

### Introduction

Child Abduction Warning Notices (CAWNs) are an early intervention and disruption tool used by the police as an effective way of disrupting contact between a vulnerable child and a predatory adult where there are concerns that the child may be at risk of harm, sexual exploitation, involvement in crime or there are other risks posed by an adult.

All children under the age of 16 are protected through the use of CAWNs. CAWNs can also be used to protect a very small group of children aged under 18. The proposed amendment will enable CAWNs to be applied to a wider group of vulnerable 16 and 17 year olds.

The change proposed will not in any way alter the way CAWNs are used by the police currently and it will remain a speedy way to intervene early. The change is aimed only at extending the provision to cover all vulnerable children aged 16 and 17.

### Key points

- Currently Child Abduction Warning Notices can only be used to protect a small group of 16 and 17 year olds.
- This amendment would enable the use of CAWNs to cover other vulnerable groups of 16 and 17 year olds such as: vulnerable children aged 16 and 17 who live outside their families; those assessed by children's services to be 'children in need'; and children subject to a child protection plan. Such extension would enable the police to apply Child Abduction Warning Notices to protect very vulnerable 16 and 17 year olds.
- Last annual statistics available shows that only 190 children aged 16-17 were taken into care by their local authorities under Section 31 (and can be protected by a CAWN). However, a further 4,320 young people of that age became looked after by their local authorities<sup>1</sup> and will not be able to receive this form of protection. This means only a very small minority of children in care – an exceptionally vulnerable group – can be properly protected.
- Responses from 13 police forces to a Freedom of Information request from The Children's Society showed that from 1 April 2015 to 31 December 2015 532 CAWNs were issued to protect children under the age of 16, of which 118 were issued to protect looked after children under the age of 16. 49 notices were issued in relation to 16 and 17 year olds.

## 1. Vulnerable 16 and 17 year olds not currently protected by CAWNs

- *Children aged 16 and 17 who are looked after by Local Authorities*

Children aged 16 and 17 year olds in care are vulnerable to sexual and criminal exploitation<sup>2</sup>, and at a high risk of going missing. Currently over 95% of children taken into care at this age are unable to be protected by Child Abduction Warning Notices. Half of all missing from care incidents involve a 16 or 17 year old missing from their placements. This is even higher in the 'absent without authorisation' category – where 58% of absent children are 16 or 17<sup>3</sup>.

Many 16-17 year olds who reside in children's homes, foster placements or supported accommodation are not taken into care under a formal care order - under Section 31 of the Children's Act 1989 but instead become looked after children under Section 20 of the Children Act 1989. Last statistics available showed that in 2014 out of 4,510 young people of that age who became looked after by their local authorities only 190 children aged 16-17 (less than 5%) were taken into care under Section 31, while the rest became looked after children under Section 20 of the Children Act 1989<sup>4</sup>.

<sup>1</sup> DFE Statistical release on looked after children September 2014

<sup>2</sup> Report on Children missing from care from the joint APPG inquiry by APPG on young runaways and missing children and adults and APPG on looked after children and care leavers

<sup>3</sup> DFE statistical release on looked after children October 2015

<sup>4</sup> DFE Statistical release on looked after children September 2014

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*Case Study: young person who presented to the local authority as at risk of homelessness was provided with accommodation in the supported accommodation unit. The accommodation was targeted by men who knew about the vulnerability of young girls placed there. The young person started going missing regularly and displaying indicators of sexual exploitation. But she was not prepared to make formal disclosure. Despite the police and other services being worried about this young person, it was not possible to disrupt contact between the child and suspected exploiters as the child was 17 and not taken into care under Section 31.*

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- *Vulnerable 16 and 17 year olds living in accommodation provided by local authorities*

Last year 4,430 young people aged 16-17 left care, moving onto independent living and adulthood.

Alongside children aged 16 and 17 leaving the care system our research also shows that every year around 12,000 children aged 16-17 present to their local authority as homeless<sup>5</sup>. 2,800 of them are accommodated by their local authority under a range of provisions, including becoming a looked after child under Section 20 of the Children Act 1989 to being accommodated under the Section 17 of the same Act (as a 'child in need') or housed under the Housing Act 1996 provisions. These children would not be able to be protected by Child Abduction Warning Notices.

