Sentencing Council*, Sexual Offences Definitive Guideline, accessed July 2020, [Accessed via: [www.sentencingcouncil.org.uk/wp-content/uploads/Sexual-offences-definitive-guideline-Web.pdf](http://www.sentencingcouncil.org.uk/wp-content/uploads/Sexual-offences-definitive-guideline-Web.pdf)]

322 *Sentencing Council*, Sexual Offences Definitive Guideline, accessed July 2020, [Accessed via: [www.sentencingcouncil.org.uk/wp-content/uploads/Sexual-offences-definitive-guideline-Web.pdf](http://www.sentencingcouncil.org.uk/wp-content/uploads/Sexual-offences-definitive-guideline-Web.pdf)]

323 *Sentencing Council*, Theft Offences Definitive Guideline, accessed July 2020, [Accessed via: [www.sentencingcouncil.org.uk/wp-content/uploads/MCSG-Theft-Offences-Definitive-Guideline-FINAL-web.pdf](http://www.sentencingcouncil.org.uk/wp-content/uploads/MCSG-Theft-Offences-Definitive-Guideline-FINAL-web.pdf)]

324 *Attorney-General for Australia and Minister for Industrial Relations*, Crimes Legislation Amendment (Sexual Crimes against Children and Community Protection Measures) Bill 2019, September 2019, [Accessed via: [www.attorneygeneral.gov.au/media/speeches/crimes-legislation-amendment-sexual-crimes-against-children-and-community-protection-measures-bill-2019-11-september-2019](http://www.attorneygeneral.gov.au/media/speeches/crimes-legislation-amendment-sexual-crimes-against-children-and-community-protection-measures-bill-2019-11-september-2019)] Crimes Legislation Amendment (Sexual Crimes against Children, Community Protection Measures)

325 *Gov.uk*, Concurrent and consecutive sentences, accessed January 2021, [Accessed via: [www.gov.uk/types-of-prison-sentence](http://www.gov.uk/types-of-prison-sentence)]

326 *Attorney-General for Australia and Minister for Industrial Relations*, Crimes Legislation Amendment (Sexual Crimes against Children and Community Protection Measures) Bill 2019, September 2019, [Accessed via: [www.attorneygeneral.gov.au/media/speeches/crimes-legislation-amendment-sexual-crimes-against-children-and-community-protection-measures-bill-2019-11-september-2019](http://www.attorneygeneral.gov.au/media/speeches/crimes-legislation-amendment-sexual-crimes-against-children-and-community-protection-measures-bill-2019-11-september-2019)] Crimes Legislation Amendment (Sexual Crimes against Children, Community Protection Measures)

## The role of ‘good character’

Our own Sentencing Guidelines include ‘previous good character’ as a mitigating factor in offences including rape of a child under 13, assault of a child under 13 by penetration and possession of indecent photographs of children.<sup>327</sup>

We believe that the ‘previous good character’ mitigation runs the risk of misunderstanding the ways in which many CSA offenders operate. Abusers come from all walks of life and many exploit their status and reputation and groom the adults around them to enable them to commit offences and evade punishment.

The APPG for Adult Survivors of Childhood Sexual Abuse raised concerns about the use of good character witnesses for perpetrators.<sup>328</sup> Perpetrators are often adept at grooming adults and may be perfectly capable of retaining a reasonable reputation in their community. Indeed, some may rely on that perception to be able to abuse with impunity. We recommend that Government examines the impact of the ‘previous good character’ mitigation and considers whether there is a need to amend the extent of its use.

## Accessing compensation

The Criminal Injuries Compensation Authority (CICA) is an agency funded by the government to compensate victims/survivors of violent crime. The rules governing this compensation scheme are set by Parliament and payments can be made for resulting issues including physical and mental harm and loss of earnings.<sup>329</sup> The APPG for Adult Survivors of Childhood Sexual Abuse found disappointingly that of the victims/survivors they had engaged with, almost all had had poor experiences of applying for this compensation. Some were not even aware of the scheme and those who were often found the process complex and harmful – much like a ‘second trial’ with the victim/survivor having to prove that their abuse took place once again. There are several issues with the scheme that ought to be addressed.<sup>330</sup>

Firstly, despite the law making it abundantly clear that sexual activity with under 16-year olds is illegal, the current scheme’s rules dictate that compensation can only be made to victims/survivors who did not ‘consent’ to their abuse.<sup>331</sup> No child can be complicit in their own abuse and while guidance to CICA staff has made it clear that

327 *Sentencing Council*, *Sexual Offences: Definitive Guideline*, April 2014, [Accessed via: [www.sentencingcouncil.org.uk/wp-content/uploads/Aug-2015-Sexual-Offences-Definitive-Guideline-web.pdf](http://www.sentencingcouncil.org.uk/wp-content/uploads/Aug-2015-Sexual-Offences-Definitive-Guideline-web.pdf)]

328 *All Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse*, *Survivors’ experience of court and applying for compensation*, October 2019, [Accessed via: <https://static1.squarespace.com/static/5c8faf788d97401af928638c/t/5daf7856b44b5003d766ee7c/1571780697125/EMBARGOED+until+Wed+23+Oct++Adult+Survivors+of+CSA.pdf>]

329 *All Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse*, *Survivors’ experience of court and applying for compensation*, October 2019, [Accessed via: <https://static1.squarespace.com/static/5c8faf788d97401af928638c/t/5daf7856b44b5003d766ee7c/1571780697125/EMBARGOED+until+Wed+23+Oct++Adult+Survivors+of+CSA.pdf>]

330 *All Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse*, *Survivors’ experience of court and applying for compensation*, October 2019, [Accessed via: <https://static1.squarespace.com/static/5c8faf788d97401af928638c/t/5daf7856b44b5003d766ee7c/1571780697125/EMBARGOED+until+Wed+23+Oct++Adult+Survivors+of+CSA.pdf>]

331 *All Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse*, *Survivors’ experience of court and applying for compensation*, October 2019, [Accessed via: <https://static1.squarespace.com/static/5c8faf788d97401af928638c/t/5daf7856b44b5003d766ee7c/1571780697125/EMBARGOED+until+Wed+23+Oct++Adult+Survivors+of+CSA.pdf>]

they should work to a presumption of non-consent in every case involving under-16s, the ‘consent’ rule remains in place in the statutory scheme.<sup>332</sup> This must be changed to reflect the internal working policy of the authority.

Secondly, the scheme does not currently compensate victims/survivors of non-contact abuse. This means those who have endured horrific online grooming culminating in offenders coercing or forcing them to produce self-generated CSAM are ineligible to apply.<sup>333</sup> This is a ludicrously arbitrary distinction, exemplified by the appalling crimes of Matthew Falder. This individual was jailed for 32 years after he blackmailed 46 victims/survivors into carrying out unthinkable sexual and physical acts online with one even contemplating suicide as a result.

The NCA senior investigating officer said of the case: ‘In more than 30 years of law enforcement I’ve never come across an offender whose sole motivation was to inflict such profound anguish and pain. Matthew Falder revelled in it’.<sup>334</sup> He admitted to 137 offences, not one of them was contact abuse.<sup>335</sup> At present, none of the individuals targeted by this vicious individual would be permitted to apply to CICA. This urgently needs changing so that victims/survivors of non-contact abuse are treated with parity.

Thirdly, victims/survivors with unspent criminal convictions are unable to apply to the scheme. We have covered that some victims/survivors have criminal records for crimes they were forced to commit during their exploitation and how CSE and CCE can be perpetrated concurrently. We believe this distinction is too categorical and needs further examination by CICA to ensure victims/survivors are not being cruelly excluded for criminal records that relate directly to their abuse.

The application process was revealed to be complex and upsetting for too many victims/survivors who are forced to revisit their abuse whilst making an application to CICA. The APPG also found that only 48% of the victims/survivors they engaged with had been told about the criminal injuries compensation scheme after sentencing and many expressed concerns about applying during their trial for fears of looking like they were financially motivated rather than seeking justice.<sup>336</sup>

CICA awards serve two major purposes: firstly, they can be an important acknowledgement from the government of what a victim/survivor has endured. Secondly, they can help a victim/survivor access specialist therapeutic support privately that they may have to wait years to access such help through the NHS. This can essentially mean the state ends up providing for a state failing. This is conspicuously counter-intuitive and must be remedied by the expansion of specialist and long-term therapeutic services for victims/survivors.

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332 *All Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse*, Survivors’ experience of court and applying for compensation, October 2019, [Accessed via: <https://static1.squarespace.com/static/5c8faf788d97401af928638c/t/5daf7856b44b5003d766ee7c/1571780697125/EMBARGOED+until+Wed+23+Oct+--+Adult+Survivors+of+CSA.pdf>]

333 *All Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse*, Survivors’ experience of court and applying for compensation, October 2019, [Accessed via: <https://static1.squarespace.com/static/5c8faf788d97401af928638c/t/5daf7856b44b5003d766ee7c/1571780697125/EMBARGOED+until+Wed+23+Oct+--+Adult+Survivors+of+CSA.pdf>]

334 *The Guardian*, Sadistic paedophile Matthew Falder jailed for 32 years, February 2018, [Accessed via: [www.theguardian.com/technology/2018/feb/19/dark-web-paedophile-matthew-falder-jailed-for-32-years](http://www.theguardian.com/technology/2018/feb/19/dark-web-paedophile-matthew-falder-jailed-for-32-years)]

335 *The Guardian*, Sadistic paedophile Matthew Falder jailed for 32 years, February 2018, [Accessed via: [www.theguardian.com/technology/2018/feb/19/dark-web-paedophile-matthew-falder-jailed-for-32-years](http://www.theguardian.com/technology/2018/feb/19/dark-web-paedophile-matthew-falder-jailed-for-32-years)]

336 *All Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse*, Survivors’ experience of court and applying for compensation, October 2019, [Accessed via: <https://static1.squarespace.com/static/5c8faf788d97401af928638c/t/5daf7856b44b5003d766ee7c/1571780697125/EMBARGOED+until+Wed+23+Oct+--+Adult+Survivors+of+CSA.pdf>]

Alongside awards by CICA, victims/survivors can also receive compensation through Criminal Compensation Orders from courts if their abuser is convicted. The APPG found inconsistent application of this entitlement across courts and that the police were not always equipping the CPS with the information required to make such an application. Indeed, they found that in 2018 only 0.4% of sentences for CSA offences included Criminal Compensation Orders. One such Criminal Compensation Order awarded to a victim/survivor of 'rape of a child under 13' amounted to just £20.<sup>337</sup> Needless to say, this is an insulting sum that could only serve to compound trauma.

**One such Criminal Compensation Order awarded to a victim/survivor of 'rape of a child under 13' amounted to just £20. Needless to say, this is an insulting sum that could only serve to compound trauma.**

The Victims' Code sets out a victim's/survivor's entitlement to be provided with information about compensation which is hugely welcome but we need to ensure that this right is being deployed.<sup>338</sup> We concur with the APPG that the Government should report to Parliament annually on the use of Criminal Compensation Orders in CSA cases, provide information for victims/survivors on the different remedies available to them and seek to establish the totals awarded so that no one receives degrading and traumatising amounts.

## The voice of victims/survivors in image offences

The International Justice Mission suggest that if the suffering caused by CSAM and live streamed abuse was amplified during the legal process, this could result in more appropriate sentencing and remind the court that these are not victimless crimes.<sup>339</sup> This could be especially pertinent to cases involving the possession of CSAM, where an individual child is not a named victim/survivor but just one child featured in a catalogue of indecent images. The Canadian Centre for Child Protection has worked with a group of CSAM victims/survivors named 'the Phoenix 11' to draft a community impact statement to reflect the perspective and experiences of victims/survivors to be made use of in the courts. The messages in this statement include:

'We are some of the children who are seen in those pictures and videos, and we are the ones who are struggling to survive our victimization every single day;

It both saddens and angers us that there are people who take pleasure from looking at our sexual abuse imagery ... that there are people who claim not to understand that we are real people, with real feelings, and with real lives that have been taken from us;

the images and videos of our child sexual abuse are permanent markers of the most painful and traumatic experiences of our lives. It is a constant barrier to us healing and moving on with our life. The mere existence of our imagery is enough to invoke feelings of intense fear in each and every one of us;

337 *All Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse*, Survivors' experience of court and applying for compensation, October 2019, [Accessed via: <https://static1.squarespace.com/static/5c8faf788d97401af928638c/t/5daf7856b44b5003d766ee7c/1571780697125/EMBARGOED+until+Wed+23+Oct++Adult+Survivors+of+CSA.pdf>]

338 *Ministry of Justice*, Code of Practice for Victims of Crime in England and Wales, November 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/936239/victims-code-2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/936239/victims-code-2020.pdf)]

339 *International Justice Mission*, Falling short: UK sentencing for online sexual exploitation of children, accessed 2 June 2020

we keep being abused over and over by people who watch, seek out, and keep imagery of children being sexually abused'.<sup>340</sup>

It's impossible not to be deeply moved by the message of these brave and brilliant women and to take their pain extremely seriously. The Ministry of Justice should work alongside third sector organisations like The Survivors Trust, The Marie Collins Foundation and the National Association for People Abused in Childhood to develop such a community impact statement for victims/survivors of CSAM for use in the UK courts with the ambition of facilitating more appropriate sentencing.

## The impact of court proceedings on employment

The lead up to a court date can obviously be extraordinarily stressful for victims/survivors. The APPG for Adult Survivors of Childhood Sexual Abuse found that too many victims/survivors were not being made aware of their Victims Code right to a court familiarisation visit so they can prepare themselves by getting a clearer sense of where they are going to be. This needs to be clearly communicated, ideally by an ISVA.

Many victims/survivors told the APPG that the court process was extremely protracted and this, coupled with minimal updates from the police and CPS, had the potential to make them feel abandoned and that justice was being delayed. This shortcoming also can have major practical considerations in the lives of victims/survivors. Adjournments were also raised as having a serious impact on victims/survivors who may have booked travel or time off work to attend. One victim/survivor told the inquiry their case had been adjourned four times. Victims/survivors need to be armed with both realistic timelines and the clear expectation that their case may be adjourned with a reason attached.<sup>341</sup>

The extent of the administrative burden on victims/survivors who are taking a case to court is insufficiently frequently acknowledged. They may need to attend meetings with police, their ISVA, days in court and required medical appointments. This will inevitably require a certain amount of time away from work which different employers will respond to differently with some offering paid leave, others unpaid leave and some even forced to take annual leave. Those who have been asked to attend court as a witness voluntarily may not have documentation to explain that they need to be in court. This could leave victims/survivors in the unenviable position of having to disclose the abuse they suffered to their workplace which they may not have chosen to do of their own volition. This plainly requires HR employees to be equipped to process this information and provide appropriate support to empower the victim/survivor to stay in work.

Those who perfectly reasonably do not wish to share this deeply private information can find themselves taking annual leave to meet these dates, a problem that is made worse by unforeseen delays and adjournments.

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<sup>340</sup> *International Justice Mission*, Falling short: UK sentencing for online sexual exploitation of children, accessed 2 June 2020

<sup>341</sup> *All Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse*, Survivors' experience of court and applying for compensation, October 2019, [Accessed via: <https://static1.squarespace.com/static/5c8faf788d97401af928638c/t/5daf7856b44b5003d766ee7c/1571780697125/EMBARGOED+until+Wed+23+Oct++Adult+Survivors+of+CSA.pdf>]

We concur with the APPG for Adult Survivors of Childhood Sexual Abuse that Government should legislate so that those attending a criminal trial subject to a court summons or police warning have a statutory right to paid leave and that those without the documentation have a right to unpaid leave.<sup>342</sup>

The Department for Work and Pensions and the Ministry of Justice should work together to publish guidelines for employers so that they understand the possible requirements of a member of their staff having to attend court so that the onus is not on victims/survivors or secondary victims like parents of abused children to disclose abuse and prove that they need to take time away from their place of work.

## Recommendations

- Courts must be supported financially to ensure that cases can be heard as quickly as possible to help victims/survivors remain engaged in their case.
- The Home Office should deliver on their commitment to establish a national register of accredited ISVAs alongside a mapping exercise to identify gaps in service provision – geographically and with regards to diversity. Gaps identified should be filled and national standards for ISVAs should be developed.
- The Government should expedite its plans as set out in the 2019 Conservative Party Manifesto to introduce a Victim’s Law that ‘guarantees victim’s rights and the level of support they can expect’.
- The Ministry of Justice and Home Office should launch a public information campaign debunking false narratives on how victims/survivors of CSA present with particular reference to the fact that this cohort includes boys and men, disabled people, Black and minoritized people and those who do not present as vulnerable.
- The Treasury should establish a £100 million Child House Fund which regions can bid into to assist the development of Barnahus Child Houses with a longer-term funding stream to encourage the wider roll out of the service.
- Victims/survivors must be informed of the release of their abuser to avoid highly traumatising outcomes like a victim/survivor seeing their perpetrator when going about their business and being completely blind-sided.
- Sentencing Council should undertake a full review of sentencing guidelines to ensure that the punishment fits the crime when it comes to sexual offences against children.
- Ministry of Justice should consider a presumption for consecutive rather than concurrent sentencing for child sexual offences.
- The Ministry of Justice should work alongside third sector organisations to develop a community impact statement for victims/survivors of CSAM for use in the UK courts with the ambition of facilitating more appropriate sentencing.

<sup>342</sup> *All Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse, Survivors’ experience of court and applying for compensation, October 2019, [Accessed via: <https://static1.squarespace.com/static/5c8faf788d97401af928638c/t/5daf7856b44b5003d766ee7c/1571780697125/EMBARGOED+until+Wed+23+Oct++Adult+Survivors+of+CSA.pdf>]*



## chapter seven

# Child social care response

### Vulnerability of children in care

We know that children in care can have complex needs and may be more vulnerable to abuse. The Office of the Children’s Commissioner has found that teenagers in care are especially vulnerable, proving six times more likely than younger children in care to suffer from child sexual exploitation and twelve times more likely to be trafficked.<sup>343</sup>

Care settings have featured as a weak link in several of the historic grooming cases. In some cases they appear to have been a beacon for predators deliberately targeting vulnerable children. In Birmingham, for example, this pattern was traced going back to the 1980s by a social researcher Dr Jill Jessun, who was commissioned by the city council in 1990 to look into the connection between what we now understand as exploitation and abuse but was then referred to as ‘child prostitution’ and care homes.

**The Office of the Children’s Commissioner has found that teenagers in care are especially vulnerable, proving six times more likely than younger children in care to suffer from child sexual exploitation and 12 times more likely to be trafficked.**

Speaking in 2014 Dr Jessun said, ‘The girls would go somewhere with a man in a car and there would be several men there, men who wanted to have sex. Prostitution was just the label it was given then. It was the girl’s behaviour that was seen to be at fault. Now it is acknowledged that men are the ones with a problem. Sex with under-age girls is abuse. But these girls were not working as prostitutes on the streets. They were being groomed, picked up and sleeping with men in cars and elsewhere’.<sup>344</sup>

Concerns about the possible heightened vulnerability of children to exploitation in care remain high with warnings about the increasingly decentralised provision being raised in recent work from the Howard League for Penal Reform. A common factor amongst

<sup>343</sup> *Children’s Commissioner*, Unregulated: children in care living in semi-independent accommodation, September 2020, [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2020/09/cco-unregulated-children-in-care-living-in-semi-independent-accommodation.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/09/cco-unregulated-children-in-care-living-in-semi-independent-accommodation.pdf)]

<sup>344</sup> *Birmingham Mail*, Birmingham City Council hid links between Asian cabbies and child sex victims for 23 years, November 2014, [Accessed via: [www.birminghammail.co.uk/news/midlands-news/birmingham-city-council-hid-links-8131813](http://www.birminghammail.co.uk/news/midlands-news/birmingham-city-council-hid-links-8131813)]

children that became victims/survivors of grooming gangs was periods missing from home, either the family home or when in care. Research for the Howard League's project into protecting children in care from criminalisation revealed that for the year ending 2018, half the calls from children's homes to the police were to report a missing child.<sup>345</sup> Whilst this figure does not denote exploitation in itself it is an indicator that children in these settings are often unsupervised. Forty years on from the specific cases Dr Jessun studied in Birmingham it is still necessary to recognise victimisation and avoid blaming, or worse, criminalising victims/survivors.

## Unregulated accommodation for children in care

An area of deep concern is the use of privately-owned unregulated accommodation for children in care. What this essentially means is children, most likely teenagers who are in care are not placed with foster carers or in children's homes but in living environments like flats, caravans or hostels. By law, children's homes are required to both register with and undertake inspections by Ofsted and meet specified standards. Unregulated homes do not have these requirements, with the council expected to check on them instead with inadequate resources to do so.<sup>346</sup>

A member of the Survivors Group expressed concerns that offenders could easily buy homes and register them as supported living which needless to say would leave children and young people deeply vulnerable.

An additional issue is that children living in them receive 'support' rather than 'care' which can consist of far less structured catch ups with staff on issues like managing budgets and their future plans.<sup>347</sup> There are two main reasons why young people are ending up in unregulated care settings. Firstly, there is a mistaken notion driving these placements that older teenagers are ready for independence and do not require the supervision and care that their younger counterparts do and that they are being prepared for adult life. Given that we know that teenagers in care are extremely vulnerable, this drop off in care designed to prepare them for independence seems deeply ill-advised. Indeed, some children are actively encouraged to enter unregulated accommodation on turning 16 whether it is in their best interest or not and regardless of what their existing support needs may be.<sup>348</sup>

A member of the Survivors Group spoke to the importance of recognising that children in care are still children and expressed his view that 16-year olds in the care of local authorities are treated as young adults.

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345 *The Howard League for Penal Reform*, Victims not criminals: Protecting children living in residential care from criminal exploitation, March 2020, [Accessed via: <https://howardleague.org/wp-content/uploads/2020/03/Victims-not-criminals.pdf>]

346 *Children's Commissioner*, Unregulated: children in care living in semi-independent accommodation, September 2020, [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2020/09/cco-unregulated-children-in-care-living-in-semi-independent-accommodation.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/09/cco-unregulated-children-in-care-living-in-semi-independent-accommodation.pdf)]

347 *Children's Commissioner*, Unregulated: children in care living in semi-independent accommodation, September 2020, [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2020/09/cco-unregulated-children-in-care-living-in-semi-independent-accommodation.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/09/cco-unregulated-children-in-care-living-in-semi-independent-accommodation.pdf)]

348 *Children's Commissioner*, Unregulated: children in care living in semi-independent accommodation, September 2020, [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2020/09/cco-unregulated-children-in-care-living-in-semi-independent-accommodation.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/09/cco-unregulated-children-in-care-living-in-semi-independent-accommodation.pdf)]

Secondly, there is a high demand for placements in children's homes and councils cannot always find a space for a young person, especially in an emergency or with children with complex needs. This leaves them forced to assign young people to a place in the unregulated sector.<sup>349</sup>

These placements are also often 'out of area', not because of a decision that has been made in the interests of the child to relocate them, but out of the necessity to find them a place somewhere in the face of a short supply of options. While sometimes this is necessary for safeguarding reasons, evidence given to The Children's Society by police indicated that placing children out of their area increases their risk of exploitation.<sup>350</sup> The main reason for this is heartbreakingly intuitive. The child may find themselves feeling really lonely living away from their friends and family members. This can leave them vulnerable to new influences including grooming behaviours.<sup>351</sup>

### **The Children's Society cited an example of a child victim/survivor of sexual exploitation being placed in accommodation alongside a CSE offender.**

A report from the office of the Children's Commissioner indicated that one in eight Looked After Children had been placed in such settings.<sup>352</sup> Evidence given to the Children's Commissioner indicated that the quality and availability of support and the accommodation provided in these settings was inconsistent, with some children appallingly being placed in tents.<sup>353</sup> It is also of deep concern that many types of unregulated accommodation, children could be living alongside vulnerable adults aged 25 and under, ordinarily.<sup>354</sup> Needless to say, this can be fraught with risk including exploitation. The Children's Society cited an example of a child victim/survivor of sexual exploitation being placed in accommodation alongside a CSE offender.<sup>355</sup>

A *BBC News* investigation in 2019 found that at least 14 councils had been investigating organised abuse of children in such settings over the past four years.<sup>356</sup> An inquiry undertaken by The Children's Society found that high numbers of young people living in unregulated accommodation were going missing, becoming 'particularly easy targets for

349 *Children's Commissioner*, Unregulated: children in care living in semi-independent accommodation, September 2020, [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2020/09/cco-unregulated-children-in-care-living-in-semi-independent-accommodation.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/09/cco-unregulated-children-in-care-living-in-semi-independent-accommodation.pdf)]

350 *The Children's Society*, No Place at Home: risks facing children and young people who go missing from out of area placements, September 2019, [Accessed via: [www.childrenssociety.org.uk/sites/default/files/no-place-at-home-final.pdf](http://www.childrenssociety.org.uk/sites/default/files/no-place-at-home-final.pdf)]

351 *The Children's Society*, No Place at Home: risks facing children and young people who go missing from out of area placements, September 2019, [Accessed via: [www.childrenssociety.org.uk/sites/default/files/no-place-at-home-final.pdf](http://www.childrenssociety.org.uk/sites/default/files/no-place-at-home-final.pdf)]

352 *Children's Commissioner*, Unregulated: children in care living in semi-independent accommodation, September 2020, [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2020/09/cco-unregulated-children-in-care-living-in-semi-independent-accommodation.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/09/cco-unregulated-children-in-care-living-in-semi-independent-accommodation.pdf)]

353 *Children's Commissioner*, Unregulated: children in care living in semi-independent accommodation, September 2020, [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2020/09/cco-unregulated-children-in-care-living-in-semi-independent-accommodation.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/09/cco-unregulated-children-in-care-living-in-semi-independent-accommodation.pdf)]

354 *Children's Commissioner*, Unregulated: children in care living in semi-independent accommodation, September 2020, [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2020/09/cco-unregulated-children-in-care-living-in-semi-independent-accommodation.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/09/cco-unregulated-children-in-care-living-in-semi-independent-accommodation.pdf)]

355 *The Children's Society*, No Place at Home: risks facing children and young people who go missing from out of area placements, September 2019, [Accessed via: [www.childrenssociety.org.uk/sites/default/files/no-place-at-home-final.pdf](http://www.childrenssociety.org.uk/sites/default/files/no-place-at-home-final.pdf)]

356 *BBC News*, Teens in unregulated homes face 'organised abuse', 18 September 2019, [Accessed via: [www.bbc.co.uk/news/uk-49673455](http://www.bbc.co.uk/news/uk-49673455)]

those wishing to exploit them for sex or to run drugs'. And children with disabilities are particularly vulnerable in this respect. The Children's Society has heard evidence 'of special educational facilities being specifically targeted by exploiters'.<sup>357</sup>

This report echoes the call of the Children's Commissioner for a ban on the use of semi-independent and independent accommodation provision for children in care. While the Government has committed to banning the placement of under 16-year olds in such settings, we feel this should be expanded to 16- and 17-year olds.<sup>358</sup> These settings are fundamentally inappropriate for children and leave them extremely vulnerable. Enacting such a policy would cause an exacerbation of the capacity issue facing children's homes places which the Government should simultaneously seek to redress. We also recommend that a child should be moved out of their local area only where there is a specific safeguarding reason for doing so.

### Recommendations

- While Government has committed to banning the placement of under 16-year olds in unregulated care settings, we feel this should be expanded to 16- and 17-year olds.
- Enacting such a policy would cause an exacerbation of the capacity issue facing children's homes places which the Government should simultaneously seek to redress.
- A Looked After Child should be moved out of their local area only where there is a specific safeguarding reason for doing so.

357 *The Children's Society*, No Place at Home: risks facing children and young people who go missing from out of area placements, September 2019, [Accessed via: [www.childrensociety.org.uk/sites/default/files/no-place-at-home-final.pdf](http://www.childrensociety.org.uk/sites/default/files/no-place-at-home-final.pdf)]

358 *Children's Commissioner*, Unregulated: children in care living in semi-independent accommodation, September 2020, [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2020/09/cco-unregulated-children-in-care-living-in-semi-independent-accommodation.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/09/cco-unregulated-children-in-care-living-in-semi-independent-accommodation.pdf)]; *Gov.uk*, Strict new measures to protect vulnerable children in care, 12 February 2020, [Accessed via: [www.gov.uk/government/news/strict-new-measures-to-protect-vulnerable-children-in-care](http://www.gov.uk/government/news/strict-new-measures-to-protect-vulnerable-children-in-care)]

## chapter eight

# Policing response

### Bail and voluntary suspect interviews

A super-complaint to Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) from The Halo Project highlighted several areas in which the police response to minoritised victims/survivors was falling short.<sup>359</sup> Many of their findings are highly specific to the experiences of victims/survivors from particular backgrounds but others are relevant more broadly to all victims/survivors.

