



Child Criminal Exploitation – PCSC Bill

Amendment NC23 – Child Criminal Exploitation

“Amendment to the Modern Slavery Act 2015

At end of section 3 of the Modern Slavery Act 2015 (meaning of exploitation), add–

Child criminal exploitation

“(7) Another person or persons manipulate, deceive, coerce or control the person to undertake activity which constitutes a criminal offence where the person is under the age of 18.”

Tabled by Sarah Champion MP

What is child criminal exploitation?

“When someone you trusted makes you commit crimes for their benefit” – Young person

Child criminal exploitation (CCE) takes a variety of forms but ultimately it is the grooming and exploitation of children into criminal activity. Across each form that CCE takes, the current reality is that children who are coerced into criminal activity are often treated as perpetrators by statutory agencies rather than as victims of exploitation. This is in part because safeguarding partners are working to different understandings of what constitutes criminal exploitation. Recently, CCE has become strongly associated with one specific model known as ‘county lines’, but it can also include children being forced to work in cannabis factories, being coerced into moving drugs (often forced to insert drugs in their vagina or anus in a practice known as ‘plugging’) or money across the country, forced to commit financial fraud, forced to shoplift or pickpocket.

The lack of a shared understanding about what CCE is and the guises it can take means that questions are not consistently asked when children are identified as being associated with criminal activity, either at the time of arrest or during court cases, where possible coercion of a child has taken place. This means that children are often arrested for crimes they are being forced to commit, whereas the adults who exploit them are often not investigated and brought to justice, remaining free to exploit other vulnerable children.

Scale of child criminal exploitation

The true scale of child exploitation is not known, because many children who are being exploited or groomed fall through the cracks of statutory support and therefore are not identified in official statistics. The Children's Commissioner estimated that at least 27,000 children are at high risk of gang exploitation¹. Children in Need statistics (CiN) highlight that many assessments of needs of children referred to social services are due to factors strongly associated with child criminal or sexual exploitation. The list of CiN factors below currently does not include CCE, however this has been introduced as a new assessment factor for the 2021-2022 collection.

CiN Factors ²	2019	2020
Child sexual exploitation	18,720	18,700
Gangs	10,960	14,700
Going missing	15,740	18,200
Trafficking	2,490	3,010

Another set of useful numbers is provided by National Referral Mechanism statistics (NRM). NRM is the statutory framework for identifying victims of modern slavery and human trafficking to ensure they receive necessary protection. Whilst NRM data³ is often the tip of the iceberg, during 2020 a total of 4,946 children were referred to the NRM⁴, of them 2,544 due to concerns of criminal exploitation and 205 due to concerns of both criminal and sexual exploitation. This growing and distinct form of exploitation is now recognised under the NRM, and should now be reflected in statute as well.

The impact of COVID-19

Lockdown restrictions introduced during the pandemic have both hindered and helped law enforcement to address child criminal exploitation. During the first lockdown, police reported benefitting from the ability to reallocate resources toward neighbourhood policing, particularly in communities considered high-risk. However, perpetrators of exploitation have also adapted, with reports of an increased exploitation risk to females, vulnerable drug users, children from more affluent backgrounds and in some areas university students, as perpetrators seek to exploit those with less risk of apprehension by law enforcement⁵.

See, Hear, Respond- a COVID-response programme led by Barnardo's and funded by the Department for Education- supported over 27,000 children at risk of being criminally exploited between June 2020 and March 2021. In total the programme supported over 100,000 vulnerable, "hidden" children who were not receiving statutory support and helped them with their mental health, risk of harm at home, online or in the community, and access to education and return to school⁶.

Who is being exploited?

- Gangs or organised crime groups (OCGs) are widening their net and targeting children from a diverse range of backgrounds.
- However, we know that current risk factors include family breakdown, poverty, children involved in local authority care, children with special educational needs and those attending pupil referral units.

Our organisations want statutory services to recognise that these children have not "made a choice" to get involved in criminal activity – as perpetrators of exploitation would want these

¹ <https://cco-web.azureedge.net/wp-content/uploads/2021/02/cco-still-not-safe.pdf>

² <https://explore-education-statistics.service.gov.uk/find-statistics/characteristics-of-children-in-need/2020>

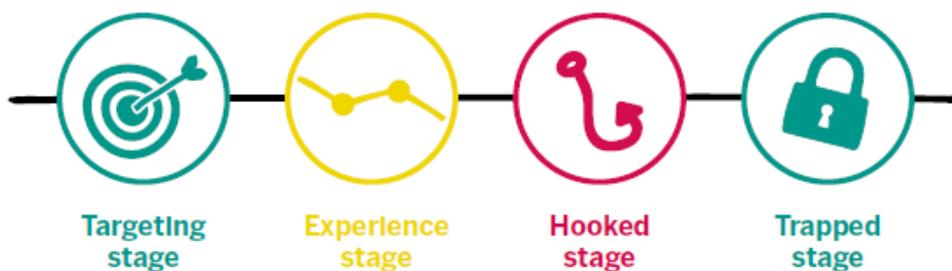
³ <https://www.gov.uk/government/collections/national-referral-mechanism-statistics>

⁴ The age group at exploitation of an additional 580 cases was unknown.