Our research showed that these children often come from families known to social services, often facing multiple forms of disadvantage, from domestic violence to substance misuse, thus making these young people very vulnerable to abuse and exploitation<sup>6</sup>, and in need of additional protection.

- *Children aged 16 and 17 vulnerable to child sexual exploitation or other forms of exploitation who live with families*

A recent Office of The Children's Commissioner report identified 7260 young people aged 16-17 are at risk of CSE, many of whom live with their families<sup>7</sup>. DFE statistics show that last year risk of child sexual exploitation was identified in 12,000 'child in need' assessments. The amendment would ensure all children under 18 classified as a 'child in need' by their local council could be protected by Child Abduction Warning Notices.

## **2. Early Intervention and Disruption of risk through CAWNs**

CAWNs are best used as an early intervention and disruption tool, protecting vulnerable children and if breached form an evidence base for further action. They are currently not statutory and therefore are a vital early intervention tool for police. It is important that if a CAWN is broken, the police are able to escalate their response using other tools - Sexual Harm Prevention Orders (SHPOs) and Sexual Risk Orders (SROs) - both of which are legally enforceable.

SROs require higher evidential level of proof and therefore cannot be used early on to disrupt a contact between a child and an adult posing risk to that child. CAWNs are effective and speedy tool of disrupting sexual exploitation early and need to be available to protect vulnerable 16 and 17 year olds. The evidence from the police to the Inquiry into effectiveness of the Sexual Offences Act 2003 also indicated that the police would like to see the change in the law to enable them to apply the Child Abduction Warning Notices in relation to vulnerable children up to the age of 18<sup>8</sup>.

### **Questions for the Minister**

- Would the Minister agree that all children in care should be able to be protected through the use of Child Abduction Warning Notices?
- Does the Minister recognise the vulnerability of children in need and children aged 16 and 17 who present as homelessness and agree that they should be able to be protected from child sexual exploitation through CAWNs?

***For more information please contact Lucy Capron on  
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<sup>5</sup> Getting the house in Order report. The Children's Society 2015; On your own now report. The Children's Society 2015

<sup>6</sup> ibid

<sup>7</sup> Office of The Children's Commissioner report into sexual exploitation in groups and gangs

<sup>8</sup> [http://www.barnardos.org.uk/cse\\_parliamentary\\_inquiry\\_report.pdf](http://www.barnardos.org.uk/cse_parliamentary_inquiry_report.pdf)

## **New Clause 6**

To move the following clause -

'Offence of abduction of a vulnerable child aged sixteen or seventeen

Abduction of vulnerable children aged sixteen or seventeen

- (1) A person shall be guilty of an offence if, knowingly and without lawful authority or reasonable excuse, he
  - (a) Takes a child to whom this section applies away from the responsible person; or
  - (b) Keeps such a child away from the responsible person; or
  - (c) Induces, assists or incites such a child to run away or stay away from the responsible person or from child's place of residence;
  
- (2) This Section applies in relation to a child aged 16 or 17 who is -
  - (a) A child in need as defined in Section 17 of the Children Act 1989 or,
  - (b) A child living in accommodated provided by a local authority under Section 20 of the Children Act 1989 or,
  - (c) A child housed alone under part 7 of the Housing Act 1996 or
  - (d) A child who is suffering or is likely to suffer significant harm subject to Section 47 1(b) of the Children Act 1989.
  
- (3) And in this section 'The responsible person' is
  - (a) a person with a parental responsibility as defined in the Children Act 1989; or
  - (b) a person who for the time being has care of a vulnerable child aged 16 and 17 by virtue of a care order under Section 31 of the Children Act 1989, an emergency protection order under Section 44 of the Children Act 1989, or the removal and accommodation of children by police in cases of emergency under section 46 of the Children Act 1989, as the case may be; or
  - (c) any other person as defined in regulations for the purposes of this section
  
- (4) A person guilty of an offence under this section shall be liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both such imprisonment and fine;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding seven years.
  
- (5) No prosecution for an offence under section 1 above shall be instituted except by or with the consent of the Director of Public Prosecutions.