The Home Secretary must be congratulated for her move to scrap 2017 bail reforms that disincentivised the use of pre-charge bail, meaning suspects were being released without any conditions placed upon them during an investigation leaving victims/survivors very vulnerable.<sup>360</sup> This is not the only area related to bail that needs examining.



<sup>359</sup> *The Halo Project; Tees Valley Inclusion, Invisible Survivors – the long wait for justice: police response to BAME victims of sexual abuse*, August 2020

<sup>360</sup> *The Times*, Reforms to police bail that left victims at risk will be scrapped, January 2021, [Accessed via: [www.thetimes.co.uk/article/reforms-to-police-bail-that-left-victims-at-risk-will-be-scrapped-2mdzzmk5](http://www.thetimes.co.uk/article/reforms-to-police-bail-that-left-victims-at-risk-will-be-scrapped-2mdzzmk5)]

The Halo Project super-complaint identified an overuse of voluntary suspect interviews – this essentially means the police are interviewing alleged perpetrators without having the power to bail them and impose specific conditions on bail, which places the victims/survivors who have reported them at risk of both intimidation and physical violence.<sup>361</sup>

Equally, the absence of bail conditions presents the opportunity for alleged perpetrators to collude with one another and ‘destroy key evidence on phones and laptops’.<sup>362</sup> Contact from a perpetrator following a voluntary suspect interview could also frighten a victim/survivor into withdrawing their consent to proceed with a prosecution down the line.<sup>363</sup>

The Centre for Women’s Justice also issued a super-complaint in 2019 that raised voluntary suspect interviews.<sup>364</sup> They cited a case where an adult victim/survivor of sexual violence was assaulted by her perpetrator following a voluntary suspect interview as no bail conditions could be applied to him.<sup>365</sup> They flagged a misconception on the part of many police officers that they do not have the power of arrest with a voluntary suspect interview because the police are satisfied as to their name and address and they have agreed to attend.<sup>366</sup> Section 24 of the Police and Criminal Evidence Act, clearly sets out that a constable may arrest ‘to protect a child or other vulnerable person from the person in question’.<sup>367</sup>

A judgement raised by The Centre for Women’s Justice by Mr Justice Jay was of the view that ‘the need for bail conditions can make an arrest necessary...under Section 24’. They raised that some frontline organisations were of the view that given both the closures of some custody suits and the bureaucracy and resourcing demands of applying for bail, voluntary interviews were seen as a better option than arrest and bail.<sup>368</sup>

We believe that voluntary suspect interviews are fundamentally inappropriate for child sexual offences where bail conditions can be of critical importance. To that end, we echo the recommendations of The Centre for Women’s Justice that PACE Code G should be amended. It currently states that arrest before a voluntary suspect interview is only suitable if new information has been discovered or if it hadn’t been possible to arrest them before they entered the police station. We concur with The Centre for Women’s Justice that

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361 *The Halo Project; Tees Valley Inclusion, Invisible Survivors – the long wait for justice: police response to BAME victims of sexual abuse, August 2020*

362 *The Halo Project; Tees Valley Inclusion, Invisible Survivors – the long wait for justice: police response to BAME victims of sexual abuse, August 2020*

363 *The Halo Project; Tees Valley Inclusion, Invisible Survivors – the long wait for justice: police response to BAME victims of sexual abuse, August 2020*

364 *Centre for Women’s Justice, Police failure to use protective measures in cases involving violence against women and girls, March 2019, [Accessed via: <https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/5c91f55c9b747a252efe260c/1553069406371/Super-complaint+report.FINAL.pdf>]*

365 *Centre for Women’s Justice, Police failure to use protective measures in cases involving violence against women and girls, March 2019, [Accessed via: <https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/5c91f55c9b747a252efe260c/1553069406371/Super-complaint+report.FINAL.pdf>]*

366 *Centre for Women’s Justice, Police failure to use protective measures in cases involving violence against women and girls, March 2019, [Accessed via: <https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/5c91f55c9b747a252efe260c/1553069406371/Super-complaint+report.FINAL.pdf>]*

367 *Legislation.gov, Police and Criminal Evidence Act 1984, accessed January 2021, [Accessed via: <https://www.legislation.gov.uk/ukpga/1984/60/section/24>], Police and Criminal Evidence Act 1984, Section 24, in the content and are referenced with annotations*

368 *Centre for Women’s Justice, Police failure to use protective measures in cases involving violence against women and girls, March 2019, [Accessed via: <https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/5c91f55c9b747a252efe260c/1553069406371/Super-complaint+report.FINAL.pdf>]*

'PACE Code G should be amended so that on arrival at the police station on a voluntary attendance a suspect can be arrested in order to facilitate use of bail'.<sup>369</sup> This measure should also be clarified in College of Policing training.

The All-Party Parliamentary Group for adult survivors of childhood sexual abuse has identified a worrying increase in the number of suspects who had been 'released under investigation' without safeguarding conditions on them.<sup>370</sup> This means nothing is to stop them from making contact with the victim/survivor or appearing at their home or place of work. This has obvious harmful implications for the safety and wellbeing of victims/survivors and can wreck their confidence in the process.<sup>371</sup> No contact for alleged victims and a mandated distance from their residence and workplace with alleged offenders released under investigation should be considered in all cases.

## Policing role in special measures

As covered, under the Victims' Code victims/survivors have various statutory entitlements including:

- Being kept informed about the progress of the case by the police.
- Being informed when a suspect is arrested, charged, bailed or sentenced.
- Being able to apply for special measures in court if you are intimidated, vulnerable or a child.
- Referral to victims' support services.<sup>372</sup>

Too many victims/survivors were not having their entitlements explained to them by the police and the Crown Prosecution Service with some being told on the day before their trial or on arrival at court.<sup>373</sup> Plainly this does not give victims/survivors time to reflect on what their needs might be and what will work best for them, and is not good enough.

A Halo Project super-complaint also found that victims/survivors were not having their statutorily enforced rights to be kept informed during investigations met with enough consistency with many having to 'chase the police for updates'.<sup>374</sup> This would obviously make a victim/survivor feel that their case was not being treated as a priority and could be terribly distressing.

369 *Centre for Women's Justice*, Police failure to use protective measures in cases involving violence against women and girls, March 2019, [Accessed via: <https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/5c91f55c9b747a252efe260c/1553069406371/Super-complaint+report.FINAL.pdf>]

370 *Centre of Expertise on child sexual abuse, London Metropolitan University*, Key messages from research on child sexual exploitation: Professionals in school settings, March 2017, [Accessed via: [www.csacentre.org.uk/index.cfm/\\_api/render/file/?method=inline&fileID=7F769BD3-8D2D-4600-81682DE72A9B8C4E](http://www.csacentre.org.uk/index.cfm/_api/render/file/?method=inline&fileID=7F769BD3-8D2D-4600-81682DE72A9B8C4E)]

371 *Centre of Expertise on child sexual abuse, London Metropolitan University*, Key messages from research on child sexual exploitation: Professionals in school settings, March 2017, [Accessed via: [www.csacentre.org.uk/index.cfm/\\_api/render/file/?method=inline&fileID=7F769BD3-8D2D-4600-81682DE72A9B8C4E](http://www.csacentre.org.uk/index.cfm/_api/render/file/?method=inline&fileID=7F769BD3-8D2D-4600-81682DE72A9B8C4E)]

372 *Victim Support*, Victims' Code, accessed January 2021, [Accessed via: [www.victimsupport.org.uk/help-and-support/your-rights/victims-code](http://www.victimsupport.org.uk/help-and-support/your-rights/victims-code)] The Victims' Code applies to all criminal justice, Act 2004 and came into effect in 2006

373 *The Halo Project; Tees Valley Inclusion*, Invisible Survivors – the long wait for justice: police response to BAME victims of sexual abuse, August 2020

374 *The Halo Project; Tees Valley Inclusion*, Invisible Survivors – the long wait for justice: police response to BAME victims of sexual abuse, August 2020

While these provisions apply to a range of relevant public organisations, someone must take responsibility for explaining them thoroughly to a victim/survivor. Given not every victim/survivor will have access to an Independent Sexual Violence Advisor and not every victim/survivor sees their perpetrator charged or gets their day in court, we would recommend that this responsibility sits with the police until the ISVA service can be expanded which we recommend on in more detail elsewhere in this report. Each victim/survivor should have their statutory entitlements under the Victim's Code explained to them.

We suggest that by way of accountability, guidance be issued to judges that they ought to be checking whether a victim/survivor has had their Special Measures entitlements explained to them as part of the Plea and Trial Preparation Hearings. If there was a requirement to share with the court whether such a briefing had taken place, this could have a real practical impact.

## Continuity of professionals involved

It's also crucial to bear in mind how difficult disclosure can be and how much trust it requires on the part of all victims/survivors. It is for this reason that it's crucial that police officers who receive disclosures are able to commit to a long-term investigation. The Halo Project super complaint heard from one victim/survivor who had shared the horrific abuse he suffered with one police officer, only for them to be re-deployed on another case and replaced with a stranger.<sup>375</sup>

Continuity of professionals involved in these highly sensitive cases is crucial and points strongly to the need for one guaranteed professional to be with the victim/survivor for the duration of their formal experience.

This should be someone who is purely dedicated to supporting the victim/survivor and can commit to them for an extended time period. We have proposed that this individual should be Independent Sexual Violence Advisers (ISVAs).

## 'The Rotherham effect'

The Halo Project super complaint also raised the importance of the police tackling the issue of overrepresentation of British Pakistani males as perpetrators of grooming gangs head on. Baroness Casey of Blackford, the former Commissioner for Victims and Witnesses, explained how harmful this attitude was both to the communities the perpetrators came from, and to the children they abused: 'Rotherham's suppression of these uncomfortable issues and its fear of being branded racist has done a disservice to the Pakistani heritage community as well as the wider community. It has prevented discussion and effective action to tackle the problem. This has allowed perpetrators to remain at large, has let victims down, and perversely, has allowed the far right to try and exploit the situation'.<sup>376</sup>

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375 *The Halo Project; Tees Valley Inclusion, Invisible Survivors – the long wait for justice: police response to BAME victims of sexual abuse, August 2020*

376 *The Halo Project; Tees Valley Inclusion, Invisible Survivors – the long wait for justice: police response to BAME victims of sexual abuse, August 2020*

Worryingly, 'The Rotherham Effect' is visible in recent history, suggesting there is still a way to go on the part of the police. One victim/survivor of Pakistani heritage who was abused by family members who spoke to The Halo Project's super-complaint said his impression from the police was that they seemed incredibly focused on how his case could impact community cohesion and said the officer dealing with his case 'made it clear that the accused had not been picked up due to concerns over community impact'.<sup>377</sup> When the victim/survivor was harassed by members of his community post-disclosure, he also did not feel this was acted upon by the police for fears of harming their ability to engage with the Pakistani diaspora in the force area.<sup>378</sup> Police leadership have a clear role in ensuring that 'the Rotherham effect' is not present in their force area and that all perpetrators – regardless of race – receive the same level of scrutiny.

## Proactive policing

There is widespread agreement amongst the experts that this report consulted that CSE/A remains a hidden problem and that the very best way to detect it and cut it off at the root is with proactive policing and with neighbourhood policing. These are expensive. Some police forces reduced this approach following the cuts to police budgets that resulted from the financial crash of 2008.<sup>379</sup>

An early, innovative example of proactive policing of CSE is Operation Erle, Peterborough. Cambridgeshire Police and Peterborough City Council children's services began their joint investigation in January 2013 as an operation working across the council, social workers, local charities and the police. It relied on close collaboration between the local authority chief executive and the area's chief constable and had not been prompted by any specific concern but with the intention of investigating whether the crime type that had then recently been exposed in Rochdale and Oxford might also be happening in Peterborough.<sup>380</sup>

The investigation began with a review of potentially at-risk children although when it concluded not all the children who were discovered to have been abused had previously been known to social services. They started by identifying young people potentially at risk of sexual exploitation, winning their trust.<sup>381</sup>

Police described the operation as being 'entirely victim-led' and no time limits were put on the girls who were encouraged to take the investigation at their pace. Eventually over a hundred girls were identified as being potentially vulnerable to a gang of abusers

377 *The Halo Project; Tees Valley Inclusion*, Invisible Survivors – the long wait for justice: police response to BAME victims of sexual abuse, August 2020

378 *The Halo Project; Tees Valley Inclusion*, Invisible Survivors – the long wait for justice: police response to BAME victims of sexual abuse, August 2020

379 *The Police Foundation*, 'Core Functions: The real value of neighbourhood policing', February 2017, [Accessed via: [www.police-foundation.org.uk/2017/02/core-functions-the-real-value-of-neighbourhood-policing](http://www.police-foundation.org.uk/2017/02/core-functions-the-real-value-of-neighbourhood-policing)]

380 *Peterborough Safeguarding Children Board*, 'Highlighting Lessons From Serious Case Reviews Child Sexual Exploitation Overview Report', [Accessed via: <http://safeguardingcambspeterborough.org.uk/wp-content/uploads/2016/12/CSE-Overview-Report-Professionals-Leaflet.pdf>]

381 *Peterborough Safeguarding Children Board*, 'Highlighting Lessons From Serious Case Reviews Child Sexual Exploitation Overview Report', [Accessed via: <http://safeguardingcambspeterborough.org.uk/wp-content/uploads/2016/12/CSE-Overview-Report-Professionals-Leaflet.pdf>]

who tended to congregate around a fried chicken shop in the city centre. They operated as a loosely affiliated group who knew each other because of neighbourhood or other common interests rather than a tightly defined criminal street gang.<sup>382</sup>

The operation concluded in 2015 having secured ten convictions for men. The offences had happened over the preceding four years and precisely fitted the pattern seen elsewhere. Some initial grooming had been carried out over Facebook. The investigation revealed a broad range of offences against around 80% of the girls originally identified, five of whom suffered violent rapes. One of the child victims/survivors, raped by several men in a park playground, had learning difficulties, others were from care homes. Half of the offenders were from a Pakistani background, others were Czech. Some dabbled in drug dealing.<sup>383</sup>

The significance of Erle was that even though it had not been prompted by any particular concern it revealed that grooming and abuse was happening in Peterborough at that time. Rather than investigating historic crimes, it sought out activity that was on-going.

CSE has been connected to the 'night-time economy' with taxi firms, take-aways, hotels, restaurants with flats and properties nearby; parks and other open spaces being used as meeting points by perpetrators or locations in which to rape and assault children.<sup>384, 385</sup>

A Department for Transport release on taxi and private hire vehicle statistics yielded relevant findings. One quarter of local authorities were not requiring taxi and private hire vehicle drivers to undertake training on CSA. While these proportions have grown since 2018, there is still some way to go.<sup>386</sup> We recommend that those local authorities who are not mandating this training move to do so at pace with funding support from central Government if necessary.

**10% of local authorities were not requiring an enhanced Disclosure and Barring Service and barred list check for taxi and private hire vehicle drivers.**

In the same vein, 10% of local authorities were not requiring an enhanced Disclosure and Barring Service and barred list check for taxi and private hire vehicle drivers.<sup>387</sup> Obviously, this must also be corrected.

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382 *Peterborough Safeguarding Children Board*, 'Highlighting Lessons From Serious Case Reviews Child Sexual Exploitation Overview Report', [Accessed via: <http://safeguardingcambspeterborough.org.uk/wp-content/uploads/2016/12/CSE-Overview-Report-Professionals-Leaflet.pdf>]

383 *Peterborough Safeguarding Children Board*, 'Highlighting Lessons From Serious Case Reviews Child Sexual Exploitation Overview Report', [Accessed via: <http://safeguardingcambspeterborough.org.uk/wp-content/uploads/2016/12/CSE-Overview-Report-Professionals-Leaflet.pdf>]

384 *The Times*, 'National action to fight sex gangs', September 2012, [Accessed via: [www.thetimes.co.uk/article/national-action-to-fight-the-child-sex-gangs-mpv5rb5btpv](http://www.thetimes.co.uk/article/national-action-to-fight-the-child-sex-gangs-mpv5rb5btpv)]

385 *The Children's Society*, 'Child Sexual Exploitation: A toolkit for professionals working in the night time economy', March 2018, [Accessed via: [www.sia.homeoffice.gov.uk/Documents/cse\\_nte\\_toolkit.pdf](http://www.sia.homeoffice.gov.uk/Documents/cse_nte_toolkit.pdf)]

386 *Department for Transport*, Taxi and Private Hire Vehicle Statistics England: 2019, September 2019, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/833569/taxi-and-phv-england-2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/833569/taxi-and-phv-england-2019.pdf)]

387 *Department for Transport*, Taxi and Private Hire Vehicle Statistics England: 2019, September 2019, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/833569/taxi-and-phv-england-2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/833569/taxi-and-phv-england-2019.pdf)]

While 98% of local authorities did allow relevant vehicles to have CCTV installed, only 4% required it.<sup>388</sup> Local authorities should examine their ability to mandate the inclusion of CCTV in such vehicles as footage could deter offenders from criminality and provide crucial evidence should a victim/survivor travel in one.

More broadly, forces should use proactive policing in CSE wherever possible to disrupt harm and should this require an additional funding increase, this must be reflected in Home Office bids into the Comprehensive Spending Review.

## Proactive operations for victimless/evidence led prosecutions

Police often face acute challenges in obtaining disclosure and allegations from victims/survivors of CSE. A report from the Home Office into the 'typology' of victims of modern-day slavery found that CSE victims/survivors who were being harmed by groups often did not view themselves as victims and were characterised by a distrust of authorities.<sup>389</sup> Victims/survivors may regard perpetrators as 'boyfriends' or the activity as normal. In addition, victims/survivors may have had negative interactions with the police and may have been suspects in other cases. This can increase barriers, and may lead them to think that police, and the criminal justice system in general, will not be able to help.<sup>390</sup> While a 2019 HMICFRS report found that the police had improved considerably in their tactics around building the trust of children, it remains a particularly challenging area.<sup>391</sup>

One way of overcoming the obstacles that are presented by victims/survivors who are struggling to disclose is to try to build evidence for a 'victimless' or 'evidence led' prosecution.

Such prosecutions are often considered in cases of domestic abuse, a type of crime where victims frequently struggle to support police action.<sup>392</sup> The result is that the police and CPS consider whether they have enough evidence from witnesses, 999 tapes and CCTV. A 2020 Criminal Justice Joint Inspection commented that in cases of domestic abuse, operational police officers and the CPS have a good understanding that they can proceed, even when the victim is unsupportive.<sup>393</sup> It is possible that considerable learning from victimless domestic abuse prosecutions can be transferred to CSE investigations.

It should be noted that CPS guidance seems to be geared towards cases where an allegation or offence was made out, but that the victim did not support police action or withdrew their allegation.<sup>394</sup> The challenge in CSE cases is often actually obtaining

388 *Department for Transport, Taxi and Private Hire Vehicle Statistics England: 2019, September 2019*, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/833569/taxi-and-phv-england-2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/833569/taxi-and-phv-england-2019.pdf)]

389 *Home Office, A Typology of Modern Slavery Offences in the UK, October 2017*, [Accessed via: [www.antislaverycommissioner.co.uk/media/1190/a-typology-of-modern-slavery-offences.pdf](http://www.antislaverycommissioner.co.uk/media/1190/a-typology-of-modern-slavery-offences.pdf)]

390 *The Howard League for Penal Reform, Out of place: The policing and criminalisation of sexually exploited girls and young women, 2012*, [Accessed via: <https://howardleague.org/wp-content/uploads/2016/04/Out-of-place.pdf>]

391 *HMICFRS, National Child Protection Inspections, 2019*, [Accessed via: [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/national-child-protection-inspections-2019-thematic-report.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/national-child-protection-inspections-2019-thematic-report.pdf)]

392 *HMICFRS, The police response to domestic abuse, February 2019*, [Accessed via: [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/the-police-response-to-domestic-abuse-an-update-report.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/the-police-response-to-domestic-abuse-an-update-report.pdf)]

393 *HMICFRS, HMCPSI, CJI, Evidence led domestic abuse prosecutions, January 2020*, [Accessed via: [www.justiceinspectorates.gov.uk/cji/wp-content/uploads/sites/2/2020/01/Joint-Inspection-Evidence-Led-Domestic-Abuse-Jan19-rpt.pdf](http://www.justiceinspectorates.gov.uk/cji/wp-content/uploads/sites/2/2020/01/Joint-Inspection-Evidence-Led-Domestic-Abuse-Jan19-rpt.pdf)]

394 *CPS, Domestic Abuse Guidelines for Prosecutors, accessed January 2021*, [Accessed via: [www.cps.gov.uk/legal-guidance/domestic-abuse-guidelines-prosecutors](http://www.cps.gov.uk/legal-guidance/domestic-abuse-guidelines-prosecutors)]

an allegation. Furthermore, domestic incidents are such a staple of police activity that responding officers are more aware of ways in which they can obtain early evidence such as capturing allegations on body worn video and obtaining 999 tapes.

Outside of Domestic Abuse, HMICFRS has also pointed to the importance of victimless prosecutions in modern slavery investigations.<sup>395</sup> They argue that obtaining more evidence can help reduce the burden on the victim/survivor and that, if the victim/survivor disengages, prosecution may still be able to proceed regardless. The report also found that proactive operations were more likely to seek victimless prosecutions.<sup>396</sup>

A 2017 Bedfordshire University report into evidence-based policing in CSE cases highlighted the importance of victimless prosecutions. The report stated that, 'The success of victimless prosecutions was said to hinge on the strength of the evidence. Having strong evidence, particularly genetic evidence, could support a victimless prosecution. Particularly strong evidence was said to be underwear with semen on it, which is seen as irrefutable evidence but requires parental consent to gather and use in this way. Mobile phone evidence also appeared to be particularly useful'.<sup>397</sup>

As discussed, proactive approaches operate on two fronts: firstly, by extensively linking in with partner agencies to identify victims/survivors and suspects and secondly, by seeking to proactively disrupt those suspects at an early opportunity.<sup>398</sup> Instead of waiting or hoping for a disclosure to be made, officers look for opportunities to arrest. Perpetrators of CSE are often actively involved in other forms of criminality and, while the initial arrest may not relate to child sexual offences, such offences may become apparent as the investigation continues. By arresting and taking suspects off the streets, police can safeguard potential victims/survivors, as well as those who may already have been harmed.

**Perpetrators of CSE are often actively involved in other forms of criminality and, while the initial arrest may not relate to child sexual offences, such offences may become apparent as the investigation continues.**

Such approaches will still face challenges around receiving information and so will likely have to rely on intelligence being passed on from partner agencies and parents. In order for such an approach to be effective forces will need to ensure they have good lines of communications with those partner agencies. A further benefit of a proactive approach is that it could help provide direction to that partnership work.<sup>399</sup> HMICFRS commented that, while police leadership had demonstrated clear commitment to partnership working, this seems to have been to avoid later criticism or suppress demand. In some forces, police

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395 *HMICFRS*, *Stolen freedom: the policing response to modern slavery and human trafficking*, October 2017, [Accessed via: [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/stolen-freedom-the-policing-response-to-modern-slavery-and-human-trafficking.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/stolen-freedom-the-policing-response-to-modern-slavery-and-human-trafficking.pdf)]

396 *HM CPS Inspectorate*, *The CPS response to the Modern Slavery Act 2015*, December 2017, [Accessed via: [www.justiceinspectorates.gov.uk/hmcpsi/wp-content/uploads/sites/3/2017/12/MSA\\_thm\\_Dec17\\_frpt.pdf](http://www.justiceinspectorates.gov.uk/hmcpsi/wp-content/uploads/sites/3/2017/12/MSA_thm_Dec17_frpt.pdf)]

397 *University of Bedfordshire*, *The International Centre*, *The Queen's Anniversary Prizes*, *Evidence-based models of policing to protect children from sexual exploitation*, December 2017, [Accessed via: [www.basw.co.uk/system/files/resources/basw\\_84415-8.pdf](http://www.basw.co.uk/system/files/resources/basw_84415-8.pdf)]

398 *Bristol Live*, *Exclusive: Bristol police's 'radical and unique' way of stopping child sexual exploitation*, February 2020, [Accessed via: [www.bristolpost.co.uk/news/bristol-news/exclusive-bristol-polices-radical-unique-3811609](http://www.bristolpost.co.uk/news/bristol-news/exclusive-bristol-polices-radical-unique-3811609)]

399 *Oxfordshire Safeguarding Children Board*, *Serious Case Review into Child Sexual Exploitation in Oxfordshire: from the experiences of Children A, B, C, D, E, and F*, February 2015, [Accessed via: [www.oscb.org.uk/wp-content/uploads/Serious-Case-Review-into-Child-Sexual-Exploitation-in-Oxfordshire-FINAL-Updated-14.3.15.pdf](http://www.oscb.org.uk/wp-content/uploads/Serious-Case-Review-into-Child-Sexual-Exploitation-in-Oxfordshire-FINAL-Updated-14.3.15.pdf)]

had no further involvement in safeguarding strategies and by sharing everything they had simply flooded the system, suggesting they lack a strong concept as to what partnership work is intended to achieve.<sup>400</sup>



Some forces did not regard evidence led prosecutions as an option with sexual offences, citing the fact that they are so closely tied to consent.<sup>401</sup> There is clearly a need for information sharing and learning amongst the forces to prevent some from being left behind.

The Bedfordshire University report suggested that forces should share the successes and failures of evidence led prosecutions on the College of Policing's Police Online Knowledge Area.<sup>402</sup> This medium was recently relaunched as the 'Knowledge Hub' meaning it is difficult to assess whether investigators are using it to share their knowledge. It may be beneficial to establish more overt and formal networking opportunities. The College of Policing could look at facilitating secondments where CSE specialists from forces who are not seeking evidence led prosecutions go to work at forces that have been successful. Secondments with other proactive teams, such as those conducting investigations into 'county lines' drug dealing, may also help CSE teams keep up to date with the latest advances in technology and investigation strategies.<sup>403</sup>

Currently there is no mechanism to distinguish evidence led prosecutions from cases where the victim/survivor did support police action and give evidence in court.<sup>404</sup> As a result, it is not possible to quantitatively measure such prosecutions and accurately identify which police forces are not pursuing evidence led prosecutions. In turn, this prevents deeper

400 *HMICFRS, National Child Protection Inspections*, February 2020, [Accessed via: [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/national-child-protection-inspections-2019-thematic-report.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/national-child-protection-inspections-2019-thematic-report.pdf)]

401 *University of Bedfordshire, The International Centre, The Queen's Anniversary Prizes, Evidence-based models of policing to protect children from sexual exploitation*, December 2017, [Accessed via: [www.basw.co.uk/system/files/resources/basw\\_84415-8.pdf](http://www.basw.co.uk/system/files/resources/basw_84415-8.pdf)]

402 *University of Bedfordshire, The International Centre, The Queen's Anniversary Prizes, Evidence-based models of policing to protect children from sexual exploitation*, December 2017, [Accessed via: [www.basw.co.uk/system/files/resources/basw\\_84415-8.pdf](http://www.basw.co.uk/system/files/resources/basw_84415-8.pdf)]

403 *Forensic Analytics, Op Orochi Case Study Using CSAS*, January 2021, [Accessed via: [www.forensicanalytics.co.uk/op-orochi-case-study-using-csas](http://www.forensicanalytics.co.uk/op-orochi-case-study-using-csas)]

404 *HMICFRIS, HMCPSI, CJI*, Evidence led domestic abuse prosecutions, January 2020, [Accessed via: [www.justiceinspectorates.gov.uk/cjii/wp-content/uploads/sites/2/2020/01/Joint-Inspection-Evidence-Led-Domestic-Abuse-Jan19-rpt.pdf](http://www.justiceinspectorates.gov.uk/cjii/wp-content/uploads/sites/2/2020/01/Joint-Inspection-Evidence-Led-Domestic-Abuse-Jan19-rpt.pdf)]

analysis into good practice and areas of improvement surrounding investigative strategies. The CPS already have a system in place to flag cases which involve offences of child abuse, crimes against older people, domestic abuse, hate crime, modern slavery and rape. This system is used to monitor performance and outcomes at court.<sup>405</sup> The CPS may be able to adapt this pre-existing flagging system which would enable HMICFRS to monitor performance across different police forces. Such a development would also benefit an understanding of evidence led prosecutions in cases of domestic abuse and modern-day slavery. We would wish to see College of Policing and CPS guidance developed on how evidence led prosecutions in CSA can be conducted including with cases of a child conceived in CSA.

