

## **Policing and Crime Bill: Report Stage Day 1**

### Amendments on Child Sexual Exploitation

26 April 2016

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### **Briefing for MPs**

This briefing supports a number of amendments that would strengthen the Bill in relation to child sexual exploitation (CSE). These changes would benefit the vulnerable and disadvantaged children our charities support.

Child sexual exploitation is a horrific crime, with lifelong consequences for victims. The Government has repeatedly said this is a key priority, and last year the Prime Minister gave child sexual abuse the status of a "national threat" in the Strategic Policing Requirement. However, much more needs to be done so that victims receive the therapeutic support they need, perpetrators are brought to justice, and local agencies work together effectively to keep children safe from harm.

Whilst the Bill makes provision to "combat the sexual exploitation of children", it only contains one substantial measure on this issue. (It extends the definition of child sexual exploitation to incorporate live streaming (Part 9, 107)). Whilst this change is very welcome, we believe the Bill is a crucial opportunity to address wider issues and make real progress in tackling this form of abuse.

### **Extending Child Abduction Warning Notices (CAWNs) to protect vulnerable 16 and 17 year olds**

#### **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 accommodation 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.

Child Abduction Warning Notices (CAWNs) are an early intervention 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, including sexual exploitation and involvement in crime.

Currently, police can use CAWNs to protect all children under 16, but only a very small group of children aged 16 or 17. The proposed amendment would close this loophole in the law, and enable the use of CAWNs to protect a wider group of vulnerable 16 and 17 year olds.

### ***Young people in care***

Currently, less than 5% of 16 and 17s in care can be protected by CAWNS. Official statistics show that only 190 children aged 16-17 were taken into care under Section 31, and can therefore be protected using a CAWN. However, a further 4,320 16 and 17 year olds became looked after by other routes in the same period, indicating a large number of vulnerable young people are left unprotected<sup>1</sup>. Young people in care can be at high risk of child sexual exploitation.

### ***Young people at risk of homelessness***

Last year, 4,430 16 and 17 year olds left care and moved into independent living. Many of these young people are extremely vulnerable, including as a result of past trauma and abuse. Research from the Children's Society shows that every year around 12,000 children aged 16-17 present to their local authority as homeless<sup>2</sup>. Without a safe and secure home, these young people are particularly at risk of abuse.

### ***Children in need***

A recent report from the Office of The Children's Commissioner (England) identified 7,260 16-17 year olds as at risk of CSE, many of whom live with their families<sup>3</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.

### ***Framework of protection***

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

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

<sup>2</sup> Getting the house in Order report. The Children's Society 2015; On your own now report. The Children's Society 2015

<sup>3</sup> Office of The Children's Commissioner report into sexual exploitation in groups and gangs

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>4</sup>

## **Prevention of child sexual exploitation, taxis and private hire vehicles**

### **New Clause 10**

"Prevention of child sexual exploitation and private hire vehicles

(1) The Local Government (Miscellaneous Provisions) Act 1976 is amended as follows.

(2) After section 47(1) insert—

"(1A) A district council must carry out its functions under this section with a view to preventing child sexual exploitation".

(3) At end of section 48 (1) insert—

"(c) a district council must carry out its functions under this section with a view to preventing child sexual exploitation".

(4) Section 7 of the London Cab Order 1934 is amended as follows.

(5) After section 7(2) insert—

"(2A) Transport for London must carry out its functions under this section with a view to preventing child sexual exploitation.""

(6) Section 7 of the Private Hire Vehicles (London) Act 1998 is amended as follows.

(7) After section 7(2) insert—

"(3) The licensing authority must carry out its functions under this section with a view to preventing child sexual exploitation.""

This amendment would place local authorities under a duty to consider how they can help to prevent child sexual exploitation in the context of licensing taxis and private hire vehicles.

There is clear precedent for this: Local authorities are under a similar duty – to promote the protection of children from harm – in the context of licensing premises to sell alcohol.

We know that taxis and private hire vehicles often feature in cases of child sexual exploitation. This is not to say that drivers are inherently likely to be involved in these crimes. Of course the vast majority of drivers are law abiding citizens. But along with other night-time economy workers they do have a role to play in keeping

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<sup>4</sup> [http://www.barnardos.org.uk/cse\\_parliamentary\\_inquiry\\_report.pdf](http://www.barnardos.org.uk/cse_parliamentary_inquiry_report.pdf)

young people safe. And licensing authorities have a role to play in raising awareness so that drivers can spot the signs of harm and know how to intervene. There are examples of good practice already (such as in Oxford). But much more consistency is needed.

If we are serious about improving prevention, we must work with the whole community. Chief Constable Simon Bailey said recently that the police spent £1bn last year on investigating cases of child abuse. Aside from the cost implications, by the time cases reach the police, harm has already been done. This makes it essential that local agencies, communities and others have the resources they need to help keep children safe.

Barnardo's has been working with a range of night-time economy workers across the country to help improve awareness of children at risk, as part of a DfE funded project.<sup>5</sup> Training is delivered to taxi drivers, as well as other workers, with the aim of increasing referrals to police. This is part of the move towards prevention which we urgently need to see in this area.

This amendment also speaks to a broader debate about improving safeguarding for all passengers of taxis and private hire vehicles. We hope the Minister will take this opportunity to confirm that the Home Office and the Department for Transport will be taking action on this issue and the timetable for change.

### **Therapeutic support for victims of child sexual exploitation and other abuse**

#### **New Clause 25**

"Child sexual exploitation: duty to share information  
The local policing body that maintains a police force shall have a duty to disclose information about children who are victims of sexual exploitation or other forms of abuse to relevant child mental health service commissioners in England and Wales."

The Bill makes some welcome provisions in the area of mental health – including by ending the detention of young people under the Mental Health Act 1983 in police cells.

However, the Bill also presents an important opportunity to improve access to mental health support for young people who come to the attention of police as victims of sexual abuse.

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<sup>5</sup> [https://www.barnardos.org.uk/news/Free-training-for-night-workers-to-help-keep-children-safe/press\\_releases.htm?ref=111251](https://www.barnardos.org.uk/news/Free-training-for-night-workers-to-help-keep-children-safe/press_releases.htm?ref=111251)

This amendment would enact the recommendation in the *Future in Mind* report, that young people who have been sexually abused should receive an initial assessment and referral to appropriate services providing evidence-based interventions that meet their needs.

This would address the fundamental problem that as things stand victims too often have poor access to the support they need.

***Need for timely therapeutic support***

Children who have suffered horrific crimes such as sexual exploitation often experience life-long difficulties. It can derail development and have a massive impact on emotional and psychological wellbeing. Abuse is a major predictor of mental health issues.

However, it is not the case that young people cannot recover from abuse and trauma. With the right therapeutic support, including counselling or psychotherapy, children can rebuild their childhoods and achieve positive outcomes into adult life.

The current system is failing too many of the most vulnerable young people. Shockingly many victims of abuse do not meet the high clinical thresholds for CAMHS and only access support when they reach crisis point.

Sharing of data between police and commissioners will improve assessment and access to the support these children so urgently need.

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