⁵ <https://tce.researchinpractice.org.uk/wp-content/uploads/2021/03/Policing-County-Lines.-Impact-of-Covid-19.pdf>

⁶ <https://www.barnardos.org.uk/see-hear-respond-impact>

children to believe. They have been groomed and coerced in the same way we have seen in children groomed for sexual exploitation, and should be treated as victims. The below graphic shows the stages of grooming.



The Children’s Society’s practitioners have found that the typical age of children being criminally exploited is **from 14-17 years old**, although we have seen victims as young as seven. Whilst this form of exploitation occurs most frequently amongst boys, there was evidence that girls were also being groomed to commit criminal offences and that this was being under-reported amongst statutory services.

“Some of the girls that we work with will see that as a way out of being sexually exploited so then they’ll be criminally exploited instead.” – Practitioner

It is important to note that exploitation does not suddenly stop when someone turns 18. Whilst vulnerability is often more associated with children, it should not lead to the assumption that those over 18 have agency and cannot also be manipulated, coerced and controlled to undertake criminal activity. Whilst the proposed amendment to this Bill focuses on children, work also needs to be undertaken to embed transitional safeguarding across multi-agency partners, so that the vulnerability of young people aged 18 – 25 is recognised.

Are perpetrators being arrested for this form of exploitation?

There is no definition of child criminal exploitation for criminal law purposes. Perpetrators who are exploiting children criminally, for example through the County Lines model of criminal exploitation, may be prosecuted under Modern Slavery Act 2015 for slavery, servitude and forced and compulsory labour offences and trafficking for the purposes of exploitation offence. A recent response to a Written Parliamentary Question on the number of Modern Slavery Act offences flagged as child abuse⁷ is as follows⁸:

	Modern Slavery Act 2015 - 1	Modern Slavery Act - 2
2015-16	0	1
2016-17	0	21
2017-18	0	26
2018-19	3	5
2019-20	0	30

The 2019 review of the Modern Slavery Act examined if new forms of exploitation needed to be defined such as ‘orphanage trafficking’ and ‘county lines’ and determined that sufficient prosecutions could be brought under the Act as is. Given the suspected scale of child criminal exploitation, the above statistics say otherwise. Whilst many perpetrators exploiting children for criminal purposes will go on to be arrested and charged for standalone offences such as Supply of

⁷ The CPS definition of child abuse covers any case where the victim was under 18 years of age at the time of the offence and includes allegations or crimes perpetrated by both adults and under 18s.

⁸ WPQ109379 There is no indication of the number of individual defendants prosecuted for these offences or the final outcome of the prosecution proceeding or if the charged offence was the substantive charge at the time of finalisation.

a Class A substance, we are of the belief that they should also be held accountable for the harm and damage they have caused to children's lives. It is abundantly clear that there is a disparity between the number of children being criminally exploited and the number of perpetrators of criminal exploitation being charged under the Modern Slavery Act.

Will this definition mean more children will 'get away' with crime?

Child criminal exploitation is a type of modern slavery. Children who are victims of criminal exploitation need support rather than the further trauma of being charged and prosecuted. A statutory definition will help focus attention of law enforcement agencies on those who manipulate, deceive, or use coercion and control children into undertaking criminal activity.

The S45 defence is already in place to prevent children being prosecuted if they are victims of modern slavery or trafficking. Currently, because the awareness of criminal exploitation among legal staff is not sufficient S45 is not always considered when children are victims. The clear definition will ensure that there is greater consistency in the use of S45 defence. There is already legal scrutiny in place to ensure that this defence is used appropriately. This definition does not change it, in fact, a clear definition of child criminal exploitation would guide a jury far better than it does now, as jurors would need to weigh up the evidence and consider the defence, but would be aided by a clearer definition of what constitutes 'relevant exploitation'.

It is important to note that the S45 defence does not apply to every criminal offence; there is a list of offences in [Schedule 4](#) of the [MSA 2015](#) in which the Defence cannot be raised. This includes murder, manslaughter, firearms offences, sexual offences and offences causing grievous bodily harm. If an individual happens to be a victim of human trafficking but has committed an offence completely separately and independently of this, the Defence would not be successful. But even in that case clear definition would act as a prompt for law enforcement agencies to focus on individuals who manipulate children into criminal activity of any kind.

Why is this definition needed?

A statutory definition of CCE would send out a strong message that children who are forced to commit crime are victims rather than perpetrators. It would enable a shared understanding and a better multi-agency response to this form of exploitation; it could lead to professionals spotting the signs of this exploitation earlier on in the grooming cycle, children being safeguarded and supported earlier as well as a greater focus on disrupting the activity of those who groom children for child criminal exploitation.

Minister Atkins at Committee Stage of this Bill stated it is "*preferable at this stage to focus on the local multi-agency safeguarding arrangements*" than pursue a statutory definition of child criminal exploitation that would be adopted nationally. We wholeheartedly agree that local multi-agency safeguarding arrangements are key to responding to child exploitation, but they must be driven by a clear national definition and understanding of the types of child exploitation that they must safeguard against.

Both the National Referral Mechanism and children's social care assessments have recently introduced child criminal exploitation as categories of exploitation in their own right. It is now high time this is reflected in legislation to ensure there is universal understanding and support available for this form of exploitation across the country.