## Missing children

One of the indicators of CSE can be frequent spells where the child goes missing. The HMICFRS report found that police now realised that missing children were more vulnerable to exploitation and that they are making prompt and effective efforts to locate them. However, the report also found that police were missing opportunities to make longer term plans with other agencies to prevent them from going missing again.<sup>406</sup> Soon after a child has returned home a 'Prevention Interview' will be conducted by police to identify any harm they may have suffered, ongoing risk factors and to collate evidence that may be useful to track them down if they go missing again.<sup>407</sup>

Operational needs dictate that 'Prevention Interviews' are usually conducted by a response team officer on a 24-hour shift pattern who will often enter the interview with limited background knowledge. They can be challenging as often the missing child refuses to talk about what has happened and, occasionally, they can be aggressive and abusive towards officers. Despite 9% of all incidents involving missing children being given a CSE marker,<sup>408</sup> sexual offences were detected in only 0.3% of cases.<sup>409</sup> Prevention interviews are a regular police activity and so any recommendations around the use of simple language, courtesy and empathy should be incorporated into police training.

Most areas seek to conduct a second 'independent' interview. This independent interview is the responsibility of the local authority and it gives police and partner agencies an opportunity to identify who the child is more likely to open up to.<sup>410</sup> However, HMICFRS found 'there are often delays in their completion, if they occur at all' and 'the details of what was said were not always recorded on police systems'.<sup>411</sup> Early evidence is vital to CSE investigations because compelling forensic and CCTV evidence will be lost if it

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405 CPS, CPS data summary 2020–2021, January 2021, [Accessed via: [www.cps.gov.uk/publication/cps-data-summary-quarter-2-2020-2021](http://www.cps.gov.uk/publication/cps-data-summary-quarter-2-2020-2021)]

406 HMICFRS, National Child Protection Inspections, 2019, [Accessed via: [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/national-child-protection-inspections-2019-thematic-report.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/national-child-protection-inspections-2019-thematic-report.pdf)]

407 College of Policing, Missing person investigations, accessed January 2021, [Accessed via: [www.app.college.police.uk/app-content/major-investigation-and-public-protection](http://www.app.college.police.uk/app-content/major-investigation-and-public-protection)]

408 UK Missing Persons Unit, Missing Persons Statistical Bulletins, accessed January 2021, [Accessed via: [www.missingpersons.police.uk/en-gb/resources/downloads/missing-persons-statistical-bulletins](http://www.missingpersons.police.uk/en-gb/resources/downloads/missing-persons-statistical-bulletins)]

409 UK Missing Persons Unit, Missing Persons Statistical Bulletins, accessed January 2021, [Accessed via: [www.missingpersons.police.uk/en-gb/resources/downloads/missing-persons-statistical-bulletins](http://www.missingpersons.police.uk/en-gb/resources/downloads/missing-persons-statistical-bulletins)]

410 Metropolitan Police, The London Child Sexual Exploitation Operating Protocol, June 2017, [Accessed via: [www.met.police.uk/SysSiteAssets/media/downloads/central/advice/met/child-abuse/the-london-child-sexual-exploitation-operating-protocol.pdf](http://www.met.police.uk/SysSiteAssets/media/downloads/central/advice/met/child-abuse/the-london-child-sexual-exploitation-operating-protocol.pdf)]

411 HMICFRS, National Child Protection Inspections, 2019, [Accessed via: [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/national-child-protection-inspections-2019-thematic-report.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/national-child-protection-inspections-2019-thematic-report.pdf)]

is not obtained promptly. It is unclear whether delays and inconsistency are attributable to lack of resources or poor systems for communicating with partners. It is likely a combination of both. Local authorities and police forces should review their systems and request more funding if necessary so that this vital investigative and safeguarding opportunity is not missed.

**Early evidence is vital to CSE investigations because compelling forensic and CCTV evidence will be lost if it is not obtained promptly.**

With the increased usage of mobile phones, police should review their advice around when they use telecommunications checks in their search for the missing child. Cell-site checks can give an indication of the general location of a missing person, and billing checks can determine the phone numbers that the missing person is contacting, and to whom those numbers are registered to. The College of Policing advise that these checks can be completed if there is particular concern, meaning that they are often done as a last resort.<sup>412</sup> Such checks can be expensive and labour intensive but conducting them earlier in the investigation may help officers gain valuable early evidence and intelligence that may otherwise be lost.

Furthermore, in cases where the child has returned but is refusing to disclose where they have been, or appear to be using a cover story, consideration should be given to completing these checks in order to help gain a picture of what the missing person was doing so that they can be shared on police systems and with partner agencies.

Crucial to all of the above is that the investigating police officers actually have the necessary skills to conduct an effective investigation. High demand has meant that many forces are often using non specialist officers to investigate cases of CSE which will be covered in more detail throughout this report. This is not fair on the officers given these investigations who will often lack the knowledge and expertise needed yet will be accountable for failings in investigations. More importantly, it is not fair on the victims/survivors who will likely receive worse outcomes.<sup>413</sup> There is a clear need to increase funding so that each force can use specialists for CSE investigations. Such teams will be better placed to build expertise in CSE investigations and develop key relationships with partner agencies. The government seems to have responded to this need in some part by citing specialist CSE investigators in their recent funding settlement proposal with the police.<sup>414</sup>

## Police tech and indecent images of children investigations

The widespread use of sophisticated digital technology means that officers investigating offences involving CSAM face considerable delays as devices and accounts are triaged and then forensically downloaded at the lab. A 2019 National Child Protection Inspections report by HMICFRS pointed to ways in which innovative triage products could help speed

412 *College of Policing*, Missing person investigations, accessed January 2021, [Accessed via: [www.app.college.police.uk/app-content/major-investigation-and-public-protection](http://www.app.college.police.uk/app-content/major-investigation-and-public-protection)]

413 *HMICFRS*, National Child Protection Inspections, 2019, [Accessed via: [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/national-child-protection-inspections-2019-thematic-report.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/national-child-protection-inspections-2019-thematic-report.pdf)]

414 *Gov.uk*, Police to receive more than £15 billion to fight crime and recruit more officers, December 2020, [Accessed via: [www.gov.uk/government/news/police-to-receive-more-than-15-billion-to-fight-crime-and-recruit-more-officers](http://www.gov.uk/government/news/police-to-receive-more-than-15-billion-to-fight-crime-and-recruit-more-officers)]

up investigations.<sup>415</sup> Numerous triage devices are available and they could potentially help officers triage electronic devices on scene, thus reducing the number of devices seized and saving them work later down the line.

However, with all such triage technology, there is a danger they will miss something important. Furthermore, HMICFRS found cases where technology intended for this purpose was 'sitting idle' because compatibility and training had rendered the technology obsolete.<sup>416</sup> The report suggests that the work of the NPCC into digital policing may provide solutions. However, the 2025 Vision is more far reaching in scope and will offer a broader assessment of digital policing with the research being conducted by officers of a senior rank.<sup>417</sup>

The people best placed to assess triage technology will be the constables and analysts on the ground, those who are executing the warrants and labour intensive and psychologically distressing task of completing the triages, downloads and categorisation.

We recommend the Home Office, working in conjunction with the NPCC, Police Superintendents' Association and the Police Federation establish an annual conference drawing together findings and best practice from frontline officers investigating crimes with an online element. The conference would be specifically designed so that officers can test technology and share information that could speed up and assist their investigations. Companies that provide such technological solutions could showcase their products and may be able to partially fund it. Such a conference could potentially offer excellent opportunities to network and also share ideas on and innovations in investigations.

## Internet-enabled device data extraction

Child abuse investigations are often lengthy processes. Between January 2011 and December 2018, the average case involving images of child abuse took 537 days from the date of the arrest to completion.<sup>418</sup> Further analysis shows that the police investigation is what takes up the majority of this time, with an average of 367 days from offence to charge or summons.<sup>419</sup>

Vast quantities of data are being stored on laptops, mobile phones, in the cloud and other electronic devices. Downloading and reviewing terabytes of data is often a huge bottleneck in the process.<sup>420</sup> Although capacity and resourcing will also play their part, downloading such vast quantities of data will, to a certain extent, inevitably take a long

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415 HMICFS, National Child Protection Inspections Thematic Report, 2019, [Accessed via: [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/national-child-protection-inspections-2019-thematic-report.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/national-child-protection-inspections-2019-thematic-report.pdf)]

416 HMICFS, National Child Protection Inspections Thematic Report, 2019, [Accessed via: [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/national-child-protection-inspections-2019-thematic-report.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/national-child-protection-inspections-2019-thematic-report.pdf)]

417 NPCC, Digital Policing, January 2021, [Accessed via: [www.npcc.police.uk/NPCCBusinessAreas/ReformandTransformation/Digitalpolicing.aspx](http://www.npcc.police.uk/NPCCBusinessAreas/ReformandTransformation/Digitalpolicing.aspx)]

418 Office for National Statistics, Child abuse and the criminal justice system, England and Wales: year ending March 2019, 5 March 2020, [Accessed via: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childabuseandthecriminaljusticesystemenglandandwales/yearendingmarch2019#prosecutions>]

419 Office for National Statistics, Child abuse and the criminal justice system, England and Wales: year ending March 2019, 5 March 2020, [Accessed via: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childabuseandthecriminaljusticesystemenglandandwales/yearendingmarch2019#prosecutions>]

420 HMCPSI, 2019 rape inspection: a thematic review of rape cases by HM Crown Prosecution Service Inspectorate, December 2019, [Accessed via: [www.justiceinspectorates.gov.uk/hmcpsi/wp-content/uploads/sites/3/2019/12/Rape-inspection-2019-1.pdf](http://www.justiceinspectorates.gov.uk/hmcpsi/wp-content/uploads/sites/3/2019/12/Rape-inspection-2019-1.pdf)]

time. Furthermore, as police technological capacity increases, perpetrators adapt and employ technology that makes it more difficult for police to detect offences. Research from Europol states that those who possess, share and create indecent images are increasingly using encrypted platforms to conduct their activities.<sup>421</sup> The result is that data is increasingly only accessible through a password or PIN, with even the hosting companies and apps sometimes unable to fully access it.

Police will always seek co-operation and consent where possible, but in cases where the suspect refuses to disclose passwords they will need to consider powers under the Regulations of Investigatory Powers Act (RIPA). Section 49 of RIPA allows officers to serve a notice on a person who holds the key to an electronic device which requires them to disclose the keys in a specified time frame. If the person refuses to give up those keys Section 53 allows them to be charged.<sup>422</sup> If they are found guilty in a case of national security and child indecency, they can receive a maximum sentence of up to five years in prison.<sup>423</sup> The legislation was originally designed for use in cases of terrorism and national security with provisions for child indecency being added later.<sup>424</sup> The Codes of Practice which govern this shows that it covers a wide range of scenarios, including situations where notices are served on companies and third-party individuals who are not the subject of the intended conduct.<sup>425</sup>

There is very little information readily available about the use of Section 49 notices by police and government agencies. What information is obtainable suggests the legislation is being used quite infrequently. The most recent information states that in 2019 there were 139 applications granted by the National Technical Assistance Centre (NTAC). In 2018 the number was much smaller, with only 66 approvals being granted.<sup>426</sup> In 2017 NTAC received 108 applications, of which only two were declined.<sup>427</sup>

The Investigatory Powers Commissioner's Office (IPCO) commented that these notices are typically served post arrest in cases of drug supply and child sexual abuse and exploitation. The IPCO also found them to be justified and compliant, suggesting this may be due to the need for judicial approval and advice from NTAC. IPCO information for 2013–2014 provides a slightly more detailed breakdown of the use of S49 Notices. It shows NTAC granted 76 approvals from 76 applications only two of which resulted in convictions, one for a CSAM offence and the other for the importation of controlled substances.<sup>428</sup>

421 *EUROPOL*, Internet Organised Crime Threat Assessment, October 2020, [Accessed via: [www.europol.europa.eu/activities-services/main-reports/internet-organised-crime-threat-assessment-iocta-2020](http://www.europol.europa.eu/activities-services/main-reports/internet-organised-crime-threat-assessment-iocta-2020)]

422 *Legislation.uk*, Regulation of Investigatory Powers Act 2000, accessed January 2021, [Accessed via: [www.legislation.gov.uk/ukpga/2000/23/contents](http://www.legislation.gov.uk/ukpga/2000/23/contents)]

423 *Legislation.uk*, Regulation of Investigatory Powers Act 2000, accessed January 2021, [Accessed via: [www.legislation.gov.uk/ukpga/2000/23/contents](http://www.legislation.gov.uk/ukpga/2000/23/contents)]

424 *Legislation.uk*, Police and Crime Act 2009, accessed January 2021, [Accessed via: [www.legislation.gov.uk/ukpga/2009/26/section/26](http://www.legislation.gov.uk/ukpga/2009/26/section/26)]

425 Home Office, Investigation of Protected Information: Revised Code of Practice, August 2018, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/742064/RIPA\\_Part\\_III\\_Code\\_of\\_Practice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742064/RIPA_Part_III_Code_of_Practice.pdf)]

426 *Investigatory Powers Commissioner's Office*, Annual Report of the Investigatory Powers Commissioner 2019, December 2020

427 *Investigatory Powers Commissioner's Office*, Annual Report of the Investigatory Powers Commissioner 2017, January 2019, [Accessed via: [www.ipco.org.uk/docs/IPCO%20Annual%20Report%202017%20Web%20Accessible%20Version%2020190131.pdf](http://www.ipco.org.uk/docs/IPCO%20Annual%20Report%202017%20Web%20Accessible%20Version%2020190131.pdf)]

428 Office of Surveillance Commissioners, Annual Report 2013, September 2014, [Accessed via: [www.ipco.org.uk/docs/OSC\\_Annual\\_Report\\_2013-14.pdf.pdf](http://www.ipco.org.uk/docs/OSC_Annual_Report_2013-14.pdf.pdf)]

It is highly likely that the low uptake on S49 powers is a result of the timescale and complexity of obtaining it. The London Child Exploitation Operating Protocol lays out the process for obtaining a S49 Notice.<sup>429</sup> The first stage is to see if the device can be forced open by forensics experts. Opening a device in this manner is often possible but it comes at a considerable cost. Software is expensive and opening a device can take months, if not years.<sup>430</sup>

If it is not possible to gain access, the case has to be referred to NTAC who have been designated as gatekeepers by the RIPA Codes of Practice.<sup>431</sup> NTAC will conduct their own checks following a detailed consultation with the Officer in Charge of the Investigation in order to decipher exactly which bits of data are not obtainable. Upon NTAC approving an application an officer will need to seek approval from a Circuit Judge. If approval is granted then the Section 49 notice can be served. The notice provides a date by which the keys must be provided. If the person still refuses to comply, they can be charged and prosecuted under Section 53 of the Act.

The process is intended as a last resort, an option where all else fails. While there are provisions in the codes of practice in urgent cases, most CSAM investigations will not operate in those timescales due to the time taken to download data at the lab and grade content.

Requiring such a high level of authorisation may deter officers from the process, causing them to overlook devices with higher levels of encryption and instead focusing on devices which they are more likely to be able to open by brute force, or which the suspect has provided the keys for. In the latter scenario suspects could control which devices officers can quickly access. This would prevent officers from getting a full picture of their offending and potentially throw them off the scent of more serious images which may be present on another device. In particular, officers will be looking out for newly generated images. If such images are found, considerable effort and expertise will be used to try to locate the child in question with the hope that steps can be taken to rescue and remove that child from an abusive situation. Furthermore, if the images have been created by the suspect themselves, the inability to get into those devices could prevent officers from uncovering contact offences.

In addition, investigations caused by suspects refusing to disclose keys will increase the amount of time a potentially dangerous first-time offender does not spend on a register. In cases where victims/survivors are identified it will also postpone any sense of closure, they may be able to gain at the conclusion of criminal proceedings.

Devices only represent part of the picture and we must also be mindful of data held in the cloud or on online password protected platforms. There is a real risk of offenders being bailed and taking back control of online accounts which the police have not yet been able to process.

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429 *Metropolitan Police*, The London Child Sexual Exploitation Operating Protocol, June 2017, [Accessed via: [www.met.police.uk/SysSiteAssets/media/downloads/central/advice/met/child-abuse/the-london-child-sexual-exploitation-operating-protocol.pdf](http://www.met.police.uk/SysSiteAssets/media/downloads/central/advice/met/child-abuse/the-london-child-sexual-exploitation-operating-protocol.pdf)]

430 *Parliament.uk*, Digital Forensics and Crime, 9 March 2016, [Accessed via: <https://post.parliament.uk/research-briefings/post-pn-0520/>]

431 *Home Office*, Investigation of Protected Electronic Information: Revised Code of Practice, August 2018, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/742064/RIPA\\_Part\\_III\\_Code\\_of\\_Practice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742064/RIPA_Part_III_Code_of_Practice.pdf)]

It is therefore recommended that new legislation is introduced which is narrower in scope than the current S49 RIPA notice. This legislation would specifically apply to people who are suspects in a live investigation for an indictable offence. It would be applicable where police are seeking access to devices and accounts which the suspect is reasonably believed to have ownership of. The charge could be obtained while other offences are being investigated. In any prosecutions that followed if the devices were opened later by brute force or with NTAC assistance, inferences could be drawn in court from the fact the person initially refused to co-operate with police. It could also be taken into consideration at sentencing.

Checks on this new power could be provided in the form of authorisation by a police officer of the rank of Inspector. A detailed justification of the proportionality and necessity to obtain keys would need to be completed and the investigating officer would need to evidence the suspect's refusal to disclose keys. Officers would also be required to fully explain to the suspect of what offence they would be committing with their legal representative present. The process would still be subject to IPCO oversight and could be incorporated into a wider review around the practice of device and cloud downloads by police in criminal investigations.<sup>432</sup>

While there are privacy concerns, these should be viewed in the context of the levels of authorisation required in the exercising of other police powers. Upon arrest for an indictable offence, a search of a person's home address can be authorised by an officer of the rank of Inspector under Section 18 of the Police and Criminal Evidence Act.<sup>433</sup>

**The result is that police may fail to get a full picture of the suspect's offending, possibly missing opportunities to safeguard vulnerable children, or the case will be closed without charges being brought forward where they otherwise might have been.**

By refusing to disclose the keys, suspects either prevent police from exhausting all reasonable lines of enquiry, or absorb time, money and resources by forcing them to gain access by other means. The danger is that officers will be deterred from attempting to gain access to the devices and accounts and instead seek to build the investigation on less promising lines of enquiry. The result is that police may fail to get a full picture of the suspect's offending, possibly missing opportunities to safeguard vulnerable children, or the case will be closed without charges being brought forward where they otherwise might have been.

The process to issue a Section 49 RIPA notice is overly convoluted which makes it easy for a suspect to frustrate a police investigation. Consideration should be given to reforming the process so that it can be deployed at an earlier stage in investigations involving CSAM. This will help the police to conduct more prompt and effective investigations, while also saving time and resources.

432 *Information Commissioner's Office*, Mobile phone data extraction by police forces in England and Wales, June 2020, [Accessed via: [https://ico.org.uk/media/about-the-ico/documents/2617838/ico-report-on-mpe-in-england-and-wales-v1\\_1.pdf](https://ico.org.uk/media/about-the-ico/documents/2617838/ico-report-on-mpe-in-england-and-wales-v1_1.pdf)]

433 *Legislation.uk*, Police and Criminal Evidence Act 1984, accessed January 2021, [Accessed via: [www.legislation.gov.uk/ukpga/1984/60/contents](http://www.legislation.gov.uk/ukpga/1984/60/contents)]

## Police safeguarding response

We must also address those child victims/survivors who are currently receiving a policing response rather than a safeguarding response. 'Daisy' shared her story with the Independent Inquiry into Child Sexual Abuse: 'Daisy describes a happy childhood until, at age 12, she made friends with a girl whose mother took drugs and was involved in prostitution. Daisy explains that she then started to drink and would go missing. She was introduced to a group of men and would drink heavily with them in a flat. She explains that she first saw this as friendship, but when aged 13, the sexual abuse started. Men, 10 or 20 years older than her, told her that they were her boyfriends and that they were in love.

From age 13, Daisy was well known to the police. She was arrested and charged on a number of occasions, often connected to the abuse that she was suffering. Daisy explains, 'It was always like drunk and disorderly, assault, racial abuse. It was always when I was out with Asian men. Never once was anyone ever arrested, only ever me.' Daisy told police officers that she was forced into sex and physically abused, but no action was taken against the perpetrator... she became a regular at the Youth Offenders' Court in Rochdale. Her solicitor tried to explain the abuse that Daisy was suffering, but no investigation was conducted. Instead, Daisy was sentenced to four months in a Young Offenders' Institution at age 15'.<sup>434</sup>

Daisy was plainly presenting as suffering from extreme harm and had even disclosed her abuse, yet she was still treated as a criminal. The criminalisation of exploited children belies that a lack of understanding of how criminal exploitation works and intersects with sexual exploitation which is why we have recommended a statutory definition of CCE be introduced.

### **The criminalisation of exploited children belies that a lack of understanding of how criminal exploitation works and intersects with sexual exploitation.**

But the heart of Daisy's appalling experiences is evidence of a victim-blaming culture that urgently needs addressing. Commissioner Maggie Oliver explains the issue that needs eradicating: 'It is no longer acceptable that institutions continue to treat children as complicit in their exploitation and abuse. There is no justification for police and CPS failing to act when a child is in a so-called 'relationship' with an adult... Many of the really complex cases start with regular missing children or where offences have taken place, and sadly these early warning signs are often ignored and not acted on'.<sup>435</sup>

If a child is seen as being complicit in the abuse they are suffering or engaging in a lifestyle choice, it is less likely they will receive the safeguarding interventions they are entitled to. Victim blaming attitudes pose a real threat to the safety of children. To that end, we recommend that the College of Policing develops mandatory training for all police recruits that unpacks victim-blaming, explains its consequences and provides detail on how victims/survivors can present. This training would not only be beneficial for policing

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434 //CSA, Child sexual exploitation by organised networks investigation post hearing submissions on behalf of Maggie Oliver and John Wedger, accessed January 2021, [Accessed via: [www.iicsa.org.uk/key-documents/24543/view/inq006352.pdf](http://www.iicsa.org.uk/key-documents/24543/view/inq006352.pdf)]

435 //CSA, Child sexual exploitation by organised networks investigation post hearing submissions on behalf of Maggie Oliver and John Wedger, accessed January 2021, [Accessed via: [www.iicsa.org.uk/key-documents/24543/view/inq006352.pdf](http://www.iicsa.org.uk/key-documents/24543/view/inq006352.pdf)]

CSE but would help more broadly in crimes where power and exploitation are features, for example in county lines, modern slavery and domestic abuse policing. This training should be developed in conjunction with third sector organisations with a specialism in victim/survivor support.

A member of the Survivors Group spoke to the importance of police sensitivity early in cases and referred to incidents of the police showing up at the front door to take evidence in marked clothing and marked cars. He expressed how difficult that could make life for victims/survivors in small communities, inviting questions from neighbours about why the police were at your home. To support both victims/survivors and their families to work with the police while retaining their dignity and privacy in their community, we recommend that individual forces assess their ability to ensure that all community-based police responses to CSA allegations can be undertaken by a plain clothes officer with the appropriate safeguarding specialism in an unmarked car. If this service is currently patchy, resourcing requests need to be made.

The safeguarding specialism point here is also crucial. In response to funding restraints, police forces have moved in recent years from dedicated child protection units to more broadly focused public protection units and in some cases ‘omni-competent’ policing, where the detectives can be placed on investigations on the full range of crimes the force responds to.<sup>436</sup> This naturally signals a move away from specialism which will impact victims/survivors of CSA. The NSPCC engaged with a police trainer in an area that was deployed an ‘omni-competent’ model who expressed that this move was down to funding restraints as opposed to ‘a move towards excellence’.<sup>437</sup> This is a measure we would wish to see examined by the Joint Inspectorates so we can establish better what the impact is on service provision.

## Recommendations

- PACE Code G should be amended to make clear that a voluntary attendance suspect can be arrested on arrival at the police station in order to facilitate use of bail and this measure should be clarified in College of Policing training.
- Guidance should be issued to judges that they ought to be checking whether a victim/survivor has had their Special Measures entitlements explained to them by the police as part of the Plea and Trial Preparation Hearings.
- Forces should use proactive policing in CSE wherever possible to disrupt harm and should this require an additional funding increase, this must be reflected in Home Office bids into the Comprehensive Spending Review.
- The College of Policing should develop mandatory training for all police recruits that unpacks victim blaming, explains its consequences and provides detail on how victims/survivors can present.

436 NSPCC, Falling short? A snapshot of young witness policy and practice, February 2019, [Accessed via: <https://learning.nspcc.org.uk/media/1672/falling-short-snapshot-young-witness-policy-practice-full-report.pdf>]

437 NSPCC, Falling short? A snapshot of young witness policy and practice, February 2019, [Accessed via: <https://learning.nspcc.org.uk/media/1672/falling-short-snapshot-young-witness-policy-practice-full-report.pdf>]

- Individual forces should assess their ability to ensure that all community-based police responses to CSA allegations can be undertaken by a plain clothes officer with the appropriate safeguarding specialism in an unmarked car.
- The Joint Inspectorates should review the impact of the move in some forces from child protection units to more broadly focused public protection units and in some cases 'omni-competent' policing to better establish the impact on service provision.

## chapter nine

# Offender focused response

### The case for interventions

There are resourcing challenges in delivering effective interventions and preventative work with CSA/E perpetrators. It can be difficult to justify why money that could be going to victims/survivors is instead being diverted to perpetrators. However, if we want to prevent children from being harmed, we have to do everything in our power to try to stop offending whether we like it or not.<sup>438</sup> If we do not intervene to prevent these criminal behaviours, we are putting our own uneasiness ahead of keeping children safe.

Our first line of defence in preventing offences against children should be ensuring that high-quality support is available for those who have a sexual interest in children. The affordability and accessibility of therapy added to the challenge of identifying a therapist who is willing and equipped to support the individual can create a barrier for those seeking support.

**If we don't intervene to prevent these criminal behaviours, we are putting our own uneasiness ahead of keeping children safe.**

The Lucy Faithfull Foundation, a dedicated support service for people concerned about their feelings and thoughts regarding children, says that 40% of those who call for help do not get through because the lines are busy.<sup>439</sup> Those who are worried about their impulses but do not wish to offend or want help to cease offending must be able to access support. The Home Office should support any bid from The Lucy Faithfull Foundation to increase their capacity to take more calls as part of the Comprehensive Spending Review process.

An online survey supported by The Lucy Faithfull Foundation found that the majority of people with a sexual interest in children who had not sought help were concerned about being reported. Other barriers included concerns about confidentiality and the

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438 *Centre of Expertise on Child Sexual Abuse, Nacro*, Interventions for perpetrators of child sexual exploitation: a scoping study, February 2018, [Accessed via: [www.csacentre.org.uk/documents/cse-interventions](http://www.csacentre.org.uk/documents/cse-interventions)]

439 *The Lucy Faithfull Foundation*, Our Impact, accessed July 2020, [Accessed via: [www.lucyfaithfull.org.uk/our-impact.htm](http://www.lucyfaithfull.org.uk/our-impact.htm)]

belief that there was nothing that could be done to help them control their behaviour.<sup>440</sup> Concerningly, of those who had sought support in the past, 33% said they did not find it helpful.<sup>441</sup> Clearly there are barriers to seeking treatment and issues surrounding the accessibility of high-quality support.

If keeping children safe is the ultimate goal, rehabilitation and forcing offenders to confront their offending behaviour should also be a priority. This is not to say that mandatory rehabilitative efforts should replace custodial sentencing. Just because an abuser may be amenable to treatment does not mean they should not be punished for their crimes. Tackling recidivism where possible should be more seriously and strategically investigated.

## Offender typology

CSA is a crime type that is overwhelmingly perpetrated by men. The Crime Survey of England and Wales for the year ending March 2019 indicated that 92% of those who had been sexually abused in childhood were hurt by men with 4% abused by a woman. The rest had been abused by both a man and a woman.<sup>442</sup> This is not to say that we do not need to be concerned about female offenders. We all recall with horror the case of Vanessa George, the Plymouth based nursery worker who harmed countless infants and toddlers.<sup>443</sup>

Reported cases of CSA perpetrated by women increased by 84% in England and Wales between 2015 and 2019 with one criminologist expressing her view that these figures were just the 'tip of the iceberg'.<sup>444</sup> We know that all sexual crimes against children are underreported and Katharine Cox, services manager of Survivors UK stated that these figures didn't necessarily represent an increase in abuse but rather that more victims/survivors felt empowered to come forward.<sup>445</sup> We must ensure that those who do find the strength to come forward are believed and supported no matter who has abused them.

Beyond the fact that offenders are predominantly men it is very difficult to be more specific about an offender typology. We will explore the motivations and profiles of grooming gang offenders later within this report. More generally speaking though, given the difficulty of identifying potential offenders, programmes that incentivise sign up from self-identified potential child sexual abusers like helplines and groups are critical.

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440 *Sage Publications Inc.*, Preventing Sexual Abuse: Perspectives of Minor-Attracted Persons About Seeking Help, September 2018, [Accessed via: [www.deepdyve.com/lp/sage/preventing-sexual-abuse-perspectives-of-minor-attracted-persons-about-1S0Dal1vTj?key=sage](http://www.deepdyve.com/lp/sage/preventing-sexual-abuse-perspectives-of-minor-attracted-persons-about-1S0Dal1vTj?key=sage)]

441 *Sage Publications Inc.*, Preventing Sexual Abuse: Perspectives of Minor-Attracted Persons About Seeking Help, September 2018, [Accessed via: [www.deepdyve.com/lp/sage/preventing-sexual-abuse-perspectives-of-minor-attracted-persons-about-1S0Dal1vTj?key=sage](http://www.deepdyve.com/lp/sage/preventing-sexual-abuse-perspectives-of-minor-attracted-persons-about-1S0Dal1vTj?key=sage)]

442 *Crime Survey of England and Wales*, Office for National Statistics, Child sexual abuse in England and Wales: year ending March 2019, January 2020, [Accessed via: [www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childsexualabuseinenglandandwales/yearendingmarch2019](http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childsexualabuseinenglandandwales/yearendingmarch2019)]

443 *The Independent*, Vanessa George: Paedophile nursery worker banned from Devon and Cornwall after release from prison, 13 September 2019, [Accessed via: [www.independent.co.uk/news/uk/home-news/vanessa-george-release-prison-ban-cornwall-devon-nursery-child-abuse-a9103626.html](http://www.independent.co.uk/news/uk/home-news/vanessa-george-release-prison-ban-cornwall-devon-nursery-child-abuse-a9103626.html)]

444 *BBC News*, Female child sex abuse 'remains taboo' while victims struggle, January 2021, [Accessed via: [www.bbc.co.uk/news/uk-55338745](http://www.bbc.co.uk/news/uk-55338745)]

445 *BBC News*, Female child sex abuse 'remains taboo' while victims struggle, January 2021, [Accessed via: [www.bbc.co.uk/news/uk-55338745](http://www.bbc.co.uk/news/uk-55338745)]

## Sex offenders register

Anyone convicted of an offence listed in Schedule 3 of the Sexual Offences Act 2003 (including rape, assault by penetration, indecent photographs of children offences, sexual communication with a child) is also required to update the police on specified information such as passport and identity documents details, address, bank and credit card details and any intention to stay in a residence where a child lives. Policing records of this information is what is known as ‘the sex offenders register’.<sup>446</sup> A convicted offender can be required to adhere to these notification requirements for an indefinite or fixed length of time depending on the nature of their crimes.<sup>447</sup> A breach of these notification requirements will result in a penalty ranging from a fine to a five-year custodial sentence.<sup>448</sup>

The Safeguarding Alliance has identified a concerning loophole in notification requirements for sex offenders. Those subject to the sex offenders register are required to tell the police if they change their names within three days of doing so. While breaching this requirement is a criminal offence, this is essentially an honours system with the onus on the individual to keep the police up to date. A Freedom of Information Act campaign conducted by The Safeguarding Alliance indicated that over 900 offenders may have changed their names without notifying the police and are now living under the radar.<sup>449</sup>



This is obviously a problem for two reasons: firstly, losing sight of where an individual who has been deemed a sexual risk is clearly very worrying and could mean the police miss information that forms other notification requirements such as whether the individual is staying in a residence that a child lives at.<sup>450</sup> Secondly, following the tragic murder of

446 *House of Commons Library*, Registration and Management of Sex Offenders, July 2017, [Accessed via: <https://commonslibrary.parliament.uk/research-briefings/sn05267>]

447 *House of Commons Library*, Registration and Management of Sex Offenders, July 2017, [Accessed via: <https://commonslibrary.parliament.uk/research-briefings/sn05267>]

448 *House of Commons Library*, Registration and Management of Sex Offenders, July 2017, [Accessed via: <https://commonslibrary.parliament.uk/research-briefings/sn05267>]

449 *The Safeguarding Alliance*, Right to Know Campaign, July 2020, [Accessed via: [www.thesafeguardingalliance.org.uk/campaign](http://www.thesafeguardingalliance.org.uk/campaign)]

450 *House of Commons Library*, Registration and Management of Sex Offenders, July 2017, [Accessed via: <https://commonslibrary.parliament.uk/research-briefings/sn05267>]

schoolgirl Sarah Payne, the Government introduced the Child Sex Offender Disclosure Scheme. This permits members of the public to inquire about any known child protection risk posed by a named individual.

The goal driving this scheme is for parents and carers to be able to access information that helps them better protect their children. Where there is a conviction for sexual offences against children or a disclosure of other information may be necessary to protect a child, there is a presumption that this will be shared.<sup>451</sup> The threshold to make such an inquiry is deliberately low to incentivise the use of the scheme, and while this programme will plainly not capture everyone who is a risk to children, the use of it should be encouraged and the public should be better aware of its existence. If an individual has changed their name, relevant information may not be flagged.

Education Select Committee Chair Robert Halfon MP has also raised this issue, sharing evidence that 'registered sex offenders are able to change their name... for as little as £15'.<sup>452</sup> He has highlighted that when completing Gov.uk deed poll forms at no stage are you required to detail any offending history you may have. He also flags that changing one's name could allow you to apply for a DBS under your new name which could then enable you to be able to work with children and vulnerable adults. He cites the better practice example of Greece, where convicted offenders are required to make an application to the court should they wish to change their name and do not have an automatic right to do so with the individual bearing the responsibility for court costs.<sup>453</sup>

**The Disclosure and Barring Service should be mandating that a birth certificate forms part of the identification process to help ensure that those who pose a risk are not acquiring clean DBS forms as a result of having changed their names.**

Given how cheap and simple it is to change ones name by deed poll, the Safeguarding Alliance also suggest that the UK emulates other countries in requiring 'granted name changes (to be) automatically disclosed to the relevant authorities removing the onus of disclosure from the offender and facilitating a joined-up approach between agencies'.<sup>454</sup> Government should look at how best to ensure that sex offenders cannot change their name to deceive or circumvent notification requirements on them and which statutory body should take regulating deed poll into their remit. As a first step, the Disclosure and Barring Service (DBS) should be mandating that a birth certificate forms part of the identification process to help ensure that those who pose a risk are not acquiring clean DBS forms as a result of having changed their names. Government should then publish statutory guidance for organisations that work with children and vulnerable adults working with children that employees should have their birth certificate checked alongside their DBS to ensure existing staff members do not pose a threat.

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451 *Home Office*, Child sex offender disclosure scheme guidance document, 29 October 2010, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/184095/disclosure-scheme-guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/184095/disclosure-scheme-guidance.pdf)]

452 *ConservativeHome*, Sex offenders are slipping through the net. They must be stopped, October 2019, [Accessed via: [www.conservativehome.com/thecolumnists/2019/10/robert-halfon-sex-offenders-are-slipping-through-the-net-they-must-be-stopped.html](http://www.conservativehome.com/thecolumnists/2019/10/robert-halfon-sex-offenders-are-slipping-through-the-net-they-must-be-stopped.html)]

453 *ConservativeHome*, Sex offenders are slipping through the net. They must be stopped, October 2019, [Accessed via: [www.conservativehome.com/thecolumnists/2019/10/robert-halfon-sex-offenders-are-slipping-through-the-net-they-must-be-stopped.html](http://www.conservativehome.com/thecolumnists/2019/10/robert-halfon-sex-offenders-are-slipping-through-the-net-they-must-be-stopped.html)]

454 *The Safeguarding Alliance*, Right to Know Campaign, July 2020, [Accessed via: [www.thesafeguardingalliance.org.uk/campaign](http://www.thesafeguardingalliance.org.uk/campaign)]

It is important to note that the 900 registered sex offenders who have gone missing identified by The Safeguarding Alliance only represent data released by 16 of the 43 police forces.<sup>455</sup> It is likely then that the actual figure is far higher and thousands of registered sex offenders are off the radar. The worst-case scenario outcome is not unfeasible: that some of this number have acquired fresh names and are working or living alongside children. We must locate these individuals and safeguard children they may have access to. We recommend the Home Office commissions an urgent inquiry into this matter which represents a live safeguarding risk. We would also wish to see consideration given to whether the sex offenders register should comprise one national central repository rather than individual forces tracking those subjects to notification requirements.

This loophole has the potential to render DBS checks utterly redundant. The seriousness of this cannot be overstated.

## Motivations of grooming gang offenders

A concerted cross agency effort has been focused on CSE over the last decade. Our collective understanding of the characteristics of this type of abuse has been informed by the Jay Report and the many court cases that have followed revealing similar instances in many other towns.

That these patterns emerged in these ways in those places is beyond refute, however uncomfortable the revelations. The reduction that grooming involves white girl victims/survivors and British Pakistani perpetrators, whilst demonstrably true in many cases, should not be seen as a template. It tells us some of the story, not all of it. It associates one ethnic type of perpetrator with a crime that we know from the Jeffrey Epstein case, for example can also be carried out by wealthy, white men and women. It ignores the other victims/survivors whom we want to protect.<sup>456</sup>

The media focus we have seen on appalling crimes that fit within the South Asian abuser/white child model is deserved and appropriate – these children suffered terribly and were unforgivably let down. We must ensure that our deep and sincere sadness and anger on the behalf of these victims/survivors does not blind us to the fact that this is not the only model of CSE that exists.<sup>457</sup> A South Asian victim/survivor of the Telford grooming gang said: ‘The first time I was raped, I was only 11. I didn’t even know what sex was. I went from being an angel child to staying in bed, wanting to die... It doesn’t just happen to white girls, it happens to us too’.<sup>458</sup>

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455 *The Safeguarding Alliance*, Right to Know Campaign, July 2020, [Accessed via: [www.thesafeguardingalliance.org.uk/campaign](http://www.thesafeguardingalliance.org.uk/campaign)]

456 *Barnardo's*, ‘It’s not on the radar: The hidden diversity of children and young people at risk of sexual exploitation in England’, 2016, [Accessed via: [www.basw.co.uk/system/files/resources/it\\_s\\_not\\_on\\_the\\_radar\\_report\\_0.pdf](http://www.basw.co.uk/system/files/resources/it_s_not_on_the_radar_report_0.pdf)]

457 *NPCC, Victim Support, The Children’s Society*, Supporting black and minority ethnic children and young people experiencing child sexual exploitation, April 2018, [Accessed via: [www.iicsa.org.uk/key-documents/21458/view/NAP000038.pdf](http://www.iicsa.org.uk/key-documents/21458/view/NAP000038.pdf)]

458 *The Daily Mirror*, Silent voices of Telford grooming horrors speak out for the first time, August 2018, [Accessed via: [www.mirror.co.uk/news/uk-news/silent-voices-telford-grooming-horror-13031169](http://www.mirror.co.uk/news/uk-news/silent-voices-telford-grooming-horror-13031169)]

A white victim/survivor, horrifically exploited by the same gang said: 'We're sick of our ordeals being exploited by far-right groups who don't care about us, but about their own racist agenda. I've spoken to several girls from Asian communities who have felt unable to come forward. Children from all backgrounds can be sexually exploited, but those from ethnic minorities are far less likely to tell anyone. It's time to stand together and show they will be supported'.<sup>459</sup>

These are valid concerns that we should take seriously as there is evidence that having any discussion about the ethnicity of perpetrators can be distorted by groups that have an interest in stigmatising and intimidating non-white communities.

Failing to confront the fact that the welfare of poor white communities was systematically ignored because of misguided fears about community cohesion minimises the appalling harm caused to victims/survivors and gravely offends decent people who care deeply about child safety. But it also gives succour to a small and mean-minded minority who are primarily motivated by a wish to spout racial hate.

Ignoring the problem helps no one and simply must not happen. With regards to the impact of ethnicity on child sexual exploitation, Maggie Oliver puts it best: 'It is not race which defines these perpetrators, it is the desire of a small minority of men within respectable communities in a number of towns and cities to exploit children for sexual gratification. So, it is completely unacceptable to blame those communities for the conduct of these criminals, as the racist groups have done.

It is also unacceptable to shy away from an uncomfortable truth. There is a need to understand why and the extent to which there is a problem in particular communities and how police can work more effectively to eradicate that this criminality'.<sup>460</sup>

Across the broad range of CSE crimes, the evidence indicates that 'CSE exists across every ethnic grouping, both in terms of those perpetrating and those experiencing the abuse'.<sup>461</sup> In an interview with the Guardian Professor Jay said 'Let me always be clear and differentiate between child sexual exploitation and child sexual abuse. Because, as I'm sure you're aware, if you looked at the profile of child sexual abusers in the main, it's white men acting alone in the home. They are the greatest number of perpetrators. The point about child sexual exploitation is that there's an over-representation of certain minority ethnic groups, compared to numbers in the general population'.<sup>462</sup> While the Home Office report into the characteristics of CSE offenders pointed to white perpetrators are comprising the majority,<sup>463</sup> we must interrogate the specifics of offending as was seen in Rotherham and other English towns.

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459 *The Daily Mirror*, Silent voices of Telford grooming horrors speak out for the first time, August 2018, [Accessed via: [www.mirror.co.uk/news/uk-news/silent-voices-telford-grooming-horror-13031169](http://www.mirror.co.uk/news/uk-news/silent-voices-telford-grooming-horror-13031169)]

460 IICSA, Child sexual exploitation by organised networks investigation post hearing submissions on behalf of Maggie Oliver and John Wedger, accessed January 2021, [Accessed via: [www.iicsa.org.uk/key-documents/24543/view/inq006352.pdf](http://www.iicsa.org.uk/key-documents/24543/view/inq006352.pdf)]

461 *Public Health England*, 'Child sexual exploitation How public health can support prevention and intervention', [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/793351/Child\\_sexual\\_exploitation\\_how\\_public\\_health\\_can\\_support\\_prevention\\_and\\_intervention.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/793351/Child_sexual_exploitation_how_public_health_can_support_prevention_and_intervention.pdf)]

462 *The Guardian*, 'I've never needed therapy; I did get angry in Rotherham though', January 2018 [Accessed via: [www.theguardian.com/theguardian/2018/jan/20/alexis-jay-ive-never-needed-therapy-i-did-get-angry-in-rotherham-though](http://www.theguardian.com/theguardian/2018/jan/20/alexis-jay-ive-never-needed-therapy-i-did-get-angry-in-rotherham-though)]

463 *Home Office*, Group-based child sexual exploitation: characteristics of offending, December 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/944206/Group-based\\_CSE\\_Paper.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/944206/Group-based_CSE_Paper.pdf)]

The Jay Report is clear that when dealing with grooming-gangs 'political correctness' impeded fair treatment of the victims/survivors; that concern for community cohesion prevented effective action against CSE in towns with a distinct community of South Asian heritage. The critique is that the police particularly were afraid to confront patterns of offending where race or religion seemed disproportionately represented. A recently reported leak from the Independent Office for Police Conduct (IOPC) confirmed that it had upheld a complaint against South Yorkshire Police, which the force has accepted, that during the early 2010s it had failed to disrupt a gang of abusers for fear of provoking race riots.<sup>464</sup>

**If you looked at the profile of child sexual abusers in the main, it's white men acting alone in the home. They are the greatest number of perpetrators.**

As CSE is a largely a hidden crime which may only be exposed years later, the evidence base for assessing in the round the racial, ethnic or religious background of CSE offenders is necessarily incomplete. Interpreting data is also further complicated by the use of different terms by different agencies. Words including 'networks', 'groups' and 'gangs' are all associated with on-street grooming<sup>465</sup> and there is no official or specifically defined category of 'grooming gang' which would enable objective analysis as to particular racial or cultural prevalence amongst perpetrators. Nevertheless, taking prosecutions for grooming gangs as a guide, in this narrow field, typically the perpetrators have been predominantly men, drawn from tight knit family based or kinship groups of Pakistani, Kashmiri, Bangladeshi, and Bengali, also in some cases Moroccan and Somali heritage.<sup>466</sup>

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Despite the national uproar provoked by the scandal of 'grooming gangs' and the efforts of agencies to address the many issues raised there has been insufficient research into the motivation of the perpetrators.

Along with the International Centre at the University of Bedfordshire which specialises in researching child sexual exploitation we would urge that more research into the perpetrators be a priority: 'There is a market for the sexual abuse of children and young people and there are those prepared to facilitate such abuse for gain. We know little about this largely male population beyond the fact that it is large... There is almost no recent

464 *The Conversation*, 'Asian grooming gangs: how ethnicity made authorities wary', Hill, January 2020, [Accessed via: <https://theconversation.com/asian-grooming-gangs-how-ethnicity-made-authorities-wary-of-investigating-child-sexual-abuse-130099>]

465 *The Children's Commissioner*, 'If only someone had listened: Office of the Children's Commissioner's Inquiry into Child Sexual Exploitation in Gangs and Group', November 2013 [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2017/07/If\\_only\\_someone\\_had\\_listened.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/07/If_only_someone_had_listened.pdf)]

466 *Newcastle Safeguarding Children Board*, 'Joint Serious Case Review Concerning Sexual Exploitation of Children and Adults with Needs for Care and Support in Newcastle-upon-Tyne', February 2018, [Accessed via: [www.newcastle.gov.uk/sites/default/files/Final%20JSCR%20Report%20160218%20PW.PDF](http://www.newcastle.gov.uk/sites/default/files/Final%20JSCR%20Report%20160218%20PW.PDF)]

research on strategies to prevent, disrupt, deter, punish or treat those who sexually abuse children or control and exploit them so others may do so. We need to know so much more than the current evidence can tell us'.<sup>467</sup>

With specific consideration to grooming gangs there is a potential study available in the group of convicted perpetrators currently imprisoned. Based on recorded convictions we understand this is now over 200 individuals. Barrister David Spicer, who wrote the 2018 Serious Case Review into abuse in Newcastle was able to interview one jailed grooming gang member in the city.

He admitted abusing girls, including a homeless victim/survivor, but 'displayed no regret' and claimed the victims/survivors 'knew what they were doing', accusing the Government, police and a judge of paying witnesses in a conspiracy against him. Asked about his views on the UK, the man said 'you can get anything here... sex, drugs, alcohol' and spoke in a 'derogatory way about lack of morals in British girls and did not go with Muslim girls because there are not many of them'.<sup>468</sup>

The Home Office's own report 'Group-based Child Sexual Exploitation: Characteristics of Offending' identified that while motivations between offenders can differ, financial gain and misogyny can enable abuse. The report also spoke to the 'othering' of victims/survivors to create distance between them stating that this could take place 'in relation to the fact that they are from a different community or in relation to their gender'.<sup>469</sup> The potential for misogyny to enable abusive behaviours should be fully investigated as part of Relationships and Sex Education.

Findings drawn from a wider sample could significantly help to address the paucity of the evidence base which in turn continues to fuel controversy around the attribution of motivation in these crimes. More importantly, without adequate information about perpetrators we cannot target prevention measures at the root of the problem. Prevention is still overwhelmingly aimed at avoiding the danger posed by perpetrators, rather than by addressing the reasons why they abuse.

The report itself states that 'it is difficult to draw conclusions about the ethnicity of offenders as existing research is limited and data collection is poor'.<sup>470</sup> This is disappointing as the Home Office is best placed to improve data collection in this space.

It is encouraging that the Government's Tackling Child Sexual Abuse Strategy stated that 'Home Office will engage with criminal justice partners, academics, think tanks, charities and frontline professionals on improving the range of data currently collected, the quality of data collected, and drawing out insights from the data'<sup>471</sup> and we would hope that this process will improve data collection on the ethnicity of offenders.

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467 *University of Bedfordshire*, 'What works in responding to Child Sexual Exploitation', July 2019, [Accessed via: [www.beds.ac.uk/media/268527/what-works-in-cse-july2019.pdf](http://www.beds.ac.uk/media/268527/what-works-in-cse-july2019.pdf)]

468 *The Independent*, 'Grooming gangs abused more than 700 women and girls around Newcastle', February 2018, [Accessed via: [www.independent.co.uk/news/uk/crime/grooming-gangs-uk-britain-newcastle-serious-case-review-operation-sanctuary-shelter-muslim-asian-a8225106.html](http://www.independent.co.uk/news/uk/crime/grooming-gangs-uk-britain-newcastle-serious-case-review-operation-sanctuary-shelter-muslim-asian-a8225106.html)]

469 *Home Office*, Group-based child sexual exploitation: characteristics of offending, December 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/944206/Group-based\\_CSE\\_Paper.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/944206/Group-based_CSE_Paper.pdf)]

470 *Home Office*, Group-based child sexual exploitation: characteristics of offending, December 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/944206/Group-based\\_CSE\\_Paper.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/944206/Group-based_CSE_Paper.pdf)]

471 *Home Office*, Tackling Child Sexual Abuse Strategy, January 2021, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/954676/6.6378\\_HO\\_SOC\\_CSA\\_Report\\_Final\\_Web\\_3\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/954676/6.6378_HO_SOC_CSA_Report_Final_Web_3_.pdf)]

It is also welcome that the Home Office is funding the National Police Chief Council's Tackling Organised Exploitation Project to improve the organised exploitation evidence base and better understand offending behaviours. We are encouraged by the revival of a CSA Operations Database to show all on-going operations 'including details on victims and offender numbers, characteristics, and modus operandi'.<sup>472</sup> Once this data picture is better established, more conclusive and straightforward findings will be available on the characteristics of offenders. We will be better able to map interventions, emerging patterns and safeguarding responses. A data source that already exists on CSE perpetrators is those convicted of such crimes. Examining court transcripts, police interviews and witness statements could supplement these interviews and expand the evidence base.

We would recommend that alongside the CSA Operations Database, the Home Office undertake research to establish the prevalence of CSE broadly but also in conjunction with county lines offending so we can better understand the interconnect between the two forms of exploitation and the extent to which they are being perpetrated concurrently.

Regardless of ethnicity or religion, other characteristics seem prevalent across groomers. Experts we have spoken to including criminologist Dr Graham Hill and the author of the review into Operation Augusta, Gary Ridgeway have described how many of the men involved have been petty criminals, typically involved in low level drug dealing, considering themselves to be 'outsiders' or 'out-laws'.

Research for the Police Foundation underpins that sexual exploitation, including that of children, can become a feature of networks involved with other types of organised or low-level criminality. 'Group-based CSE often involved local-level drug dealers, taking advantage of vulnerable people, including children. Many of the perpetrators were living in the same deprived neighbourhoods and communities as the victim. This is serious and organised crime that does not necessarily move across borders or involve wealthy criminals who keep a safe distance from their crimes. It is serious and organised crime involving victims, offenders and harm that is rooted in the local neighbourhood'.<sup>473</sup>

Characteristically, as the *Journal of Criminal Law* describes, offenders have been found to experience some of the following deficiencies: low self-esteem, problematic relationship with adults, poor problem-solving abilities, feelings of inadequacy, loneliness, deep-rooted deviant sexual behaviour and complete lack of empathy for the victims/survivors.<sup>474</sup>

A common perception drawn from the reporting of grooming cases is that perpetrators are much older than victims/survivors. Whilst this has often been the case, as evidenced by convictions, the age range of perpetrators is wide. Frequently younger men in their late teens or early twenties have acted as recruiters for girls who are then introduced to older men in the wider network. Now though authorities are increasingly noting peer on peer abuse as a factor in CSE.<sup>475</sup>

472 Home Office, Tackling Child Sexual Abuse Strategy, January 2021, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/954676/6.6378\\_HO\\_SOC\\_CSA\\_Report\\_Final\\_Web\\_3\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/954676/6.6378_HO_SOC_CSA_Report_Final_Web_3_.pdf)]

473 The Police Foundation, 'Local police, charities and children's services: the spearhead in the fight against CSE', November 2016 [Accessed via: [www.police-foundation.org.uk/2016/11/local-police-charities-and-childrens-services-the-spearhead-in-the-fight-against-organised-child-sexual-exploitation](http://www.police-foundation.org.uk/2016/11/local-police-charities-and-childrens-services-the-spearhead-in-the-fight-against-organised-child-sexual-exploitation)]

474 *Journal of Criminal Law*, 'Preventing the criminalisation of children who have been victims of group-based sexual exploitation involving grooming tactics – understanding child sexual exploitation as enslavement' 2019

475 Somerset Safeguarding Children Partnership, 'What is topaz', [Accessed via: <https://sscb.safeguardingsomerset.org.uk/working-with-children/cse-protocols>]

Former Child Exploitation and Online Child Protection Command (CEOP), now academic criminologist Dr Graham Hill has profiled child sex abusers and of the grooming gang members he has talked to he says it was 'clear that they did not see their victims as children and therefore did not consider themselves to be sex offenders'.<sup>476</sup>

If there is any failure to understand the law in this country regarding the age of consent then that may need more resolutely explaining to and requiring of all citizens regardless of heritage. We recommend Government considers producing clear communication products to increase public understanding of the laws in this space, quite apart from anything so we can more robustly challenge those who claim they had no understanding that the child they were raping was indeed a child.

Alongside court transcripts and recorded evidence many of the experts we have spoken to have remarked on the extraordinary degree of violence, to the extent of torture, that has frequently featured in grooming cases and also now in CCE. In part this is to reinforce control, to subdue and terrorise victims/survivors so that they will not report. However, the extent of brutality seems frequently to have gone beyond anything that might be required for control and to venture into being an aim in itself.

We spoke to Pippa Hockton from the charity Street Talk which counsels prostituted people and she explained how many if not most of the women with whom she works were sexually abused and exploited in childhood. The transition from being controlled by a vicious groomer to being controlled by a vicious pimp can be a tragic but predictable outcome for some child victims/survivors. A common feature between the childhood and adult experience seems to be very high levels of violence suffered by the women, indicating that violent misogyny may be as much a driver of motivation in perpetrators as any conventional sexual imperative.<sup>477</sup>

According to criminologist Graham Hill: 'A common myth, for example, is that the behaviour of child sexual perpetrators is solely motivated by their need for sexual gratification. In fact, there is a substantial body of work that points to perpetrators having multifaceted motivations. It is not just about a need for sex and they are often seeking to fulfil other intrinsic needs such as a need for autonomy, power and control'.<sup>478</sup>

As aforementioned, there is a serious lack of information available about the motivations of child sexual exploitation offenders which the Government should urgently seek to redress. This is in large part because there is no specific CSE offence, with perpetrators punished for the same crimes as CSA offenders. As such, they are not categorised within the criminal justice data picture. This makes research in this space difficult.<sup>479</sup>

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476 *The Conversation*, 'Asian grooming gangs: how ethnicity made authorities wary', Hill, January 2020, [Accessed via: <https://theconversation.com/asian-grooming-gangs-how-ethnicity-made-authorities-wary-of-investigating-child-sexual-abuse-130099>]

477 *Street Talk*, 'Not Angry But Hurting: A model for therapy developed through work with women in street prostitution 2005–2018', Hockton, March 2019 [Accessed via: [www.amazon.co.uk/Street-Talk-Not-Angry-Hurting/dp/1911383248/ref=sr\\_1\\_1?ie=UTF8&qid=1545157856&sr=8-1&keywords=pip+hockton](http://www.amazon.co.uk/Street-Talk-Not-Angry-Hurting/dp/1911383248/ref=sr_1_1?ie=UTF8&qid=1545157856&sr=8-1&keywords=pip+hockton)]

478 *The Conversation*, 'Police forces need to better understand why perpetrators sexually abuse children', Hill, January 2017 [Accessed via: <https://theconversation.com/police-forces-need-to-better-understand-why-perpetrators-sexually-abuse-children-70628>]

479 *Centre of Expertise on Child Sexual Abuse, Coventry University*, Characteristics and perspectives of adults who have sexually exploited children: Scoping research, February 2018, [Accessed via: [www.csacentre.org.uk/documents/cse-adult-perpetrators-perspectives](http://www.csacentre.org.uk/documents/cse-adult-perpetrators-perspectives)]

On perpetrators of contact CSE, the Centre of Expertise on Child Sexual Abuse has not identified any tailored interventions for perpetrators of CSE in prison, probation or in the community. Treatment programmes do exist in prisons but are targeted at prisoners with a wider range of offending behaviours.<sup>480</sup>

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Community-based interventions also exist for perpetrators of sexual offences but tend to be based on voluntary engagement and are not specifically targeted and designed with CSE perpetrators in mind.<sup>481</sup> This could, in part, be a result of the offences that CSE perpetrators are charged with. While the Sexual Offences Act 2003 does include specific offences related to exploitation, such as paying for sexual services of a child and causing/inciting the sexual exploitation of a child,<sup>482</sup> many offenders will have rap sheets that comprise more general sexual offences against children. This means it can be difficult to demarcate individuals who require specialist CSE interventions.<sup>483</sup>

The lack of a specialist intervention could pose a serious problem in terms of engaging CSE offenders. As mentioned, these are not a discrete group but there is clearly a need for greater granularity in service provision for perpetrators. The Centre of Expertise on Child Sexual Abuse has received testimony that in group therapy with people with a range of sexual offences, an individual not seeing themselves as 'fitting' within the group can adversely impact their participation.<sup>484</sup>

We recommend that the Ministry of Justice works to develop more bespoke interventions for different cohorts of CSA offenders focused on harm reduction to be delivered both in prisons and in the community.

## Treatment in custody and the community

When it comes to treatment for sex offenders, research consensus indicates that cognitive behavioural therapy is the most impactful therapeutic method. It is also frequently suggested that group-based treatment can be very helpful for the individual in building peer support and social skills and works well alongside one-on-one interventions.<sup>485</sup>

480 *Centre of Expertise on Child Sexual Abuse, Nacro*, Interventions for perpetrators of child sexual exploitation: a scoping study, February 2018, [Accessed via: [www.csacentre.org.uk/documents/cse-interventions](http://www.csacentre.org.uk/documents/cse-interventions)]

481 *Centre of Expertise on Child Sexual Abuse, Nacro*, Interventions for perpetrators of child sexual exploitation: a scoping study, February 2018, [Accessed via: [www.csacentre.org.uk/documents/cse-interventions](http://www.csacentre.org.uk/documents/cse-interventions)]

482 *Sexual Offences Act 2003*, accessed September 2020, [Accessed via: [www.legislation.gov.uk/ukpga/2003/42/part/1/crossheading/abuse-of-children-through-prostitution-and-pornography](http://www.legislation.gov.uk/ukpga/2003/42/part/1/crossheading/abuse-of-children-through-prostitution-and-pornography)]

483 *Centre of Expertise on Child Sexual Abuse, Nacro*, Interventions for perpetrators of child sexual exploitation: a scoping study, February 2018, [Accessed via: [www.csacentre.org.uk/documents/cse-interventions](http://www.csacentre.org.uk/documents/cse-interventions)]

484 *Centre of Expertise on Child Sexual Abuse, Nacro*, Interventions for perpetrators of child sexual exploitation: a scoping study, February 2018, [Accessed via: [www.csacentre.org.uk/documents/cse-interventions](http://www.csacentre.org.uk/documents/cse-interventions)]

485 *Centre of Expertise on Child Sexual Abuse, Coventry University*, Characteristics and perspectives of adults who have sexually exploited children: Scoping research, February 2018, [Accessed via: [www.csacentre.org.uk/documents/cse-adult-perpetrators-perspectives](http://www.csacentre.org.uk/documents/cse-adult-perpetrators-perspectives)]

In recent years, convicted sex offenders serving custodial sentences would participate in a programme called Core Sex Offender Treatment Programme if they were deemed a suitable participant following a risk assessment matrix. Alarming, in 2017 this programme was found to be connected with higher levels of sexual reoffending and was swiftly abandoned to be replaced by two new programmes.<sup>486</sup> The first, Kaizen, is aimed at high risk offenders and draws from the Good Lives Model. This internationally deployed model focuses on a 'strengths-based approach' which aims to recognise an individual's strengths and support them to develop the skills they need to change. It essentially leverages the individuals desire for a pro-social, law-abiding future life and this positive approach has been found to increase the offender's appetite to engage in treatment.<sup>487</sup>

A real benefit of this new approach is that, since it focuses on developing skills for changing behaviours rather than on past crimes, it is suitable for those in custody who continue to deny their offence. Historically, these individuals were deemed unsuitable for interventions in prison.<sup>488</sup>

These new programmes are relatively new but their effectiveness should be reviewed by the Ministry of Justice once a sufficient evidence base exists so we can be reassured that they are working to reduce risk.

A thematic inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons yielded several findings on the management and supervision of men convicted of sexual offences that are relevant for our purposes. They found that the 'quality of offender management was often poor' and spoke to high caseloads meaning staff could only work reactively rather than developing relationships and delivering thorough and meaningful work. The inspection specifically raises the concern 'that the risk to the public from those released was not being managed sufficiently well'.<sup>489</sup>

It found specifically that release plans were not adequately coordinated between prison and community management teams, a problem that was exacerbated by insufficient appropriate accommodation for these men.<sup>490</sup>

For convicted offenders who require support post-custody, Circles of Support and Accountability stands out as a very meaningful intervention. This is when the perpetrator (core member) is at the centre of a group of volunteers from their community helping them to successfully reintegrate. This takes place alongside monitoring from criminal

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486 *Centre of Expertise on Child Sexual Abuse, Coventry University*, Characteristics and perspectives of adults who have sexually exploited children: Scoping research, February 2018, [Accessed via: [www.csacentre.org.uk/documents/cse-adult-perpetrators-perspectives](http://www.csacentre.org.uk/documents/cse-adult-perpetrators-perspectives)]

487 *Centre of Expertise on Child Sexual Abuse, Coventry University*, Characteristics and perspectives of adults who have sexually exploited children: Scoping research, February 2018, [Accessed via: [www.csacentre.org.uk/documents/cse-adult-perpetrators-perspectives](http://www.csacentre.org.uk/documents/cse-adult-perpetrators-perspectives)]

488 *Centre of Expertise on Child Sexual Abuse, Coventry University*, Characteristics and perspectives of adults who have sexually exploited children: Scoping research, February 2018, [Accessed via: [www.csacentre.org.uk/documents/cse-adult-perpetrators-perspectives](http://www.csacentre.org.uk/documents/cse-adult-perpetrators-perspectives)]

489 *HM Inspectorate of Probation, HM Inspectorate of Prisons*, Management and supervision of men convicted of sexual offences, January 2019, [Accessed via: [www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2019/01/Management-and-Supervision-of-men-convicted-of-sexual-offences-2.pdf](http://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2019/01/Management-and-Supervision-of-men-convicted-of-sexual-offences-2.pdf)]

490 *HM Inspectorate of Probation, HM Inspectorate of Prisons*, Management and supervision of men convicted of sexual offences, January 2019, [Accessed via: [www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2019/01/Management-and-Supervision-of-men-convicted-of-sexual-offences-2.pdf](http://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2019/01/Management-and-Supervision-of-men-convicted-of-sexual-offences-2.pdf)]

justice agencies for the purposes of public protection.<sup>491</sup> They were clear that ‘too many offenders are completing their sentence without sufficient work having been undertaken to reduce their risk of sexual offending’.<sup>492</sup>

A report from HMICFRS, Care Quality Commission, Ofsted and Her Majesty’s Inspectorate of Probation based on their joint targeted area inspections (JTAI) yielded very relevant findings for our purposes. They found ‘significant variation’ in how well offenders were being managed in the community by multi-agency public protection arrangements.<sup>493</sup> Inadequacies they identified included poor planning when offenders were scheduled to be released from prison, missed opportunities to engage with the families of offenders to sort out plans in advance of their release and some areas were not providing accommodation for released offenders that worked to both reduce their contact with minors and manage them in the communities.<sup>494</sup>

One area did not consistently conduct home visits to check in on offenders and manage their risk, meaning they could not be entirely sure where these offenders were living.<sup>495</sup> Needless to say, such practices can pose a real danger to children these offenders may have access to.

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The inspection suggested that while accredited sexual offending behaviour programmes are made available through probation for people serving sentences or post recent release, there was some variation in delivery standards. The model deployed in Shropshire was cited as strong given that the probation service delivers an accredited group programme named Horizon with another programme that operates similarly but is designed for those with learning difficulties.<sup>496</sup> They also maintain a multi-agency group who consider the risk posed by various offenders engaging in the programmes with all the relevant professional bodies involved. This they felt led to strong coordination and a better, broader understanding of risks both within individual homes and wider contexts.

491 *Centre of Expertise on Child Sexual Abuse, Nacro*, Interventions for perpetrators of child sexual exploitation: a scoping study, February 2018, [Accessed via: [www.csacentre.org.uk/documents/cse-interventions](http://www.csacentre.org.uk/documents/cse-interventions)]

492 *HM Inspectorate of Probation, HM Inspectorate of Prisons*, Management and supervision of men convicted of sexual offences, January 2019, [Accessed via: [www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2019/01/Management-and-Supervision-of-men-convicted-of-sexual-offences-2.pdf](http://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2019/01/Management-and-Supervision-of-men-convicted-of-sexual-offences-2.pdf)]

493 *HMIP, HMICFRS, CQC, Ofsted*, The multi-agency response to child sexual abuse in the family environment, May 2019, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862454/Multi\\_agency\\_response\\_to\\_child\\_sexual\\_abuse\\_in\\_the\\_family\\_environment\\_joint\\_targeted\\_area\\_inspections\\_JTAIs.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862454/Multi_agency_response_to_child_sexual_abuse_in_the_family_environment_joint_targeted_area_inspections_JTAIs.pdf)]

494 *HMIP, HMICFRS, CQC, Ofsted*, The multi-agency response to child sexual abuse in the family environment, May 2019, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862454/Multi\\_agency\\_response\\_to\\_child\\_sexual\\_abuse\\_in\\_the\\_family\\_environment\\_joint\\_targeted\\_area\\_inspections\\_JTAIs.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862454/Multi_agency_response_to_child_sexual_abuse_in_the_family_environment_joint_targeted_area_inspections_JTAIs.pdf)]

495 *HMIP, HMICFRS, CQC, Ofsted*, The multi-agency response to child sexual abuse in the family environment, May 2019, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862454/Multi\\_agency\\_response\\_to\\_child\\_sexual\\_abuse\\_in\\_the\\_family\\_environment\\_joint\\_targeted\\_area\\_inspections\\_JTAIs.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862454/Multi_agency_response_to_child_sexual_abuse_in_the_family_environment_joint_targeted_area_inspections_JTAIs.pdf)]

496 *HMIP, HMICFRS, CQC, Ofsted*, The multi-agency response to child sexual abuse in the family environment, May 2019, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862454/Multi\\_agency\\_response\\_to\\_child\\_sexual\\_abuse\\_in\\_the\\_family\\_environment\\_joint\\_targeted\\_area\\_inspections\\_JTAIs.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862454/Multi_agency_response_to_child_sexual_abuse_in_the_family_environment_joint_targeted_area_inspections_JTAIs.pdf)]

Fundamentally though, their assessment was that there was a paucity of services to reduce recidivism outside those offered by probation and that local partnerships were proving insufficient to manage the risk posed by offenders.<sup>497</sup> This leaves children vulnerable and urgently needs addressing. Ministry of Justice should conduct an audit to establish where 'blind spots' exist geographically and support local authorities identified to address these gaps.

## Civil orders

There are three main civil orders that are used to manage those who pose a risk of sexual harm to children: Sexual Risk Orders (SROs), Sexual Harm Prevention Orders (SHPOs) and Child Abduction Warning Notices (CAWNs).

There is no requirement for the individual subject to a Sexual Risk Order to have been convicted of a crime. Rather, there must be reasonable cause to believe that the individual should be subject to certain prohibitions to protect the public from harm because of an act of a sexual nature.<sup>498</sup>

As those individuals who might be eligible for a Sexual Risk Order are not post-conviction, a risk assessment of their behaviours is required to assess their suitability. Behaviours that might indicate eligibility will include associates of concern, past complaints to the police about them or worrying behaviours around children.<sup>499</sup> These orders can prevent an individual from a range of behaviours including internet use and foreign travel and breach of such an order is a criminal offence with a potential custodial sentence.<sup>500</sup>

Failure to comply with the terms of a Sexual Risk Order is a criminal offence, punishable by a sentence of up to six months in prison, or a fine, or both. More serious breaches carry a term of imprisonment up to five years.<sup>501</sup>

SROs are intended to cover behaviours where an adult is contacting and possibly grooming a child, but where that communication is not covered by Sections 15 & 15A of the Sexual Offences Act due to it not being sexual or no meeting occurring.

It is difficult to know the exact number of SROs issued because their details are often held across different systems.<sup>502</sup> The increase in notification requirements following a breach of an SRO, however demonstrates their increased usage.<sup>503</sup> The standard of proof is lower and so these can be powerful early intervention tools where an individual is associating with those connected to abusive people or in a location known as a CSE hotspot but

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497 *HMIP, HMICFRS, CQC, Ofsted*, The multi-agency response to child sexual abuse in the family environment, May 2019, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862454/Multi\\_agency\\_response\\_to\\_child\\_sexual\\_abuse\\_in\\_the\\_family\\_environment\\_joint\\_targeted\\_area\\_inspections\\_JTAls.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862454/Multi_agency_response_to_child_sexual_abuse_in_the_family_environment_joint_targeted_area_inspections_JTAls.pdf)]

498 *House of Commons Library*, Registration and Management of Sex Offenders, July 2017, [Accessed via: <https://commonslibrary.parliament.uk/research-briefings/sn05267>]

499 *House of Commons Library*, Registration and Management of Sex Offenders, July 2017, [Accessed via: <https://commonslibrary.parliament.uk/research-briefings/sn05267>]

500 *House of Commons Library*, Registration and Management of Sex Offenders, July 2017, [Accessed via: <https://commonslibrary.parliament.uk/research-briefings/sn05267>]

501 *House of Commons Library*, Registration and Management of Sex Offenders, July 2017, [Accessed via: <https://commonslibrary.parliament.uk/research-briefings/sn05267>]

502 *London Assembly*, Sexual Risk Orders, December 2018, [Accessed via: [www.london.gov.uk/questions/2018/5455](http://www.london.gov.uk/questions/2018/5455)]

503 *London Assembly*, Sexual Risk Orders, December 2018, [Accessed via: [www.london.gov.uk/questions/2018/5455](http://www.london.gov.uk/questions/2018/5455)]

they themselves have not yet been discovered committing crimes yet. We need better evidence about the extent to which these vital orders are being deployed so this central data collation is important.

Sexual Harm Prevention Orders allow a court to make a civil order where a person has been convicted of a relevant or sexual offence, and since that date, his conduct gives rise to concern that the order is necessary for the purpose of protecting the public from serious sexual harm, e.g. someone convicted of sexual offences against children.<sup>504</sup> They can prohibit a range of behaviours necessary in order to protect children and vulnerable adults both in the UK and overseas.<sup>505</sup> Such prohibitions may include preventing someone from engaging in certain behaviours on the internet or taking certain forms of employment. Breaching the terms of a Sexual Harm Prevention Order is also a criminal offence that can carry a sentence of five years imprisonment.<sup>506</sup>

In March 2015 the government replaced Sexual Offences Prevention Orders (SOPO) with Sexual Harm Prevention Orders. In doing this the test for the order was lowered from 'serious sexual harm' to 'sexual harm' allowing the Order to apply to a wider range of offenders.<sup>507</sup>

The impact of lowering the test can be seen in the spike in SHPOs granted in 2017/18, with 5,551 civil orders granted. However, since that year there have been fewer SHPOs granted year on year: 4,598 in 2018/19 and 4,395 in 2019/20.<sup>508</sup> It is unclear whether this is because the number of people eligible for SHPOs has simply reached a plateau, officials are not seeking SHPOs in cases where they should be or whether courts are becoming more reticent about granting them. Notably, while the number of sexual offenders has increased, and courts are imposing firmer sentences on sexual offenders<sup>509</sup> the number of offenders being sent to custody for breach of SHPOs has continued to decrease.<sup>510</sup>

SHPOs can be very powerful measures that serve a critical role in preventing re-offending and safeguarding children in their communities and so we should be incentivising their use wherever possible. We recommend both that HMICFRS monitors the use of SHPOs at force level to track the volume of use and that the Home Secretary writes to Chief Constables setting out that these civil orders exist as a vital tool for policing. Police forces should also assess their current ability to monitor those who are subject to such civil orders and if a resourcing challenge is identified, a bid should be made and supported by the Home Office.

504 *House of Commons Library*, Registration and Management of Sex Offenders, July 2017, [Accessed via: <https://commonslibrary.parliament.uk/research-briefings/sn05267>]

505 *House of Commons Library*, Registration and Management of Sex Offenders, July 2017, [Accessed via: <https://commonslibrary.parliament.uk/research-briefings/sn05267>]

506 *House of Commons Library*, Registration and Management of Sex Offenders, July 2017, [Accessed via: <https://commonslibrary.parliament.uk/research-briefings/sn05267>]

507 *CPS*, Sexual Harm Prevention Orders, January 2021, [Accessed via: [www.cps.gov.uk/legal-guidance/rape-and-sexual-abuse-chapter-14-sexual-harm-prevention-orders-shpos](http://www.cps.gov.uk/legal-guidance/rape-and-sexual-abuse-chapter-14-sexual-harm-prevention-orders-shpos)]

508 *Ministry of Justice*, Multi-agency Public Protection Arrangements, October 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/930302/MAPPA\\_Annual\\_Report\\_2019-20.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/930302/MAPPA_Annual_Report_2019-20.pdf)]; *Gov.uk*, Multi-agency public arrangements annual report: 2019 to 2020, October 2020, [Accessed via: [www.gov.uk/government/statistics/multi-agency-public-protection-arrangements-mappa-annual-report-2019-to-2020](http://www.gov.uk/government/statistics/multi-agency-public-protection-arrangements-mappa-annual-report-2019-to-2020)]

509 *Ministry of Justice*, Multi-agency Public Protection Arrangements, October 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/930302/MAPPA\\_Annual\\_Report\\_2019-20.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/930302/MAPPA_Annual_Report_2019-20.pdf)]

510 *Gov.uk*, Multi-agency public arrangements annual report: 2019 to 2020, October 2020, [Accessed via: [www.gov.uk/government/statistics/multi-agency-public-protection-arrangements-mappa-annual-report-2019-to-2020](http://www.gov.uk/government/statistics/multi-agency-public-protection-arrangements-mappa-annual-report-2019-to-2020)]

Child Abduction Warning Notices (CAWNs) are designed for cases where police are not able to prove offences of child abduction. The notices inform the offender that they may be considered for the offence of child abduction if they continue to associate with a child, even when the child initiates the contact and does so willingly. Crucially, they can also include information making plain the age of the child in question so offenders cannot later rely on not knowing they were under-age as a defence. They can be given with relative ease by police, but they have no statutory basis, and breach of a notice is not itself an offence, but rather can be used to provide evidence for other offences. A CAWN can be issued to a child under 16 not in the care of a local authority and a child under 18 in the care of a local authority.<sup>511</sup> As a result, there is a possible gap in the legislation that may leave children who are 16 or 17 and not in care vulnerable to exploitation. We recommend that the Home Office and the Ministry of Justice reviews this gap given that power imbalances, grooming and broader abusive behaviours and perfectly capable of being leveraged against children over the age of 16.

In February 2015 parliament considered whether to give CAWNs a statutory basis subject to authorisation by a Superintendent. Breach of a CAWN could result in arrest, being presented to court and a Child Abduction Warning Order being made. However, the government decided against this legislation with MPs arguing such a course of action would require evidence which would reduce the ease and speed with which the Notice could be served. The argument was put forward that if police had evidence of such behaviour an SRO should be sought.<sup>512</sup>

In 2016, forces were using the notices but were criticised for not following up with arrests if the notice was not complied with.<sup>513</sup> In addition, individual forces were found to be missing opportunities to issue them.<sup>514</sup> The 2019 HMICFRS thematic report into CSE made no mention of whether forces were doing better or still missing opportunities to safeguard children through issuing CAWNs. However, recently several forces have demonstrated good<sup>515</sup> and increased usage.<sup>516</sup> Again, the awareness of these civil orders which can be crucial disruptive tools and can counter-act claims that an offender was unaware of the age of the child in question should be optimised. We recommend the Home Secretary communicates this plainly to Chief Constables and that HMICFRS centrally monitors their use across policing.

**Insufficient policy attention has been paid to the impact of coercive control and broader domestic abuse on the ability of non-abusing parents to managed supervised contact and protect their children.**

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511 CPS, Child Abuse (non-sexual) prosecution guidance, February 2020, [Accessed via: [www.cps.gov.uk/legal-guidance/child-abuse-non-sexual-prosecution-guidance](http://www.cps.gov.uk/legal-guidance/child-abuse-non-sexual-prosecution-guidance)]

512 *arliament.uk*, February 2015, [Accessed via: <https://publications.parliament.uk/pa/cm201415/cmhansrd/cm150223/debtext/150223-0002.htm>]

513 HMIC, Missing children: who cares? The police response to missing and absent children, March 2016, [Accessed via: [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/missing-children-who-cares.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/missing-children-who-cares.pdf)]

514 HMIC, National Child Protection Inspections: Metropolitan Police Service, November 2016, [Accessed via: [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/met-national-child-protection-inspection.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/met-national-child-protection-inspection.pdf)]; HMICFRS, National Child Protection Inspections: Bedfordshire Police, July 2017, [Accessed via: [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/bedfordshire-national-child-protection-inspection.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/bedfordshire-national-child-protection-inspection.pdf)]

515 HMICFRS, National Child Protection Post-Inspection Review: Northamptonshire Police, July 2019, [Accessed via: [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/northamptonshire-national-child-protection-post-inspection-review.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/northamptonshire-national-child-protection-post-inspection-review.pdf)]

516 *London Assembly*, Child Abduction Warning Notices, December 2018, [Accessed via: [www.london.gov.uk/questions/2018/5456](http://www.london.gov.uk/questions/2018/5456)]

Concerningly, the Centre of Expertise on Child Sexual Abuse could find no evidence that these civil orders were being used alongside treatment.<sup>517</sup> The draft Domestic Abuse Bill recently published by the Government sets out their plans for the introduction of a new civil order, the Domestic Abuse Protection Order, to protect victims/survivors. Critically, Domestic Abuse Protection Orders will be able to contain positive requirements for those subject to the order. Essentially this means that on top of telling the perpetrator what they cannot do, the courts can compel them to perform certain actions like attending 'an intervention or parenting programme, or drug and alcohol treatment'.<sup>518</sup> We are delighted that the Tackling Child Sexual Abuse strategy considers extrapolating this principle and applying it to Sexual Risk and Sexual Harm Prevention Orders to mandate that the individual subject to the order attends treatment to reduce the risk they pose. We would encourage them to expedite this work.

Insufficient policy attention has been paid to the impact of coercive control and broader domestic abuse on the ability of non-abusing parents to managed supervised contact and protect their children. The Ministry of Justice, Department for Education and the Home Office should work to redress this paucity of evidence so that interventions can be made to support this specific cohort.

## Recommendations

- Funding the increased capacity and availability of organisations like The Lucy Faithfull Foundation should be a serious priority.
- Government should look at how best to ensure that sex offenders cannot change their name to deceive or circumvent notification requirements on them and which statutory body should take regulating deed poll into their remit.
- The Home Office should commission an urgent inquiry into 'missing' sex offenders to establish their location and activities.
- Alongside the CSA Operations Database, the Home Office undertake research to establish the prevalence of CSE broadly but also in conjunction with county lines offending so we can better understand the interconnect between the two forms of exploitation and the extent to which they are being perpetrated concurrently.
- Ministry of Justice should work to develop more bespoke interventions for different cohorts of CSA offenders focused on harm reduction to be delivered both in prisons and in the community.
- Ministry of Justice should conduct an audit to establish where 'blind spots' exist geographically for sex offender interventions and support local authorities identified to address these gaps.
- The Ministry of Justice, Department for Education and the Home Office should work to redress the paucity of evidence around the impact of coercive control and broader domestic abuse on the ability of non-abusing parents to managed supervised contact and protect their children so that interventions can be made to support this specific cohort.

517 *Centre of Expertise on Child Sexual Abuse, Nacro*, Interventions for perpetrators of child sexual exploitation: a scoping study, February 2018, [Accessed via: [www.csacentre.org.uk/documents/cse-interventions](http://www.csacentre.org.uk/documents/cse-interventions)]

518 *HMG*, Transforming the Response to Domestic Abuse: Consultation Response and Draft Bill, January 2019, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/772247/Transforming\\_the\\_response\\_to\\_domestic\\_abuse\\_-\\_consultation\\_response\\_and\\_draft\\_bill\\_-print.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772247/Transforming_the_response_to_domestic_abuse_-_consultation_response_and_draft_bill_-print.pdf)]



## chapter ten

# All frontline services response

### Recognising boys and young men as potential victims/survivors

CSA and E constantly evolve, meaning that inevitably there will be victims/survivors whose sexual exploitation has not yet been identified. Huge attention paid to grooming gangs, whilst justified, may give the impression that CSE is only a problem for white girls. Boys are now also increasingly victimised especially as the lines between criminal and sexual exploitation overlap.

This is not new. There is evidence that boys were sexually victimised by some grooming gangs. For example the serious case review into Operation Bullfinch which investigated grooming in Oxfordshire concluded that the scale of the abuse was not reflected in the cases that came to court. A serious case review published in 2015 (not online) found as many as 373 children, including 50 boys, might have been targeted in Oxfordshire over a 16-year period.<sup>519</sup> Over time detailed testimony and evidence of the experience of girl victims/survivors has been collated but much less is known or recorded about the experience of boys. This may reflect the greater difficulty in disclosing faced by boys and the greater tendency to keep abuse private until later in life, a point made in an interview with former CEOP officer and criminologist, Dr Graham Hill.

As we have seen, reluctance to disclose has multiple causes. Boys may experience more shame especially if there is early confusion about their sexuality. The CPS guidelines warn that LGBT+ teenagers are especially vulnerable to sexual abuse and exploitation because they may be blackmailed, unsure about their sexual orientation or unable to disclose sexual orientation to their families.<sup>520</sup>

A member of the Survivors Group said that horrible false gender stereotypes left some abused boys sometimes worried that disclosure would lead people to cast aspersions about their sexuality. Another expressed that for male victims and survivors, it was easy to read societal attitudes as 'man up'. A third shared his perspective on working with young

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519 *BBC News*, Oxfordshire grooming victims may have totalled 373 children, March 2015, [Accessed via: [www.bbc.co.uk/news/uk-england-oxfordshire-31643791](http://www.bbc.co.uk/news/uk-england-oxfordshire-31643791)]

520 *Crown Prosecution Service*, Child Sexual Abuse: Guidelines on Prosecuting Cases of Child Sexual Abuse, July 2017, [Accessed via: [www.cps.gov.uk/legal-guidance/child-sexual-abuse-guidelines-prosecuting-cases-child-sexual-abuse](http://www.cps.gov.uk/legal-guidance/child-sexual-abuse-guidelines-prosecuting-cases-child-sexual-abuse)]

men and recognised the harmful narrative of ‘manning up’. He raised the terrible stigma attached to sexual violence against young men who start opening up to him only when that trust connection has been built.

**False gender stereotypes left some abused boys sometimes worried that disclosure will lead people to cast aspersions about their sexuality.**

A common view is that too little is known about the sexual exploitation suffered by boys. There is an inadequate research base on the experiences of minoritised men and boys where it comes to child sexual abuse but the evidence available indicates that harmful gender stereotypes can also adversely impact them and that cultural norms related to masculinity can work to silence victims/survivors.<sup>521</sup>

In 2014 Barnardo’s recommended that the current advice on CSE be reviewed with particular attention to its effectiveness for boys, and for ‘young people with different gender identities and sexual orientations’. It went on to argue for the clear need to raise awareness among professionals and the general public about the fact that CSE affects males as well as females, ‘as there are currently hugely varying percentages of male victims/survivors reported across different geographical areas and services. Gender itself may be a factor that obscures identification of CSE – where, for example, gendered perceptions of masculinity mean young males are unlikely to talk about having been sexually exploited due to shame, fear, and concerns about being labelled gay due to homophobic social attitudes’.<sup>522</sup>

## Children and young people of colour as potential victims/survivors

We have indicated that the sexual abuse of children from all backgrounds can remain hidden crimes. Perpetrators can be highly effective at silencing children and disclosure may not be recognised by some professionals meaning children are left suffering and without support. But the Children’s Commissioner has been clear that children from Black, Asian and minority ethnic (BAME) groups are less likely to be noticed by authorities and find it more difficult to access high quality support and statutory services.<sup>523</sup>

It is important to clarify that ‘BAME’ is an indicator that can cause the experiences and perspectives of different people being treated as a monolith in a way that does not serve their individual needs. We simply do not have enough research available on how children from minoritised communities experience and disclose CSA/E and how we can step up our efforts to support them and protect them from further harm.<sup>524</sup>

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521 IICSA, ‘People don’t talk about it’: Child sexual abuse in ethnic minority communities, June 2020, [Accessed via: [www.iicsa.org.uk/key-documents/19530/view/ethnic-minorities-june-2020.pdf](http://www.iicsa.org.uk/key-documents/19530/view/ethnic-minorities-june-2020.pdf)]

522 Barnardo’s, NatCen, Research on the sexual exploitation of boys and young men: A UK scoping study, August 2014, [Accessed via: <https://pdfs.semanticscholar.org/54dc/9c3c13f849021539e74b347f95350c0a6824.pdf>]

523 CommunityCare, Safeguarding Black girls from child sexual abuse: messages from research, 14 November 2019, [Accessed via: [https://portsmouth.cityofsanctuary.org/wp-content/uploads/sites/123/2020/07/Safeguarding-Black-girls-from-child-sexual-abuse\\_CC-Inform.pdf](https://portsmouth.cityofsanctuary.org/wp-content/uploads/sites/123/2020/07/Safeguarding-Black-girls-from-child-sexual-abuse_CC-Inform.pdf)]

524 CommunityCare, Safeguarding Black girls from child sexual abuse: messages from research, 14 November 2019, [Accessed via: [https://portsmouth.cityofsanctuary.org/wp-content/uploads/sites/123/2020/07/Safeguarding-Black-girls-from-child-sexual-abuse\\_CC-Inform.pdf](https://portsmouth.cityofsanctuary.org/wp-content/uploads/sites/123/2020/07/Safeguarding-Black-girls-from-child-sexual-abuse_CC-Inform.pdf)]

While there is a paucity of research available on the sexual abuse of Black children some concerning messages are emerging. One critical finding is that Black girls are seen as less vulnerable than white girls with one study identifying that from as young as five, Black girls were seen as having more ‘adult-like’ qualities than white girls, a gap that widened between the ages of 10–14. This is known as ‘adultification’ and can impact the safeguarding responses that Black children receive. The concern would be that if a Black child victim/survivor was displaying maladapted or problematic behaviours, they may be less likely to be considered as a potential victim/survivor of abuse.<sup>525</sup> All frontline services and those working to address CSA should be trained on this effect and mindful of its potential to deliver a poor service for some children.

**If a Black child victim/survivor was displaying maladapted or problematic behaviours, they may be less likely to be considered as a potential victim/survivor of abuse.**

All child victims/survivors can face major barriers to disclosure, but IICSA found that these barriers could be even greater for children from minoritised communities. They explained that a particular concern amongst these victims/survivors was the potential impact of disclosing on their family, their wider community and the abuser. In some of the Black communities IICSA engaged with, it was expressed that terrible experiences of racist stereotyping built fears that disclosing CSA would lead to the further stigmatisation of their community.

IICSA flagged mistrust of institutions especially the police and social workers which was often articulated as driven by a perception based on direct or indirect experience that some professionals in these spheres had racist opinions and adhered to harmful stereotypes about ethnic minorities. Some participants also expressed that some of these professions were too ‘white’ and worried about being accused of racism which led to non-action or inappropriate reactions to disclosures from Black and minoritised victims/survivors.<sup>526</sup>

At the end of March 2020, 93% of police officers were white whilst only 1% were Black and 3% were Asian.<sup>527</sup> These numbers have been rising since 2007 but still remain depressingly low. Seniority is also key and so it is concerning that there has only ever been one Black Chief Constable in Britain, Michael Fuller QPM.<sup>528</sup> Recruiting campaigns that specifically target Black and minoritised candidates to the police are really important to both signal internally that racism will not be tolerated in the police workforce and to clearly convey to potential candidates that they would be a much needed and valued part of the policing community. The Home Office commitment to recruiting 20,000 more police officers should be cognisant of the opportunity this presents to improve workforce diversity. Workforce diversity is crucial for the legitimacy of the police, especially in communities

525 *CommunityCare*, Safeguarding Black girls from child sexual abuse: messages from research, 14 November 2019, [Accessed via: [https://portsmouth.cityofsanctuary.org/wp-content/uploads/sites/123/2020/07/Safeguarding-Black-girls-from-child-sexual-abuse\\_CC-Infom.pdf](https://portsmouth.cityofsanctuary.org/wp-content/uploads/sites/123/2020/07/Safeguarding-Black-girls-from-child-sexual-abuse_CC-Infom.pdf)]

526 *IICSA*, ‘People don’t talk about it’: Child sexual abuse in ethnic minority communities, June 2020, [Accessed via: [www.iicsa.org.uk/key-documents/19530/view/ethnic-minorities-june-2020.pdf](http://www.iicsa.org.uk/key-documents/19530/view/ethnic-minorities-june-2020.pdf)]

527 *Gov.uk*, Police workforce, January 2021, [Accessed via: [www.ethnicity-facts-figures.service.gov.uk/workforce-and-business/workforce-diversity/police-workforce/latest](http://www.ethnicity-facts-figures.service.gov.uk/workforce-and-business/workforce-diversity/police-workforce/latest)]

528 *Police Federation*, A brighter future for BAME police, November 2020, [Accessed via: [www.polfed.org/news/latest-news/2020/blog-a-brighter-future-for-bame-police](http://www.polfed.org/news/latest-news/2020/blog-a-brighter-future-for-bame-police)]

with significant Black and minoritised presence. We would recommend that forces that have effectively improved their diversity share their knowledge and experiences with forces that are falling very short.

## High quality service provision for minoritised victims/survivors

Several participants of the Independent Inquiry into Child Sexual Abuse (IICSA) spoke to indicated they would not disclose to statutory institutions but would prefer to go to the voluntary sector or their own community. This has clear implications for the need to fund and roll out specialist services that understand the needs of Black and minoritised victims.<sup>529</sup>

Many victims/survivors said they would prefer to receive support from someone like them – for some that meant fellow victims/survivors and for others that meant from someone of the same gender or ethnicity.<sup>530</sup> There is some debate about the extent to which working with an ethnically or culturally similar professional could work better for victims/survivors with some expressing that the opposite was true as they felt the professional represented their community and might prioritise its reputation or breach their confidentiality.<sup>531</sup> Plainly, all frontline services need to be cognisant of cultural differences and ensure that rather than dubbing communities ‘hard to reach’ they are reflecting on whether their service might be hard to find.

The charity Apna Haq, based in Rotherham, works with BAME women escaping domestic violence. Its links into the community mean that girls who are sexually exploited also reach to it for help. Its director Zlakha Ahmed MBE, herself a victim/survivor of CSE in Telford, explained that if services set up to assist girls and women, such as Sexual Abuse Referral Centres (SARCs), are culturally insensitive it can make the process of reporting even harder for minoritised women. In an interview for this report she gave the example of an observant Muslim rape victim/survivor who had gone to a SARC. There she had been required to leave her clothes as evidence, but she had not been offered a headscarf to wear home. This may have seemed insignificant to another victim/survivor but in her case was a real problem, exposing her to unwanted questioning on her return. This is a perfect example of where services can fall short in offering appropriate support and consideration to minoritised victims/survivors.

IICSA has raised several issues in this space. Firstly, it was suggested that there were concerns about the UK being too liberal and the level of information that might be made available to women and children. It is also important to flag the impact that language can have on preventing some minoritised victims/survivors from disclosing. IICSA indicated that some languages did not have the terminology to describe sexual abuse, making disclosure all the more difficult.<sup>532</sup> The funding needs of specialist services and dedicated organisations should be investigated by the Ministry of Housing, Communities and Local

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529 IICSA, ‘People don’t talk about it’: Child sexual abuse in ethnic minority communities, June 2020, [Accessed via: [www.iicsa.org.uk/key-documents/19530/view/ethnic-minorities-june-2020.pdf](http://www.iicsa.org.uk/key-documents/19530/view/ethnic-minorities-june-2020.pdf)]

530 IICSA, ‘People don’t talk about it’: Child sexual abuse in ethnic minority communities, June 2020, [Accessed via: [www.iicsa.org.uk/key-documents/19530/view/ethnic-minorities-june-2020.pdf](http://www.iicsa.org.uk/key-documents/19530/view/ethnic-minorities-june-2020.pdf)]

531 IICSA, ‘People don’t talk about it’: Child sexual abuse in ethnic minority communities, June 2020, [Accessed via: [www.iicsa.org.uk/key-documents/19530/view/ethnic-minorities-june-2020.pdf](http://www.iicsa.org.uk/key-documents/19530/view/ethnic-minorities-june-2020.pdf)]

532 IICSA, ‘People don’t talk about it’: Child sexual abuse in ethnic minority communities, June 2020, [Accessed via: [www.iicsa.org.uk/key-documents/19530/view/ethnic-minorities-june-2020.pdf](http://www.iicsa.org.uk/key-documents/19530/view/ethnic-minorities-june-2020.pdf)]

Government (MHCLG) and the Home Office and provision should be mapped against regional demographics so any gaps can be filled as part of the Comprehensive Spending Review. Secondly, it was suggested that there is a concern that statutory services do not recognise the specific needs of different ethnicities. Thirdly, for some victims/survivors with insecure immigration status there are concerns about engagement with authorities. These fears can obviously be leveraged by an abuser over a child. This report recommends that efforts are made to investigate the feasibility of introducing a firewall between reporting crimes and immigration enforcement.<sup>533</sup>

**For some victims/survivors with insecure immigration status there are concerns about engagement with authorities. These fears can obviously be leveraged by an abuser over a child.**

This issue, alongside support and provision for those with ‘no recourse to public funds’ crops up across the Violence against Women and Girls policy piece and requires some attention from the Home Office. The Home Office should commission an independent report on the impact of the lack of a firewall between reporting crimes and immigration enforcement and the impact of ‘no recourse to public funds’ on sexual violence victims/survivors. The impact should be reflected in the Violence Against Women and Girls strategy.



## The role of shame and so-called ‘honour’

Many survivors of sexual abuse express that the crimes they endured made them feel ashamed, when the shame was no one but their abusers’ to bear. However, IICSA have indicated that some cultural factors may compound feelings of shame such as patriarchal community structures or communities in which sexual matters are extremely taboo. These ‘cultural inhibitors’ that IICSA refers to can also prevent victims/survivors from disclosing abuse they may have suffered.<sup>534</sup>

<sup>533</sup> IICSA, ‘People don’t talk about it’: Child sexual abuse in ethnic minority communities, June 2020, [Accessed via: [www.iicsa.org.uk/key-documents/19530/view/ethnic-minorities-june-2020.pdf](http://www.iicsa.org.uk/key-documents/19530/view/ethnic-minorities-june-2020.pdf)]

<sup>534</sup> IICSA, ‘People don’t talk about it’: Child sexual abuse in ethnic minority communities, June 2020, [Accessed via: [www.iicsa.org.uk/key-documents/19530/view/ethnic-minorities-june-2020.pdf](http://www.iicsa.org.uk/key-documents/19530/view/ethnic-minorities-june-2020.pdf)]

IICSA also flagged that in some Asian, South Asian and Muslim communities, concepts of honour and modesty had a tangible impact on responses to child sexual abuse. They highlighted the potential consequence that victims/survivors who disclose could be blamed for the abuse they suffered and also for loss of the so-called honour of their family.<sup>535</sup>

It also highlighted that in some cultures, girls who were not virgins were perceived as sinful or 'damaged goods' meaning there was a risk that if a girl disclosed sexual abuse, it would be her reputation and not that of the abuser's that would be harmed.<sup>536</sup>

The concept of shame is frequently referred to across faith groups and communities, suggesting that a victim/survivor's perception of shame heightened their own particular cultural setting may reduce even further their willingness to report.

This has been a particularly sensitive issue for those grooming victims/survivors whose abuse is seldom recognised or recorded. Speaking to the Common's Home Affairs Select Committee into Localised Child Grooming in 2013 Bradford based Iman Alyas Karmani challenged the stereotypical view of grooming victims/survivors as having been white, working class girls.

'Due to issues around honour, and in particular if a South Asian girl, a Pakistani girl, is being groomed and we have many cases of Pakistani girls being targeted, then she is even less likely to be public about it. The groomers know that, so therefore she is more likely to continue with that and to be controlled by that particular grooming group...There is a code of honour within the gang that girls who were being serially raped by other gang members could not be public about it because they would be grassing and snitching on the rest of the gang. Also the girls are being criminalised, so by holding drug money or firearms and weapons and things like that also creates a barrier for them to become public about it because of the criminalisation...The other thing is there is a major threat that if the girls do become public then they are alienated and ostracised by their own families and by the whole community as well who, rather than identify them as victims/survivors, see them as the ones who have committed crimes as well. For those reasons, Asian girls, Pakistani girls in particular, and Bangladeshi girls sometimes, are more vulnerable and they are even less likely to come forward'.<sup>537</sup>

**The concept of shame is frequently referred to across faith groups and communities, suggesting that a victim/survivor's perception of shame heightened their own particular cultural setting, may reduce even further their willingness or strength to report.**

Services should be mindful of the need to ensure their resources are accessible to all and in a range of languages. Elsewhere, interpreters should be available whilst being cognisant of the need to ensure interpreters do not have links to the child's community that could be problematic or concerning to the child. It is also important for awareness raising to take

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535 IICSA, 'People don't talk about it': Child sexual abuse in ethnic minority communities, June 2020, [Accessed via: [www.iicsa.org.uk/key-documents/19530/view/ethnic-minorities-june-2020.pdf](http://www.iicsa.org.uk/key-documents/19530/view/ethnic-minorities-june-2020.pdf)]

536 IICSA, 'People don't talk about it': Child sexual abuse in ethnic minority communities, June 2020, [Accessed via: [www.iicsa.org.uk/key-documents/19530/view/ethnic-minorities-june-2020.pdf](http://www.iicsa.org.uk/key-documents/19530/view/ethnic-minorities-june-2020.pdf)]

537 *Home Affairs Select Committee*, Oral Evidence, March 2013, [Accessed via: <https://publications.parliament.uk/pa/cm201314/cmselect/cmhaff/68/130319.html>]

place within minoritised communities so that relevant services are trusted and understood. The role of trusted community members should also be considered to deliver crucial messages on child safeguarding.

## Information sharing between agencies

A joint targeted area inspection review report found that information-sharing between agencies and challenge between agencies was really wanting. They cited ‘inconsistent attendance by agencies at multi-agency decision-making forums’ which could lead to risks being inaccurately assessed and child protection plans even being concluded when other agencies had information that might have changed that decision.<sup>538</sup> Challenge was also proving ineffective, demonstrable in the example cited of policing deciding that a medical examination was unnecessary as it fell outside of the forensic window without being encouraged by health services to proceed to treat potential sexually transmitted infections or other harms. While any evidence may not have been admissible in court, a crucial need could have been met with greater challenge.<sup>539</sup>

The Centre of Expertise on Child Sexual Abuse proposes a better integrated approach to commissioning services between policing, social care and education. A practical example of this would be for healthcare to be working hand in glove with the police to ensure access to pre-trial therapy for victims/survivors. Linking services would also better ensure that intelligence that the victim/survivor shares with practitioners that could support the identification and apprehension of abusers is not lost.<sup>540</sup>

Single-agency child protection enquiries could mean that relevant information from another partner is not shared which could have been ‘valuable evidence for prosecutions’.<sup>541</sup> We would recommend multi-agency child protection enquiries take place as a matter of course.

They also raised that professionals were, rightly, very focused on the specific child at risk and were sometimes not quick enough to consider other children in the same context who might be vulnerable. They flagged ‘missed opportunities to assess and intervene earlier for brothers and sisters [and] other connected children’.<sup>542</sup>

538 *Ofsted, Care Quality Commission (CQC), HMI Constabulary and Fire and Rescue Services (HMICFRS) and HMI Probation (HMIP)*, The multi-agency response to child sexual abuse in the family environment, 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862454/Multi\\_agency\\_response\\_to\\_child\\_sexual\\_abuse\\_in\\_the\\_family\\_environment\\_joint\\_targeted\\_area\\_inspections\\_JTAs.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862454/Multi_agency_response_to_child_sexual_abuse_in_the_family_environment_joint_targeted_area_inspections_JTAs.pdf)]

539 *Ofsted, Care Quality Commission (CQC), HMI Constabulary and Fire and Rescue Services (HMICFRS) and HMI Probation (HMIP)*, The multi-agency response to child sexual abuse in the family environment, 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862454/Multi\\_agency\\_response\\_to\\_child\\_sexual\\_abuse\\_in\\_the\\_family\\_environment\\_joint\\_targeted\\_area\\_inspections\\_JTAs.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862454/Multi_agency_response_to_child_sexual_abuse_in_the_family_environment_joint_targeted_area_inspections_JTAs.pdf)]

540 *Centre of Expertise on child sexual abuse, London Metropolitan University*, Key messages from research on child sexual exploitation: Commissioning health care services, March 2017, [Accessed via: [www.csacentre.org.uk/index.cfm/\\_api/render/file/?method=inline&fileID=11CACFC0-E162-4C7E-991370F2183246F9](http://www.csacentre.org.uk/index.cfm/_api/render/file/?method=inline&fileID=11CACFC0-E162-4C7E-991370F2183246F9)]

541 *Ofsted, Care Quality Commission (CQC), HMI Constabulary and Fire and Rescue Services (HMICFRS) and HMI Probation (HMIP)*, The multi-agency response to child sexual abuse in the family environment, 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862454/Multi\\_agency\\_response\\_to\\_child\\_sexual\\_abuse\\_in\\_the\\_family\\_environment\\_joint\\_targeted\\_area\\_inspections\\_JTAs.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862454/Multi_agency_response_to_child_sexual_abuse_in_the_family_environment_joint_targeted_area_inspections_JTAs.pdf)]

542 *Ofsted, Care Quality Commission (CQC), HMI Constabulary and Fire and Rescue Services (HMICFRS) and HMI Probation (HMIP)*, The multi-agency response to child sexual abuse in the family environment, 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862454/Multi\\_agency\\_response\\_to\\_child\\_sexual\\_abuse\\_in\\_the\\_family\\_environment\\_joint\\_targeted\\_area\\_inspections\\_JTAs.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862454/Multi_agency_response_to_child_sexual_abuse_in_the_family_environment_joint_targeted_area_inspections_JTAs.pdf)]

They also found gaps in provision for children and young people with harmful sexual behaviours. Some professionals did not have enough grip on the vulnerabilities that children with the behaviours could have with a corresponding delay 'in putting appropriate risk management in place'.<sup>543</sup>

We would, therefore, encourage agencies to collaborate and data-share wherever it is feasible and appropriate to do so and to always consider other relevant children.

## Harmful sexual behaviour

As previously covered, when discussing harmful sexual behaviour, it is critical to avoid using terms like 'abuser' or 'perpetrator' to describe these children and young people monolithically. These behaviours can range from using language that is developmentally inappropriate to acts of serious sexual violence where there is a significant power imbalance present.<sup>544</sup>

Prepubescent children are more likely to display inappropriate or problematic behaviour than abusive sexual behaviours. The early teenage years tend to be the period of time most often associated with harmful sexual behaviours, most of which is exhibited by boys.<sup>545</sup> However, there is no guarantee in the round that the child exhibiting harmful sexual behaviours is developmentally equipped to understand their behaviours as abusive and this cohort of children and young people are more likely to have a history of adverse childhood experiences and maltreatment themselves.<sup>546</sup>

**There is no guarantee in the round that the child exhibiting harmful sexual behaviours is developmentally equipped to understand their behaviours as abusive.**

This report is clear that children who demonstrate harmful sexual behaviours should not be stigmatised as mini adult perpetrators. While HSB can have a terrible impact on the victim/survivor, most children with these behaviours do not set out to be intentionally abusive and may very well be suffering from maltreatment themselves. No behaviour happens in isolation and should always be met with a welfare response for all children involved, which seeks to understand the context of a young person's life and what factors may contribute to them displaying unhealthy sexual behaviour. Responses should always be proportionate.

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543 *Ofsted, Care Quality Commission (CQC), HMI Constabulary and Fire and Rescue Services (HMICFRS) and HMI Probation (HMIP)*, The multi-agency response to child sexual abuse in the family environment, 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862454/Multi\\_agency\\_response\\_to\\_child\\_sexual\\_abuse\\_in\\_the\\_family\\_environment\\_joint\\_targeted\\_area\\_inspections\\_JTAs.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862454/Multi_agency_response_to_child_sexual_abuse_in_the_family_environment_joint_targeted_area_inspections_JTAs.pdf)]

544 *The Children's Society, Victim Support, NPCC*, Children and young people presenting with harmful sexual behaviours, March 2018, [Accessed via: [www.csepoliceandprevention.org.uk/sites/default/files/Harm\\_Behaviours\\_Toolkit.pdf](http://www.csepoliceandprevention.org.uk/sites/default/files/Harm_Behaviours_Toolkit.pdf)]

545 *Centre of Expertise on child sexual abuse*, Key messages from research on children and young people who display harmful sexual behaviour, July 2018, [Accessed via: [www.csacentre.org.uk/index.cfm/\\_api/render/file/?method=inline&fileID=60855274-DB8B-4CE9-9C76E1032BC261D9](http://www.csacentre.org.uk/index.cfm/_api/render/file/?method=inline&fileID=60855274-DB8B-4CE9-9C76E1032BC261D9)]

546 *Centre of Expertise on child sexual abuse*, Key messages from research on children and young people who display harmful sexual behaviour, July 2018, [Accessed via: [www.csacentre.org.uk/index.cfm/\\_api/render/file/?method=inline&fileID=60855274-DB8B-4CE9-9C76E1032BC261D9](http://www.csacentre.org.uk/index.cfm/_api/render/file/?method=inline&fileID=60855274-DB8B-4CE9-9C76E1032BC261D9)]

Children presenting with harmful sexual behaviours must receive interventions to both prevent the behaviours from escalating and safeguard all the children in question where necessary. This response must be consistent. A concerning study showed that only 35% of practitioners and carers in six local authorities had received any training on harmful sexual behaviours over the last three years – this statistic was even lower when it related to health and education professionals.<sup>547</sup> This must be rolled out across all local authorities.

Elsewhere, children may be treated as predators rather than as vulnerable children who may be suffering from very negative experiences themselves and other negative attitudes can include the minimising of harmful sexual behaviour and dismissing it as ‘boys will be boys’.<sup>548</sup>

As we know that many young children displaying harmful sexual behaviours have themselves experienced abuse and maltreatment, early intervention to identify and support children growing up in difficult circumstances is important both to safeguard the child in question and potentially their peers.<sup>549</sup> Effective Relationships and Sex Education will be crucial in plainly explaining concepts related to consent, healthy relationships and boundaries to children and young people and sending clear messages on the seriousness of sexual abuse. It is for these reasons that we are making specific recommendations on the content of RSE so each child and young person can benefit from knowledge of what inappropriate and unacceptable behaviours look like.

The NSPCC has undertaken crucial work on the profile of children and young people receiving services for harmful sexual behaviours. They state the need for a flexible delivery of service after harmful sexual behaviours have manifested that recognises the child in question should have their individual circumstances identified and needs met.<sup>550</sup> The practitioners the NSPCC engaged with stated the importance of efforts to unpack the trauma and abuse that may be present in the life of the child with the behaviours.<sup>551</sup> They also flagged the need for interventions to be adjusted in recognition of the fact that some children and young people may require different services based on their learning needs.<sup>552</sup>

547 *The Children’s Society, Victim Support, NPCC*, Children and young people presenting with harmful sexual behaviours, March 2018, [Accessed via: [www.csepoliceandprevention.org.uk/sites/default/files/Harm Behaviours Toolkit.pdf](http://www.csepoliceandprevention.org.uk/sites/default/files/Harm%20Behaviours%20Toolkit.pdf)]

548 *The Children’s Society, Victim Support, NPCC*, Children and young people presenting with harmful sexual behaviours, March 2018, [Accessed via: [www.csepoliceandprevention.org.uk/sites/default/files/Harm Behaviours Toolkit.pdf](http://www.csepoliceandprevention.org.uk/sites/default/files/Harm%20Behaviours%20Toolkit.pdf)]

549 *Centre of Expertise on child sexual abuse*, Key messages from research on children and young people who display harmful sexual behaviour, July 2018, [Accessed via: [www.csacentre.org.uk/index.cfm/\\_api/render/file/?method=inline&fileID=60855274-DB8B-4CE9-9C76E1032BC261D9](http://www.csacentre.org.uk/index.cfm/_api/render/file/?method=inline&fileID=60855274-DB8B-4CE9-9C76E1032BC261D9)]

550 *NSPCC*, The profile of the children and young people accessing an NSPCC service for harmful sexual behaviour, February 2017, [Accessed via: <https://learning.nspcc.org.uk/media/1088/the-profile-of-the-children-and-young-people-accessing-an-nspcc-service-for-harmful-sexual-behaviour-summary-report-regular-text-version.pdf>]; *Research in Practice*, Children and young people with harmful sexual behaviours, Hackett, S., 2014

551 *NSPCC*, The profile of the children and young people accessing an NSPCC service for harmful sexual behaviour, February 2017, [Accessed via: <https://learning.nspcc.org.uk/media/1088/the-profile-of-the-children-and-young-people-accessing-an-nspcc-service-for-harmful-sexual-behaviour-summary-report-regular-text-version.pdf>]; *Research in Practice*, Children and young people with harmful sexual behaviours, Hackett, S., 2014

552 *NSPCC*, The profile of the children and young people accessing an NSPCC service for harmful sexual behaviour, February 2017, [Accessed via: <https://learning.nspcc.org.uk/media/1088/the-profile-of-the-children-and-young-people-accessing-an-nspcc-service-for-harmful-sexual-behaviour-summary-report-regular-text-version.pdf>]; *Research in Practice*, Children and young people with harmful sexual behaviours, Hackett, S., 2014

The NSPCC alongside Research in Practice has also developed an ‘evidence-informed framework’ for children and young people with harmful sexual behaviours, designed to support local multi-agency responses.<sup>553</sup> They identified that despite the scale and seriousness of the problem, there was some geographical patchiness with regards to service provision and called for a ‘more coordinated and consistent approach to the issue’.<sup>554</sup> They propose audits undertaken collectively with many partners in a local area to assess and grade their responses to harmful sexual behaviours with this process repeated regularly to map improvements and changes.<sup>555</sup> They raised the hugely important point that there can be a real difference in harmful sexual behaviours, ranging from the inappropriate to the very seriously abusive and that, as such, a continuum of responses was required for this ‘varied and complex group with diverse needs that cannot be addressed by a one size fits all model of service provision’.<sup>556</sup> As the NSPCC say, children and young people are not a homogenous group and can be very different developmentally so services should respond to them as such.

Schools and wider safeguarding partners must be equipped to both recognise and respond to harmful sexual behaviours and ensure that school culture and buildings are being looked at with a view to protecting children. We would recommend that the Sexual Violence and Harassment in Schools guidance specifically references this priority.

## Child sexual abuse and exploitation commissioner

A key finding throughout our work has been that too many victims/survivors face a patchy service in the round, with geographical differentials in the availability of support, inconsistent provision of Special Measures and different police forces taking different approaches. Even with regards to ISVAs, we have found that such a crucial service is not being consistently offered to victims/survivors.

It is for this reason that we see the need for progress and failings to be monitored centrally by an individual focused exclusively on driving up our response to these horrific crimes. Victims/survivors all too often feel disempowered and confused by the various services they need to engage with, and their pathways are insufficiently clear.

We recommend that the Government appoints an Independent CSA Commissioner in the model of the Domestic Abuse Commissioner, with statutory powers particularly with regards to data collection and driving best practice, who can conduct extensive mapping of the gaps in the system and push for improvements. We would recommend that the CSA Commissioner appoints a Survivors Panel to support their work.

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553 NSPCC, Hackett, S., Branigan, P. and Holmes, D., Harmful sexual behaviour framework: an evidence-informed framework for children and young people displaying harmful sexual behaviours, 18 June 2019, [Accessed via: <https://learning.nspcc.org.uk/research-resources/2019/harmful-sexual-behaviour-framework>]

554 NSPCC, Hackett, S., Branigan, P. and Holmes, D., Harmful sexual behaviour framework: an evidence-informed framework for children and young people displaying harmful sexual behaviours, 18 June 2019, [Accessed via: <https://learning.nspcc.org.uk/research-resources/2019/harmful-sexual-behaviour-framework>]

555 NSPCC, Hackett, S., Branigan, P. and Holmes, D., Harmful sexual behaviour framework: an evidence-informed framework for children and young people displaying harmful sexual behaviours, 18 June 2019, [Accessed via: <https://learning.nspcc.org.uk/research-resources/2019/harmful-sexual-behaviour-framework>]

556 NSPCC, Hackett, S., Branigan, P. and Holmes, D., Harmful sexual behaviour framework: an evidence-informed framework for children and young people displaying harmful sexual behaviours, 18 June 2019, [Accessed via: <https://learning.nspcc.org.uk/research-resources/2019/harmful-sexual-behaviour-framework>]

Both the Children's Commissioner and Victim's Commissioner hold enormous portfolios and so we would recommend that a named individual should be appointed to focus exclusively on CSA. The scale of the problem merits such an appointment and this individual would also be able to support the Government as a critical friend to deliver crucial policy agendas such as the 'Tackling Child Sexual Abuse Strategy' in a way that really served victims/survivors. We recommend that in advance of this, Government should review what factors have impeded the effectiveness of other Commissioners and ensure the design of this role and office combats any issues identified.

We also recommend the PM establishes a cabinet committee on CSA to ensure that departments are considering their stake in the issue and working together to deliver change. This could be in the form of the Crime and Justice Taskforce that came out of the Hidden Harms summit but we would wish to see consistent action with all relevant departments around the table and a focus on CSA, not hidden harms in the round.

### Recommendations

- All frontline services and those working to address CSA should be trained on the effect of 'adultification' and mindful of its potential to deliver a poor service for some children.
- The funding needs of specialist services and dedicated organisations should be investigated by MHCLG and the Home Office and provision should be mapped against regional demographics so any gaps can be filled as part of the Comprehensive Spending Review.
- The Home Office should commission an independent report on the impact of the lack of firewall between reporting crimes and immigration enforcement and the impact of 'no recourse to public funds' on sexual violence victims/survivors. The impact should be reflected in the Violence Against Women and Girls strategy.
- Government should appoint an Independent CSA Commissioner in the model of the Domestic Abuse Commissioner, with statutory powers particularly with regards to data collection and driving best practice, who can conduct extensive mapping of the gaps in the system and push for improvements.
- The Prime Minister should establish a cabinet committee on CSA to ensure that departments are considering their stake in the issue and working together to deliver change.



## chapter eleven

# Health, therapeutic and support response

### Access to support

Plainly, we must also look at the support that is available for victims/survivors of CSA. ChildLine are clear that children and young people do not always 'have a clear picture of what services there are for them or how they will be treated if they try to ask for help'.<sup>557</sup> These children also expressed other concerns related to seeking support such as concerns their parents would be told or that they would be hurt by their abuser.<sup>558</sup>

Administrative barriers such as waiting lists, services ending too soon, or appointments being cancelled can also be confusing and upsetting for children. Equally, support that makes the child feel conspicuous like leaving lessons to meet a counsellor in school can provoke upsetting interactions with peers.<sup>559</sup> This all serves to highlight what a critical service ChildLine is, allowing the child to access support when it works for them without administrative concerns.

There will also be some benefit in that this form of support is not face to face, perhaps giving the child space to speak more freely. It's very important for children and young people who have suffered from CSA to have access to appropriate and high-quality support. Engagement with The Survivors Group has flagged serious concerns about the availability of treatment, particularly specialist mental health support with long waiting lists as a barrier to accessing help.

The Centre of Expertise has flagged the need for services to take place over an adequate length of time so that practitioners can effectively build relationships with the victims/survivors they are working with. Plainly, commissioning long term services

557 NSPCC, Getting help: What children tell us about accessing services after sexual abuse, 2016, [Accessed via: <https://learning.nspcc.org.uk/media/1146/getting-help-childline-sexual-abuse-children-accessing-services.pdf>]

558 NSPCC, Getting help: What children tell us about accessing services after sexual abuse, 2016, [Accessed via: <https://learning.nspcc.org.uk/media/1146/getting-help-childline-sexual-abuse-children-accessing-services.pdf>]

559 NSPCC, Getting help: What children tell us about accessing services after sexual abuse, 2016, [Accessed via: <https://learning.nspcc.org.uk/media/1146/getting-help-childline-sexual-abuse-children-accessing-services.pdf>]

involve a level of cost but mental health crises and continual re-referrals are also costly. Indeed, research from Barnardo's indicates that solid investment in specialist services reaps financial benefits to the tune of a £12 saving for each pound spent.<sup>560</sup>

It is important to be clear that when we are talking about victims/survivors, we must not leave adults out of our thinking. Many victims/survivors do not disclose childhood CSA until long after they were victimised and CSA can have a serious and lasting impact on the lives of adults. While it is important to flag that just because a poor outcome exists in the life of an adult CSA victim/survivor, doesn't necessarily mean there is a causal link. Equally, CSA is often found in conjunction with other adverse childhood experiences that could contribute to difficulties in adulthood.<sup>561</sup> But CSA has been associated with mental health difficulties, poor relationship stability, lower educational engagement and an overall reduction in employment.<sup>562</sup>

**CSA has been associated with mental health difficulties, poor relationship stability, lower educational engagement and an overall reduction in employment.**

Difficulties for adult victims/survivors can take place at any life stage – just because something is not an outcome today, does not mean it will never be and the extent to which an individual experiences difficulty in adulthood will depend on a range of factors. From the identity of the perpetrator to the duration of the abuse and age of onset different adult victims/survivors will have different circumstances which will impact their support needs.<sup>563</sup> Adult victims/survivors need support to obtain some resilience and recovery after childhood sexual abuse. Early research indicates that short-term events such as childbirth, the death of the perpetrator, medical or dental exams and coming into contact with their offender can be extremely challenging experiences that may require support<sup>564</sup> and so access to support at different life stages is important.

## Victims/survivors and healthcare

It is a saddening reality that many abused children and young people will have a need to access related healthcare – this can range from sexual healthcare such as contraception, terminations and treatment for sexually transmitted infections, mental health support, A&E and drug and alcohol treatment. The Office of the Children's Commissioner's Child Sexual Exploitation by Gangs and Groups Inquiry found that of the children they interviewed for the report, 48% had been injured to the extent that they had to visit A&E, 41% suffered from drug and alcohol issues as a result of their exploitation and 32% were self-harming.

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560 *Centre of Expertise on child sexual abuse, London Metropolitan University*, Key messages from research on child sexual exploitation: Commissioning health care services, March 2017, [Accessed via: [www.csacentre.org.uk/index.cfm/\\_api/render/file/?method=inline&fileID=111CACFC0-E162-4C7E-991370F2183246F9](http://www.csacentre.org.uk/index.cfm/_api/render/file/?method=inline&fileID=111CACFC0-E162-4C7E-991370F2183246F9)]

561 *Independent Inquiry into Child Sexual Abuse*, The impacts of child sexual abuse: a rapid evidence assessment, July 2017, [Accessed via: [www.iicsa.org.uk/publications/research/impacts-csa](http://www.iicsa.org.uk/publications/research/impacts-csa)]

562 *Independent Inquiry into Child Sexual Abuse*, The impacts of child sexual abuse: a rapid evidence assessment, July 2017, [Accessed via: [www.iicsa.org.uk/publications/research/impacts-csa](http://www.iicsa.org.uk/publications/research/impacts-csa)]

563 *Independent Inquiry into Child Sexual Abuse*, The impacts of child sexual abuse: a rapid evidence assessment, July 2017, [Accessed via: [www.iicsa.org.uk/publications/research/impacts-csa](http://www.iicsa.org.uk/publications/research/impacts-csa)]

564 *Independent Inquiry into Child Sexual Abuse*, The impacts of child sexual abuse: a rapid evidence assessment, July 2017, [Accessed via: [www.iicsa.org.uk/publications/research/impacts-csa](http://www.iicsa.org.uk/publications/research/impacts-csa)]

Engagement with relevant professionals reinforced this picture citing abortions, sexually transmitted infections and other health consequences – ‘One verbal report was made of a child contracting HIV/Aids’.<sup>565</sup> There is plainly evidence demonstrating that being a victim/survivor is a risk factor for mental health issues. One study indicated that amongst girls receiving treatment as a result of CSA 73% suffered from PTSD, 57% had major depression and 37% had generalised anxiety disorder.<sup>566</sup>

The Office of the Children’s Commission Child Sexual Exploitation by Gangs and Groups Inquiry found that an appalling 85% of the victims/survivors they had engaged with had self-harmed or attempted to complete suicide.<sup>567</sup> It’s clear that support can sometimes be literally a matter of life or death for victims/survivors so the availability and quality of such support is of paramount importance to this work.<sup>568</sup>

Victims/survivors need to have easy access to healthcare services they may require so easily signposted points of entry must exist, alongside a service with enough capacity to meet demand.<sup>569</sup>

## Healthcare access as a facilitator to disclosure

It is important to flag that a young person may wish to access healthcare related to the abuse they have suffered without directly disclosing it. Disclosure is a terrifying moment for many victims/survivors that can take place decades after the abuse and so it is of critical importance that indirect disclosures are noticed and acted upon.<sup>570</sup>

It is important for all agencies with contact to children to be capable of recognising sexual abuse and exploitation so that early interventions can be made. Staff must be trained adequately on the indicators of abuse so they know precisely what they are looking for when encountering children and young people who may present very differently.<sup>571</sup>

A problem that the NWG Network has raised is lack of understanding amongst some professionals related to age groups. Clearly any sexual activity related to under 16 years is illegal but just because a young person is over 16 does not automatically mean they are not being sexually exploited and are capable of free consent. When presented with

565 *The Office of the Children’s Commission*, The Office of the Children’s Commission Child Sexual Exploitation by Gangs and Groups, ‘I thought I was the only one. The only one in the world’, November 2012, [Accessed via: <https://static.lgfl.net/LgflNet/downloads/online-safety/LGfL-OS-Research-Archive-2012-Childrens-Commissioner-CSE.pdf>]

566 *Department of Health*, Health Working Group Report on Child Sexual Exploitation, January 2014, [Accessed via: [www.wales.nhs.uk/sitesplus/documents/888/Health%20Working%20Group%20report%20of%20Child%20Sexual%20Exploitation%20Jan%202014.pdf](http://www.wales.nhs.uk/sitesplus/documents/888/Health%20Working%20Group%20report%20of%20Child%20Sexual%20Exploitation%20Jan%202014.pdf)]

567 *The Office of the Children’s Commission*, The Office of the Children’s Commission Child Sexual Exploitation by Gangs and Groups, ‘I thought I was the only one. The only one in the world’, November 2012, [Accessed via: <https://static.lgfl.net/LgflNet/downloads/online-safety/LGfL-OS-Research-Archive-2012-Childrens-Commissioner-CSE.pdf>]

568 *Centre of Expertise on child sexual abuse, London Metropolitan University*, Key messages from research on child sexual exploitation: Commissioning health care services, March 2017, [Accessed via: [www.csacentre.org.uk/index.cfm/\\_api/render/file/?method=inline&fileID=11CACFC0-E162-4C7E-991370F2183246F9](http://www.csacentre.org.uk/index.cfm/_api/render/file/?method=inline&fileID=11CACFC0-E162-4C7E-991370F2183246F9)]

569 *Centre of Expertise on child sexual abuse, London Metropolitan University*, Key messages from research on child sexual exploitation: Commissioning health care services, March 2017, [Accessed via: [www.csacentre.org.uk/index.cfm/\\_api/render/file/?method=inline&fileID=11CACFC0-E162-4C7E-991370F2183246F9](http://www.csacentre.org.uk/index.cfm/_api/render/file/?method=inline&fileID=11CACFC0-E162-4C7E-991370F2183246F9)]

570 *Department for Health and Social Care*, Helping school nurses to tackle child sexual exploitation, October 2015, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/512907/2903823\\_PHE\\_Child\\_Sexual\\_Exploitation\\_Accessible\\_FINAL.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/512907/2903823_PHE_Child_Sexual_Exploitation_Accessible_FINAL.pdf)]

571 *Department of Health*, Health Working Group Report on Child Sexual Exploitation, January 2014, [Accessed via: [www.wales.nhs.uk/sitesplus/documents/888/Health%20Working%20Group%20report%20of%20Child%20Sexual%20Exploitation%20Jan%202014.pdf](http://www.wales.nhs.uk/sitesplus/documents/888/Health%20Working%20Group%20report%20of%20Child%20Sexual%20Exploitation%20Jan%202014.pdf)]

a young person over the age of 16, professionals need to be cognisant of potential power imbalances that may present such as fear of violence or the young person receiving drugs or alcohol. Relevant professions should be making efforts to ensure this distinction is understood and that 16–18-year olds who are being sexually exploited are still recognised as victims/survivors.<sup>572</sup> We would recommend that NHS England publishes guidance setting out how exploitation can manifest in older young people and the need for a safeguarding intervention irrespective of age.

The NWG Network conducted a survey of health professionals who had worked with victims/survivors of CSE which highlighted several issues relevant for our purposes. They flagged that 'rapid changes in appearance' can be an indicator that a young person is being harmed and suggested photographs be taken at the first assessment to map the impact on victims/survivors over time.<sup>573</sup>

Other adverse childhood experiences can also be a factor in victims/survivors of CSE. The NWG Network conducted a survey with healthcare professionals which found in one case involving 25 victims/survivors '12 had experienced physical abuse, 12 sexual abuse, one emotional abuse and one where neglect was explicitly noted'.<sup>574</sup> This implies that existing vulnerabilities are a draw for perpetrators.

They also highlighted that learning disabilities were a factor that exacerbated the risk of CSE and indicated that there was a need for this client group to have their needs met by way of ensuring educational tools were designed for their 'level of understanding and delivered in a way that they can absorb'.<sup>575</sup> We would recommend that all literature produced to educate young people about CSA and CSE considers this.



572 *Department of Health*, Health Working Group Report on Child Sexual Exploitation, January 2014, [Accessed via: [www.wales.nhs.uk/sitesplus/documents/888/Health%20Working%20Group%20report%20of%20Child%20Sexual%20Exploitation%20Jan%202014.pdf](http://www.wales.nhs.uk/sitesplus/documents/888/Health%20Working%20Group%20report%20of%20Child%20Sexual%20Exploitation%20Jan%202014.pdf)]

573 *NWG Network*, 'If you shine a light you will probably find it': Report of a grassroots survey of Health Professionals with regard to their experiences in dealing with child sexual exploitation, March 2013, [Accessed via: [www.nhs.uk/about-the-nhs-website/professionals/healthandcareprofessionals/child-sexual-exploitation/documents/shine%20a%20light.pdf](http://www.nhs.uk/about-the-nhs-website/professionals/healthandcareprofessionals/child-sexual-exploitation/documents/shine%20a%20light.pdf)]

574 *NWG Network*, 'If you shine a light you will probably find it': Report of a grassroots survey of Health Professionals with regard to their experiences in dealing with child sexual exploitation, March 2013, [Accessed via: [www.nhs.uk/about-the-nhs-website/professionals/healthandcareprofessionals/child-sexual-exploitation/documents/shine%20a%20light.pdf](http://www.nhs.uk/about-the-nhs-website/professionals/healthandcareprofessionals/child-sexual-exploitation/documents/shine%20a%20light.pdf)]

575 *NWG Network*, 'If you shine a light you will probably find it': Report of a grassroots survey of Health Professionals with regard to their experiences in dealing with child sexual exploitation, March 2013, [Accessed via: [www.nhs.uk/about-the-nhs-website/professionals/healthandcareprofessionals/child-sexual-exploitation/documents/shine%20a%20light.pdf](http://www.nhs.uk/about-the-nhs-website/professionals/healthandcareprofessionals/child-sexual-exploitation/documents/shine%20a%20light.pdf)]

They identified the potential for a young person to lie about their age when presenting to healthcare hoping they pass as an adult and that safeguarding concerns are not raised as a result. We concur with the NWG Network that age verification should be considered for healthcare if a person looks under the age of 25 to better ensure that we are recognising childhood vulnerability when it presents.<sup>576</sup>

## Child and adolescent mental health support

Plainly a professional seeking to engage with a victim/survivor will need to work to build their trust so that the child feels more able to share relevant information that may be required to understand the issues that they need help with. As such, time constraints for treatment can be very challenging as some victims/survivors will take a great deal of time to trust and open up, if ever at all. So, referrals must be made to services (charitable or otherwise) that can provide long term therapeutic relationships so that trust can be built up.<sup>577</sup>

Efforts should be made to also ensure that advocacy and support services take place in a location that the child will feel comfortable in and stands the best chance of their engagement. That may not be a healthcare centre or school and we would tie this to our recommendation that Barnahus Child Houses be rolled out across the country. It is also key for practitioners to be present and persistent as it may be difficult to get a young person to attend a scheduled appointment. Should a victim/survivor change their mind about engagement having started, the offer of the service should remain open for a later date.<sup>578</sup>

**Efforts should be made to also ensure that advocacy and support services take place in a location that the child will feel comfortable in and stands the best chance of their engagement. That may not be a health care centre or school.**

It is plainly incredibly important for the right services to be commissioned so that high quality and accessible services are available to address the needs of victims/survivors. Research from Barnardo's has clearly indicated that specialist services are best placed to meet the needs of victims/survivors which local authorities should be seeking to integrate wherever possible. Voluntary sector services can be hugely impactful and uncostly.<sup>579</sup> Many children will prefer to receive support from third sector organisations and NGOs, and so these pathways must be supported and accessible.

576 *NWG Network*, 'If you shine a light you will probably find it': Report of a grassroots survey of Health Professionals with regard to their experiences in dealing with child sexual exploitation, March 2013, [Accessed via: <https://www.nhs.uk/about-the-nhs-website/professionals/healthandcareprofessionals/child-sexual-exploitation/documents/shine%20a%20light.pdf>]

577 *Department of Health*, Health Working Group Report on Child Sexual Exploitation, January 2014, [Accessed via: [www.wales.nhs.uk/sitesplus/documents/888/Health%20Working%20Group%20report%20of%20Child%20Sexual%20Exploitation%20Jan%202014.pdf](http://www.wales.nhs.uk/sitesplus/documents/888/Health%20Working%20Group%20report%20of%20Child%20Sexual%20Exploitation%20Jan%202014.pdf)]

578 *Department of Health*, Health Working Group Report on Child Sexual Exploitation, January 2014, [Accessed via: [www.wales.nhs.uk/sitesplus/documents/888/Health%20Working%20Group%20report%20of%20Child%20Sexual%20Exploitation%20Jan%202014.pdf](http://www.wales.nhs.uk/sitesplus/documents/888/Health%20Working%20Group%20report%20of%20Child%20Sexual%20Exploitation%20Jan%202014.pdf)]

579 *Department of Health*, Health Working Group Report on Child Sexual Exploitation, January 2014, [Accessed via: [www.wales.nhs.uk/sitesplus/documents/888/Health%20Working%20Group%20report%20of%20Child%20Sexual%20Exploitation%20Jan%202014.pdf](http://www.wales.nhs.uk/sitesplus/documents/888/Health%20Working%20Group%20report%20of%20Child%20Sexual%20Exploitation%20Jan%202014.pdf)]

An NHS/King's College Hospital review of the availability and strength of pathways to medical care and support for London-based victims/survivors reaped findings that are highly relevant for the purposes of this report. One critical finding was that paediatricians operating out of The Havens, a network of specialist centres across London for victims/survivors of sexual violence, found accessing Child and Adolescent Mental Health Support (CAMHS) for their patients difficult which may reflect CAMHS's own concerns regarding strict criteria for acceptance, funding concerns and significant waiting lists. One CAMHS provider told the Kings report 'Unfortunately it's no longer enough to have experienced a trauma like sexual abuse. We can only see children with a severe mental health condition requiring therapy'.<sup>580</sup>

The NHS has itself accepted that it will be unable to meet the needs of all children who require specialist treatment until 2028 which is clearly very concerning for those waiting for specialist support today. While CAMHS has seen some improvement, with an extra £60 million injected into specialist services last year and an additional 53,000 children entering treatment, there are still serious concerns about provision. The Children's Commissioner found that children were on average waiting eight weeks to begin treatment with more than a third of those who are referred being rejected for treatment. Service provision and wait lists can vary greatly from area to area with waiting times ranging from three weeks to almost four months and expenditure per child ranging from £14 to £191 depending on the area of the country in which the child lives.<sup>581</sup>

We would echo recommendations made by the Office of the Children's Commissioner on improving access to mental health support for children. We concur that a 2028 target for specialist provision should be expedited by involving third sector organisations in this provision. The government has committed additional funding for CAMHS but we would encourage this funding to reach the frontline as soon as possible given that demand has meant some areas are having to raise their threshold for who will qualify for support. A leaked letter from a service in London showed that the only children who would be accepted during a six-month period would be those exhibiting 'psychotic presentation, significant depression, serious self-harm, suicidal ideation [and] severe OCD'.<sup>582</sup>

The Association of Child Psychotherapists have referenced examples of the threshold being several suicide attempts before a child received care. This would indicate that in some cases CAMHS is not able to provide early intervention, but rather a child has to reach a crisis point before they receive care. The Care Quality Commission has also found that the volume of children presenting to A&E for mental health care has doubled since 2010. Vulnerable children should not be left to suffer miserably until they are falling apart, and the system should be geared towards preventing crisis rather than kicking in

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580 *NHS England, King's College Hospital, Review of pathway following sexual assault for children and young people in London*, March 2015, [Accessed via: [www.england.nhs.uk/london/wp-content/uploads/sites/8/2015/03/review-pathway-cyp-london-report.pdf](http://www.england.nhs.uk/london/wp-content/uploads/sites/8/2015/03/review-pathway-cyp-london-report.pdf)]

581 *NHS England, King's College Hospital, Review of pathway following sexual assault for children and young people in London*, March 2015, [Accessed via: [www.england.nhs.uk/london/wp-content/uploads/sites/8/2015/03/review-pathway-cyp-london-report.pdf](http://www.england.nhs.uk/london/wp-content/uploads/sites/8/2015/03/review-pathway-cyp-london-report.pdf)]

582 *NHS England, King's College Hospital, Review of pathway following sexual assault for children and young people in London*, March 2015, [Accessed via: [www.england.nhs.uk/london/wp-content/uploads/sites/8/2015/03/review-pathway-cyp-london-report.pdf](http://www.england.nhs.uk/london/wp-content/uploads/sites/8/2015/03/review-pathway-cyp-london-report.pdf)]

at crisis point. This report would propose that mental health budgets for child and adult victims/survivors are clearly ring fenced within NHS funding with a full review of 'cold spots' across the country for provision with a corresponding funding increase.<sup>583</sup>

**In some cases CAMHS is not able to provide early intervention, but rather a child has to reach a crisis point before they receive care.**

A report from the NWG Network which surveyed healthcare professionals found that some local CAMHS services were not following up with Did Not Attend (DNA) patients and were operating a 'two strikes and out' policy for those who did not show up to meetings. This is extremely problematic in the context of CSE given that a young person may have had their freedom greatly curtailed and may be unable to make an appointment at a fixed time. The Department for Health should seek to ascertain the extent to which this is taking place and ensure that CAMHS services are following up with patients who Did Not Attend and are permitting patients whose attendance has been patchy to re-engage without re-joining waiting lists.<sup>584</sup>

A joint targeted area inspection report identified a 'lottery of therapeutic support' in different local areas and a need to improve the clarity of pathways for support.<sup>585</sup> They found that generally speaking support offered was of a high quality but it could be 'fragmented' and early intervention was a concern. One issue they did identify was that support could be time-limited in a way that didn't necessarily correspond with the length of the trauma's impact.<sup>586</sup> Where support can only be offered for a specified period of time, we would recommend that there is clear signposting of where a victim/survivor can go to have their needs met following receiving the service in question.

## Medical examination settings

Clinical Commissioning Groups are the lead commissioners for Sexual Assault Referral Centres (SARCs). They are specialist services for anyone who has suffered from sexual assault and comprise interviews, forensic and medical examinations, sexual health services with some offering counselling. The Kings report found that some SARCs were not child friendly contexts given that often they are clinics.<sup>587</sup> While Barnahus is the best practice model, the addition of child centric furniture, a family friendly waiting room and toys could help child victims/survivors to feel more comfortable.

583 *NHS England, King's College Hospital, Review of pathway following sexual assault for children and young people in London*, March 2015, [Accessed via: [www.england.nhs.uk/london/wp-content/uploads/sites/8/2015/03/review-pathway-cyp-london-report.pdf](http://www.england.nhs.uk/london/wp-content/uploads/sites/8/2015/03/review-pathway-cyp-london-report.pdf)]

584 *NHS England, King's College Hospital, Review of pathway following sexual assault for children and young people in London*, March 2015, [Accessed via: [www.england.nhs.uk/london/wp-content/uploads/sites/8/2015/03/review-pathway-cyp-london-report.pdf](http://www.england.nhs.uk/london/wp-content/uploads/sites/8/2015/03/review-pathway-cyp-london-report.pdf)]

585 *Ofsted, Care Quality Commission (CQC), HMI Constabulary and Fire and Rescue Services (HMICFRS) and HMI Probation (HMIP), The multi-agency response to child sexual abuse in the family environment*, 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862454/Multi\\_agency\\_response\\_to\\_child\\_sexual\\_abuse\\_in\\_the\\_family\\_environment\\_joint\\_targeted\\_area\\_inspections\\_JTAls.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862454/Multi_agency_response_to_child_sexual_abuse_in_the_family_environment_joint_targeted_area_inspections_JTAls.pdf)]

586 *Ofsted, Care Quality Commission (CQC), HMI Constabulary and Fire and Rescue Services (HMICFRS) and HMI Probation (HMIP), The multi-agency response to child sexual abuse in the family environment*, 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862454/Multi\\_agency\\_response\\_to\\_child\\_sexual\\_abuse\\_in\\_the\\_family\\_environment\\_joint\\_targeted\\_area\\_inspections\\_JTAls.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862454/Multi_agency_response_to_child_sexual_abuse_in_the_family_environment_joint_targeted_area_inspections_JTAls.pdf)]

587 *NHS England, King's College Hospital, Review of pathway following sexual assault for children and young people in London*, March 2015, [Accessed via: [www.england.nhs.uk/london/wp-content/uploads/sites/8/2015/03/review-pathway-cyp-london-report.pdf](http://www.england.nhs.uk/london/wp-content/uploads/sites/8/2015/03/review-pathway-cyp-london-report.pdf)]

This report has promoted the benefits of the Barnahus model evident across Iceland and in The Lighthouse in London. Barnahus also has medical benefits, since the recorded interviews also enable practitioners to schedule any necessary medical examinations which can be provided in the same location. As previously indicated, health settings can carry negative connotations for children and drive anxiety if they infer that they are sick. Given that the Barnahus model is deliberately designed to take place in child-friendly neutral settings, these seem the most appropriate locations for such examinations to take place.<sup>588</sup>

This is not the only example of excellent child centred practice – a joint targeted area inspection report identified a great example of a service in York that was a specialist child sexual assault assessment centre where play therapists worked alongside paediatricians to put the child at ease and reduce their anxiety.<sup>589</sup>

Contexts that cater specifically to the needs of children are beneficial in reducing anxiety and the potential for re-traumatisation and so as such we would wish to see Barnahus houses that meet the child's needs from suspicion to disclosure through a court process and with ongoing emotional support, rolled out across the country with the ability to conduct medical examinations and therapeutic aftercare for the victim/survivor and secondary victims like non-abusing parents.

Sexual health services can play an incredibly important role in recognising abuse and exploitation, but some victims/survivors suffer from being taken to different clinics by their abusers to have their symptoms addressed so that one service does not become suspicious after frequent visits. We would therefore echo the calls of NWG Network that separate sexual health services should be encouraged to further improve data sharing to circumvent this tactic on the part of perpetrators.<sup>590</sup>

Equally, while most of the time if a child under the age of 13 presents to healthcare requesting contraception this will be flagged to child services it would be worth the Department for Health and Social Care considering whether this referral should be mandatory for clinicians.<sup>591</sup> The NWG Network also recommended that Sexual Health Clinics should have a named professional responsible for CSA who is specifically looking for related problems, a recommendation we would concur with.

## Support for victims and pre-trial therapy

A member of the Survivors Group spoke to how she waited nine years to receive specialist counselling and that while pre-trial therapy is an option in theory, many do not take it up.

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588 *NHS England, King's College Hospital, Review of pathway following sexual assault for children and young people in London, March 2015*, [Accessed via: [www.england.nhs.uk/london/wp-content/uploads/sites/8/2015/03/review-pathway-cyp-london-report.pdf](http://www.england.nhs.uk/london/wp-content/uploads/sites/8/2015/03/review-pathway-cyp-london-report.pdf)]

589 *Ofsted, Care Quality Commission (CQC), HMI Constabulary and Fire and Rescue Services (HMICFRS) and HMI Probation (HMIP), The multi-agency response to child sexual abuse in the family environment, 2020*, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862454/Multi\\_agency\\_response\\_to\\_child\\_sexual\\_abuse\\_in\\_the\\_family\\_environment\\_joint\\_targeted\\_area\\_inspections\\_JTAs.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862454/Multi_agency_response_to_child_sexual_abuse_in_the_family_environment_joint_targeted_area_inspections_JTAs.pdf)]

590 *NWG Network, 'If you shine a light you will probably find it': Report of a grassroots survey of Health Professionals with regard to their experiences in dealing with child sexual exploitation, March 2013*, [Accessed via: [www.nhs.uk/about-the-nhs-website/professionals/healthandcareprofessionals/child-sexual-exploitation/documents/shine%20a%20light.pdf](http://www.nhs.uk/about-the-nhs-website/professionals/healthandcareprofessionals/child-sexual-exploitation/documents/shine%20a%20light.pdf)]

591 *NWG Network, 'If you shine a light you will probably find it': Report of a grassroots survey of Health Professionals with regard to their experiences in dealing with child sexual exploitation, March 2013*, [Accessed via: [www.nhs.uk/about-the-nhs-website/professionals/healthandcareprofessionals/child-sexual-exploitation/documents/shine%20a%20light.pdf](http://www.nhs.uk/about-the-nhs-website/professionals/healthandcareprofessionals/child-sexual-exploitation/documents/shine%20a%20light.pdf)]

Another member raised concerns about the guidance related to pre-trial therapy. The word 'caution' is used in relation to accessing group therapy which he flagged may be the most effective form of support available to victims/survivors. When this victim/survivor saw the word 'caution' he decided to avoid support as they did not want to do anything that could compromise his case. He flagged that cases can take years to be heard which can mean a long time without support and that there must be some people who do not make their trial because of suicide. He acknowledged that the rationale was to avoid defence barristers being able to claim that group therapy has resulted in collusion or given the complainant ideas about things to adopt as their own. But his challenge to this was that all of us are exposed to information about CSA and the CPS doesn't advise caution on watching documentaries or reading articles related to the subject.

He said that the guidelines do not ban it, but they do not make it an attractive option as you are steered by professionals that if you want to win your case you should avoid doing anything that would compromise it. The APPG for Adult Survivors of Childhood Sexual Abuse found that some victims/survivors were being incorrectly told by the police that they should not seek therapeutic support until their court case has concluded. This misconception must be addressed as it could feed into the attrition rate of victims/survivors who do not support further action with regards to their cases. Given the length of many investigations and court proceedings, if victims/survivors believe they should not be accessing therapy before the trial this could leave them unsupported for a dangerously long period of time.

Issues surrounding pre-trial therapy do not just adversely impact adult victims/survivors. A Joint targeted area inspection review report found that there were frequent examples of therapeutic support being delayed to child victims/survivors because of confusion on the part of professionals about the stage at which this can begin and concerns about the potential for therapy to interfere with criminal processes.<sup>592</sup>

New and greatly improved guidance on pre-trial therapy is due to be published this spring. This guidance is very strong on victims' rights, and it is critical that it is pushed out and adopted as soon as possible. We recognise that the CPS does not have a significant budget to publish this widely, but recommend that they continue to work closely with partners including the Ministry of Justice, the Victims' Commissioner, the Home Office, the National Police Chiefs Council and victims' charities to ensure that this guidance is known about widely and quickly adopted into practice.

To further combat misconceptions on the part of victims/survivors about their entitlement to pre-trial therapy, we recommend the CPS pulls together a series of case studies of how and when therapeutic notes can be used in court to clarify that this will only take place in very specific circumstances and is not the rule to incentivise victims/survivors to seek the support they may require in advance of a trial. While the guidelines do describe scenarios in which notes could be shared, including 'in circumstances where there are

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<sup>592</sup> *Ofsted, Care Quality Commission (CQC), HMI Constabulary and Fire and Rescue Services (HMCFRS) and HMI Probation (HMIP), The multi-agency response to child sexual abuse in the family environment, 2020, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862454/Multi\\_agency\\_response\\_to\\_child\\_sexual\\_abuse\\_in\\_the\\_family\\_environment\\_joint\\_targeted\\_area\\_inspections\\_JTAls.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862454/Multi_agency_response_to_child_sexual_abuse_in_the_family_environment_joint_targeted_area_inspections_JTAls.pdf)]*

reasonable grounds to believe that disclosable material is contained within the records'<sup>593</sup> this language will not help every victim/survivor. Setting out examples of what 'disclosable material' could look like in clear language in the new guidelines would help.

## Children conceived in abuse

Some victims/survivors of CSA fall pregnant as a direct result of the abuse they have suffered. For those who choose to proceed with the pregnancy, there is little to no advice available on how best to explain to a much-loved child how they came into the world in a way that minimises trauma and harm to both the mother and the self-esteem of the child.

To that end, the Home Office should commission charitable organisations with expertise in sexual violence to produce materials at a local level for such mothers to help guide these incredibly difficult conversations. These materials should also be produced for those with disabilities and special educational needs and in a range of languages so they are helpful for all who may need them. The Home Office should then work cross-government to ensure these materials are widely available in a number of physical locations and online so they are accessible to all who may need them.

**There is little to no advice available on how best to explain to a much-loved child how they came into the world in a way that minimises trauma and harm to both the mother and the self-esteem of the child.**

These children should also be considered secondary victims who deserve support and recognition. They could be crucial in pursuing prosecutions against their fathers should their mothers not wish to. Government should also establish the extent to which they are able to access victim/survivor services and consider how best to ensure this access can be enhanced, for example by recognising these children as victims in the upcoming Victims' Law.

### Recommendations

- Should a victim/survivor change their mind about engagement having started, the offer of the service should remain open for a later date.
- The 2028 target for specialist provision expansion should be expedited by involving third sector organisations in this provision.
- Mental health budgets should be clearly ring fenced within NHS funding with a full review of 'cold spots' across the country for provision with a corresponding funding increase.
- CAMHS services should be following up with patients who Did Not Attend and are permitting patients whose attendance has been patchy to re-engage without re-joining waiting lists.

<sup>593</sup> *Crown Prosecution Service, Draft guidance on pre-trial therapy, accessed January 2021, [Accessed via: [www.cps.gov.uk/publication/draft-guidance-pre-trial-therapy](http://www.cps.gov.uk/publication/draft-guidance-pre-trial-therapy)]*

- While most of the time if a child under the age of 13 presents to healthcare requesting contraception this will be flagged to child services it would be worth the Department for Health and Social Care considering whether this referral should be mandatory for clinicians.
- CPS should pull together a series of case studies of how and when therapeutic notes can be used in court to clarify that this will only take place in very specific circumstances. While the guidelines do describe scenarios in which notes could be shared, this language won't help every victim/survivor. Setting out examples of what 'disclosable material' could look like in clear language in the new guidelines would help.
- The Home Office should commission charitable organisations with expertise in sexual violence to produce materials at a local level for such mothers with children conceived in abuse to help guide these incredibly difficult conversations. These materials should also be produced for those with disabilities and special educational need and in a range of languages so they are helpful for all who may need them.
- These children should also be considered secondary victims who deserve support and recognition. They could be crucial in pursuing prosecutions against their fathers should their mothers not wish to. Government should also establish the extent to which they are able to access victim/survivor services and consider how best to ensure this access can be enhanced.

# Conclusion

The decent people of this country are united in our view that sexual crimes against children are abhorrent and among the worst offences an individual can perpetrate. And while official statistics paint an appalling picture of the nature and scale of this offending, we are also clear that the reality is highly likely to be even worse than the data suggests. We are clear that large numbers of child and adult victims/survivors still face seemingly insurmountable barriers to disclosure. Some take decades before they disclose the harm that has been inflicted on them, some never tell anyone at all.

Progress is being made in acknowledging the extent and range of the crime and understanding the patterns of offending. The common notion that the biggest threat is 'stranger danger' has been superseded by a more sophisticated understanding of the extent of intra-familial abuse, criminal networking, indeed the commercialisation of abuse, that modern technology has enabled and created opportunities for. Our common understanding now is that where children are abused in person, strangers pose less of a threat than family members and others well known to their victims/survivors.

Though lone perpetrators do exist and comprise the majority of child sexual offenders, within families, within schools and wherever children are vulnerable, it is also the case that the sexual abuse and exploitation of children can be commoditised and traded by organised criminals.

Over the last decade Britain has had to confront too, the extent to which both lone perpetrators and those involved in wider networks have been able to avoid detection and prosecution because of system inadequacies.

In this regard, common themes have emerged from very different cases, whether those that are distinguished as 'on-street grooming', abuse within institutions, on-line or within families: Far too often victims/survivors have been doubted, their voices silenced by a rush for damage limitation, police and social services have been too slow to act, the criminal justice system found unfit for the purpose of enabling traumatised children to take on adults through the exacting process of a prosecution. Multiple enquiries and media investigations have exposed these and other flaws, many of which have been acknowledged and acted upon with practice evolving to reflect that.

Child sexual abuse (CSA) is taking place in the UK at an alarming rate. One child being harmed in this way is one child too many and we are determined to drive up our response to the terrible crimes that cause their suffering. That is why we have assembled this suite of recommendations to redouble our efforts in this space.

The timing of this publication is highly relevant. The Covid-19 pandemic has triggered a national conversation on hidden harms and the extent to which particular vulnerabilities are exacerbated by lockdowns. Childline found that some victimised children were being sexually abused more frequently during lockdown, as they were spending more time with their abuser.<sup>594</sup> They received this desperate testimony from one 11-year-old child: 'My dad has been sexually abusing me nearly all my life... But in lockdown dad is doing it five or six times a day and it is really hurting'.<sup>595</sup>

Lockdown has created an additional barrier for abused children to disclose to trusted adults. The NSPCC found that the majority of children who tell someone outside of their family that they are being abused will turn to a teacher.<sup>596</sup> Children being out of school means these opportunities will be missed.

The online threat picture is equally bleak with more people, including predators, stuck at home and spending increased time online. The Internet Watch Foundation shared that 9 million attempts to view child sexual abuse material were made by Britons in the first month of lockdown.<sup>597</sup>

They also expressed concerns about a stark rise in self-generated indecent images of children, where a child is tricked or coerced into sharing images of themselves.<sup>598</sup> This is clearly as a result of abusers exploiting the fact that children are spending more time online during lockdowns, leaving them extremely vulnerable to harmful contact and predatory behaviours.

We have opportunities coming up the pipeline to really deliver for victim/survivors such as the Comprehensive Spending Review, the Online Safety Bill and the Sentencing Bill. The Government should ensure that vulnerable children are front and centre in their thinking for these workstreams and consider what else could be implemented alongside these set pieces. We must keep Government's attention on this issue beyond the pandemic and would urge them to work with us to institute policies to better protect victim/survivors and ensure justice is served to perpetrators.

594 NSPCC, The impact of the coronavirus pandemic on child welfare: sexual abuse, August 2020, [Accessed via: <https://learning.nspcc.org.uk/media/2280/impact-of-coronavirus-pandemic-on-child-welfare-sexual-abuse.pdf>]

595 NSPCC, The impact of the coronavirus pandemic on child welfare: sexual abuse, August 2020, [Accessed via: <https://learning.nspcc.org.uk/media/2280/impact-of-coronavirus-pandemic-on-child-welfare-sexual-abuse.pdf>]

596 NSPCC, No one noticed, no one heard: A study of disclosures of childhood abuse, 2013, [Accessed via: <https://learning.nspcc.org.uk/media/1052/no-one-noticed-no-one-heard-report.pdf>]

597 Internet Watch Foundation, IWF working with Ministers to protect children during coronavirus lockdown, 30 June 2020, [Accessed via: [www.iwf.org.uk/news/iwf-working-ministers-to-protect-children-during-coronavirus-lockdown](http://www.iwf.org.uk/news/iwf-working-ministers-to-protect-children-during-coronavirus-lockdown)]

598 The Times, Children are at greater risk of online abuse in lockdown, 29 April 2020, [Accessed via: [www.thetimes.co.uk/article/children-are-at-greater-risk-of-online-abuse-in-lockdown-gp60j7hgk](http://www.thetimes.co.uk/article/children-are-at-greater-risk-of-online-abuse-in-lockdown-gp60j7hgk)]

# Recommendations

## Education response

- Department for Education should either: produce best practice resources for schools on delivering Relationships and Sex Education; issue guidance on how best to select teaching products; or quality assure the material that is already available from independent providers. These resources should be accessible to those children with special educational needs and disabilities.
- Department for Education should issue guidance for primary school teachers on how to handle questions related to sex that go beyond the Relationships Education curriculum.
- Schools should adopt a 'whole-school' approach to child sexual abuse, meaning every staff member should be equipped with the relevant training to identify the signs of abuse and have the knowledge of next steps.
- School nurses should be returned to pre-2010 levels with practitioners required to both undertake training on child sexual abuse and work alongside the school's designated safeguarding and RSE leads to help support disclosure.

## Online regulation response

- The Duty of Care should include evidence of 'safety by design' – meaning products and processes are designed and work to mitigate harm with minimum safeguarding standards across platforms.
- The Duty of Care should include platforms proactively seeking out potential risks on their platform so they can be addressed.
- Material that does not necessarily constitute a Category A, B or C image but holds the potential to cause harm or has been misappropriated by those with a sexual interest in children should be removed.
- In designing transparency reporting requirements, Government and Ofcom must be careful to avoid unintended consequences such as disincentivising proactively searching for CSAM.
- Ofcom should have the power to commission reviews of individual platforms to better understand the adequacy of their systems.
- The Online Safety Bill should include age assurance of pornography websites to help ensure that under 18s do not have easy, unfettered access to this content.
- Home Office should establish a taskforce to combat legitimate advertising appearing on websites hosting CSAM.

- Platforms such as Twitter and Instagram should consider deploying deterrence messaging with The Lucy Faithfull Foundation as Google has done.
- Central Government should meet the funding drop off that EU exit led to for the Safer Internet Centre.
- Internet companies should be pre-screening content uploads to ensure CSAM doesn't end up on their platforms.
- Reporting functions should include a CSAM flag, must be easy to find and navigate and shouldn't require personally identifiable information from the reporter. They must also be child-centric to better combat self-generated CSAM.
- Ofcom should treat high-risk design features like end-to-end-encryption as breaches of the Duty of Care and sanctions should be able to apply retroactively.
- Sanctions for breaches of the Duty of Care should include stringent financial penalties, individual director liability, criminal sanctions, directorship bans and ISP blocking.
- Government should establish a taskforce consisting of Home Office ministers, Foreign, Commonwealth and Development Office ministers, policing and industry including money transfer services to develop a more proactive policy approach to live-streamed child sexual abuse.
- Ministry of Justice should consider a new offence to better capture demand side live-streamed child sexual offences as the Australian government has done.

## Legislative response

- The Department for Education and Home Office should review the use of the word 'exchange' in the statutory definition of child sexual exploitation.
- Government should introduce a statutory definition of child criminal exploitation.
- The CPS should be making clear to prosecutors that the case law for the offence of Meeting a Child After Sexual Grooming offence makes clear that the grooming communication does not need to be of a sexual nature for the offence to apply.
- Prosecutors should consider whether they can evidence that grooming commenced before the age of 13 even if other offences took place after 13. We would wish to see the same principle apply where grooming behaviours that preceded a child's 16th or 18th birthday with other offences following are considered in charging.
- Government should ask the Law Commission to interrogate whether the practice of tactically placing a victim/survivor on the indictment to include their evidence without calling them as a witness should be explicitly banned in legislation.
- Ministry of Justice should consider including online sexual offences against minors in the SOPC scheme by expanding Schedule 18A of the Criminal Justice Act 2003.
- Government should legislate to close the 'positions of trust' loophole to ensure all professionals working with children are held to the same standards.
- The Sexual Offences Act 2003 should be amended to make clear that 'plugging' constitutes a sexual offence and can be included under 'assault by penetration'.

- Home Office should review the offences that Section 45 of the Modern Slavery Act does not cover to ensure crimes aren't included that are common in child criminal exploitation.
- Government should instruct the Law Commission to examine how 'Sammy's Law' – legislation to expunge the criminal records of victims/survivors of both child sexual and criminal exploitation – would work practically so that such legislation can be introduced.

### **Criminal Justice response**

- Courts must be supported financially to ensure that cases can be heard as quickly as possible to help victims/survivors remain engaged in their case.
- Home Office should deliver on their commitment to establish a national register of accredited ISVAs alongside a mapping exercise to identify gaps in service provision – geographically and with regards to diversity. Gaps identified should be filled and national standards for ISVAs should be developed.
- Government should expedite its plans as set out in the 2019 Conservative Party Manifesto to introduce a Victim's Law that 'guarantees victim's rights and the level of support they can expect'.
- Ministry of Justice should reconsider dropping the 'Advocacy and the Vulnerable' training requirement and for publicly funded advocates with this training extended to external advocates and members of the Queen's Counsel.
- The Bar Professional Training Course authorisation framework and the Law Society equivalent should be training new advocates on how to question children and vulnerable witnesses.
- Judges should be trained to construct developmentally appropriate question should advocates fail to reconfigure their question to a child witness.
- Areas with poor provision for giving evidence from another court location or a non-court site should be identified by the Ministry of Justice so they can be prioritised for development.
- Juries should be provided with information both written and in a short video tackling rape mythology and ensuring jurors are prepared for the fact that victims/survivors are not a monolith and may present very differently.
- Ministry of Justice and Home Office should launch a public information campaign debunking false narratives on how victims/survivors of CSA present with particular reference to the fact that this cohort includes boys and men, disabled people, Black and minoritized people and those who do not present as vulnerable.
- The Treasury should establish a £100 million Child House Fund which regions can bid into to assist the development of Barnahus Child Houses with a longer-term funding stream to encourage the wider roll out of the service.
- The courts should be responsible for signposting all victims/survivors to aftercare support, not just those who saw a guilty verdict in their case with this right added to the Victims Code.
- ISVAs must be preparing victims/survivors for various unforeseen outcomes like hung juries or dismissals.

- Victims/survivors must be informed of the release of their abuser to avoid highly traumatising outcomes like a victim/survivor seeing their perpetrator when going about their business and being completely blind-sided.
- For those who underwent court proceedings as children, their parent may have been the point of contact for parole meaning if their abuser is released when they are an adult, they may not be notified of this fact. Survivors must have the option of becoming the main point of contact upon turning 18.
- Sentencing Council should undertake a full review of sentencing guidelines to ensure that the punishment fits the crime when it comes to sexual offences against children.
- Ministry of Justice should consider a presumption for consecutive rather than concurrent sentencing for child sexual offences.
- Government should consider how it could mitigate the influence of good character witnesses considering those with a good standing in their community are no less likely to commit child sexual offences than anyone else.
- CICA should be overhauled by removing the 'consent' rule from the statutory scheme, ensuring victims/survivors of online-facilitated abuse can make claims and considering the ineligibility of those with unspent criminal convictions that could be related to their exploitation.
- Government should report to Parliament annually on the use of Criminal Compensation Orders in CSA cases, provide information for victims/survivors on the different remedies available to them and seek to establish the totals awarded so that no one receives degrading and traumatising amounts.
- The Ministry of Justice should work alongside third sector organisations to develop a community impact statement for victims/survivors of CSAM for use in the UK courts with the ambition of facilitating more appropriate sentencing.
- The Department for Work and Pensions and the Ministry of Justice should work together to publish guidelines for employers so that they understand the possible requirements of a member of their staff having to attend court so that the onus is not on victims/survivors or secondary victims like parents of abused children to disclose abuse and prove that they need to take time away from their place of work.

### **Child social care response**

- While Government has committed to banning the placement of under 16-year olds in such settings, we feel this should be expanded to 16- and 17-year olds.
- Enacting such a policy would cause an exacerbation of the capacity issue facing children's homes places which the Government should simultaneously seek to redress.
- A Looked After Child should be moved out of their local area only where there is a specific safeguarding reason for doing so.

## Policing response

- PACE Code G should be amended to make clear that a voluntary attendance suspect can be arrested on arrival at the police station in order to facilitate use of bail and this measure should be clarified in College of Policing training.
- Guidance should be issued to judges that they ought to be checking whether a victim/survivor has had their Special Measures entitlements explained to them by the police as part of the Plea and Trial Preparation Hearings.
- Forces should use proactive policing in CSE wherever possible to disrupt harm and should this require an additional funding increase, this must be reflected in Home Office bids into the Comprehensive Spending Review.
- Local authorities must mandate DBS checks for taxi and private hire vehicle drivers and training on CSA with funding support from central Government if necessary.
- HMICFRS should monitor volume of victimless prosecutions so we can better understand the extent to which they are being used.
- Drive up ethnic diversity in frontline policing through NPCC and other access schemes so that Black and minoritized victim/survivors can build better trust in policing.
- A National Policing Conference should be specifically designed so that officers can test technology and share information that could speed up and assist their investigations into IIOC.
- Lower level of authorisation for instructing offenders to hand over device and account passwords in IIOC investigations.
- The College of Policing should develop mandatory training for all police recruits that unpacks victim blaming, explains its consequences and provides detail on how victims/survivors can present.
- Individual forces should assess their ability to ensure that all community-based police responses to CSA allegations can be undertaken by a plain clothes officer with the appropriate safeguarding specialism in an unmarked car.
- The Joint Inspectorates should review the impact of the move in some forces from child protection units to more broadly focused public protection units and in some cases 'omni-competent' policing to better establish the impact on service provision.

## Offender focused response

- Funding the increased capacity and availability of organisations like The Lucy Faithfull Foundation should be a serious priority.
- Government should look at how best to ensure that sex offenders cannot change their name to deceive or circumvent notification requirements on them and which statutory body should take regulating deed poll into their remit.
- DBS should be mandating that a birth certificate forms part of the identification process and Government should publish statutory guidance for organisations that work with children and vulnerable adults working with children that employees should have their birth certificate checked alongside their DBS to ensure existing staff members don't pose a threat.
- The Home Office should commission an urgent inquiry into 'missing' sex offenders to establish their location and activities.
- The potential for misogyny to enable abusive behaviours should be fully investigated as part of Relationships and Sex Education.
- Alongside the CSA Operations Database, the Home Office undertake research to establish the prevalence of CSE broadly but also in conjunction with county lines offending so we can better understand the interconnect between the two forms of exploitation and the extent to which they are being perpetrated concurrently.
- Ministry of Justice should work to develop more bespoke interventions for different cohorts of CSA offenders focused on harm reduction to be delivered both in prisons and in the community.
- Kaizen and Horizon should be reviewed by the Ministry of Justice once a sufficient evidence base exists so we can be reassured that they are working to reduce risk.
- Ministry of Justice should conduct an audit to establish where 'blind spots' exist geographically for sex offender interventions and support local authorities identified to address these gaps.
- Police forces should also assess their current ability to monitor those who are subject to such civil orders and if a resourcing challenge is identified, a bid should be made and supported by the Home Office.
- The Home Office and the Ministry of Justice CAWNs eligibility to consider whether they should apply to cases with children over the age of 16.
- The Ministry of Justice, Department for Education and the Home Office should work to redress the paucity of evidence around the impact of coercive control and broader domestic abuse on the ability of non-abusing parents to managed supervised contact and protect their children so that interventions can be made to support this specific cohort.

### **All frontline services response**

- All frontline services and those working to address CSA should be trained on the effect of ‘adultification’ and mindful of its potential to deliver a poor service for some children.
- All frontline services need to be cognisant of cultural differences and ensure that rather than dubbing communities ‘hard to reach’ they are reflecting on whether their service might be hard to find.
- The funding needs of specialist services and dedicated organisations should be investigated by MHCLG and the Home Office and provision should be mapped against regional demographics so any gaps can be filled as part of the Comprehensive Spending Review.
- The Home Office should commission an independent report on the impact of the lack of firewall between reporting crimes and immigration enforcement and the impact of ‘no recourse to public funds’ on sexual violence victims/survivors. The impact should be reflected in the Violence Against Women and Girls strategy.
- Services should be mindful of the need to ensure their resources are accessible to all and in a range of languages. Elsewhere, interpreters should be available whilst being cognisant of the need to ensure interpreters do not have links to the child’s community that could be problematic or concerning to the child.
- Government should appoint an Independent CSA Commissioner in the model of the Domestic Abuse Commissioner, with statutory powers particularly with regards to data collection and driving best practice, who can conduct extensive mapping of the gaps in the system and push for improvements.
- The Prime Minister should establish a cabinet committee on CSA to ensure that departments are considering their stake in the issue and working together to deliver change.

### **Health, therapeutic and support response**

- Health care staff must be trained adequately on the indicators of abuse so they know precisely what they are looking for when encountering children and young people who may present very differently and health teams must be fully integrated into local multi-agency teams.
- NHS England should publish guidance setting out how exploitation can manifest in older young people and the need for a safeguarding intervention irrespective of age.
- Efforts should be made to also ensure that advocacy and support services take place in a location that child will feel comfortable in and stands the best chance of their engagement.
- Should a victim/survivor change their mind about engagement having started, the offer of the service should remain open for a later date.
- The 2028 target for specialist provision expansion should be expedited by involving third sector organisations in this provision.
- Mental health budgets should be clearly ring fenced within NHS funding with a full review of ‘cold spots’ across the country for provision with a corresponding funding increase.

- CAMHS services should be following up with patients who Did Not Attend and are permitting patients whose attendance has been patchy to re-engage without re-joining waiting lists.
- Where support can only be offered for a specified period of time, we would recommend that there is clear signposting of where a victim/survivor can go to have their needs met following receiving the service in question.
- Separate sexual health services should be encouraged to further improve data sharing to circumvent the tactic on the part of perpetrators of taking victims to various clinics to avoid detection.
- While most of the time if a child under the age of 13 presents to healthcare requesting contraception this will be flagged to child services it would be worth the Department for Health and Social Care considering whether this referral should be mandatory for clinicians.
- CPS should pull together a series of case studies of how and when therapeutic notes can be used in court to clarify that this will only take place in very specific circumstances. While the guidelines do describe scenarios in which notes could be shared, this language won't help every victim/survivor. Setting out examples of what 'disclosable material' could look like in clear language in the new guidelines would help.
- The Home Office should commission charitable organisations with expertise in sexual violence to produce materials at a local level for such mothers with children conceived in abuse to help guide these incredibly difficult conversations. These materials should also be produced for those with disabilities and special educational need and in a range of languages so they are helpful for all who may need them.
- These children should also be considered secondary victims who deserve support and recognition. They could be crucial in pursuing prosecutions against their fathers should their mothers not wish to. Government should also establish the extent to which they are able to access victim/survivor services and consider how best to ensure this access can be enhanced.

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