

Policing and Crime Bill: Report Stage Day 2

Amendments on Child Sexual Exploitation

13 June 2016

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.

Amendments:

1. [**Child Abduction Warning Notices \(CAWNs\): extending protection to all vulnerable 16 and 17 year olds \(NC6\) and introducing a reporting duty \(tbc\)**](#)
2. [**Licensing functions under taxi and PHV legislation: protection of children and vulnerable adults \(NC56\)**](#)
3. [**Therapeutic support for victims of child sexual exploitation and other abuse \(NC45\)**](#)
4. [**Duty to share information on the scale of CSE in a local area \(NC25\)**](#)
5. [**Tackling online offences against children \(NC44\)**](#)
6. [**Local duty to prevent child sexual exploitation \(NC41\)**](#)

1. Child Abduction Warning Notices (New Clause 6 and New Clause tbc)

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.

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 18.¹

Extending protection to all 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 unprotected². 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 homeless³. Without a safe and secure home, these young people are particularly at risk of abuse.

Children in need

¹ http://www.barnardos.org.uk/cse_parliamentary_inquiry_report.pdf

² DFE Statistical Release on looked after children September 2014

³ Getting the house in Order report. The Children's Society 2015; On your own now report. The Children's Society 2015

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 families⁴. 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.

ii) Duty to report on the use and breach of Child Abduction Warning Notices (CAWNs), and escalation to other Orders

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. Breach of a CAWN is not a criminal offence. It is therefore important that if a CAWN is broken, the police effectively 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 Government has repeatedly emphasised the importance of police acting early to prevent child sexual exploitation. During the passage of the Serious Crime Act 2015, Ministers said that CAWNs were intended to be used as part of a suite of measures and that where they were breached, there must be escalation to a legally enforceable order, or another strong response.

The need for measurement and reporting

Currently, local authorities are not under a duty to report on the use of CAWNs, when they are breached, or when the breach leads to an effective escalation. Our understanding is that this information is not available to the Home Office, meaning Ministers cannot effectively monitor the use of these orders.

Where a CAWN is breached, and appropriate action is not taken, vulnerable children could be left at risk of exploitation and abuse. Effective reporting is therefore essential so that Ministers can monitor the effectiveness of these orders, and whether police forces are using them as intended to keep children safe.

⁴ Office of The Children's Commissioner report into sexual exploitation in groups and gangs

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.

New Clause (tbc) – Duty to report on Child Abduction Warning Notices

To move the following clause –

(1) Each police force in England and Wales must report to the Secretary of State each year on:

- (a) The number of Child Abduction Warning Notices issued;
- (b) The number of Child Abduction Warning Notices breached; and
- (c) The number of Sexual Risk Orders and Sexual Harm Prevention Orders issued following the breach of a Child Abduction Warning Notice.

(2) The Secretary of State must prepare and publish a report each year on:

- (a) The number of Child Abduction Warning Notices issued in each police force in England and Wales;
- (b) The number of Child Abduction Warning Notices breached in each police force in England and Wales; and
- (c) The number of Sexual Risk Orders and Sexual Harm Prevention Orders issued following the breach of a Child Abduction Warning Notice in each police force in England and Wales

and must lay a copy of the report before Parliament

2. Licensing functions under taxi and PHV legislation: protection of children and vulnerable adults (NC 56)

This amendment commits the Government to publishing new guidance on the licensing of taxi and private hire vehicles, in relation to protecting children and vulnerable adults from harm.

We warmly welcome this amendment. At Committee Stage, Barnardo's called on Ministers to take the opportunity of the Bill to make taxis safer for children, and we are pleased the Government has responded.

Taxis and private hire vehicles have been involved in a number of high profile sexual exploitation cases and better regulation is urgently needed.

To secure positive change, the Government should confirm:

- Whether the Government will definitely introduce guidance (the new clause says it "may".)
- The timeframe for consulting on and publishing the new guidance;
- Whether local authorities will be expected to follow the guidance unless there is good reason not to.

Secretary Theresa May: NC56

To move the following Clause—

"Licensing functions under taxi and PHV legislation: protection of children and vulnerable adults

(1) The Secretary of State may issue guidance to public authorities as to how their licensing functions under taxi and private hire vehicle legislation may be exercised so as to protect children, and vulnerable individuals who are 18 or over, from harm.

(2) The Secretary of State may revise any guidance issued under this section.

(3) The Secretary of State must arrange for any guidance issued under this section, and any revision of it, to be published.

(4) Any public authority which has licensing functions under taxi and private hire vehicle legislation must have regard to any guidance issued under this section.

(5) Before issuing guidance under this section, the Secretary of State must consult—

(a) the National Police Chiefs' Council,

(b) persons who appear to the Secretary of State to represent the interests of public authorities who are required to have regard to the guidance,

(c) persons who appear to the Secretary of State to represent the interests of those whose livelihood is affected by the exercise of the licensing functions to which the guidance relates, and
(d) such other persons as the Secretary of State considers appropriate.

3. Therapeutic support for victims of child sexual exploitation and other abuse (New Clause 45)

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.

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

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.

Improved referral routes and assessment of needs

Recent NSPCC and The Children's Society research has highlighted that abused children are not routinely getting access to the mental health and therapeutic support they need. Children who have experienced abuse often do not meet the high clinical thresholds for Child and Adolescent Mental Health Services, only receiving support when they have developed severe mental health issues and are at crisis point.

Research by The Children's Society finds that vulnerable groups of young people such as those who have experienced abuse and neglect are not being adequately supported in their journey through the CAMHS system, only receiving support when they have developed severe mental health issues and are at crisis point. For example, less than half (47%) of mental health trusts identify children who have experienced sexual exploitation in referral and initial assessment forms and only 11% of trusts fast track access to CAMHS for this group.

For children who experience sexual exploitation, identifying them and their needs can be a particular challenge. Where they do come into contact with the police or a local authority, this would be an ideal opportunity to refer them for a psychological assessment and if necessary provide the therapeutic support they need to recover.

The Government has recognised in its recent 'A Vision for Change' adoption paper that therapeutic interventions are 'vital in helping [adopted] children to deal with past trauma'. We must ensure that this sort of help is available to all children who have experienced abuse.

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.

New Clause 45

"Child sexual exploitation: assessment of needs for therapeutic support"

(1) Where the police or a local authority have a reasonable belief that a child has been sexually exploited or subject to other forms of child abuse, the police or the local authority must make a referral to a named mental health service

(2) The named mental health service must conduct an assessment of the child's needs and where appropriate make necessary arrangements for the child's treatment or care.

(3) The Secretary of State must by regulations –

(a) Define "named mental health service" for the purpose of this section

(b) specify a minimum level of "necessary arrangements for the purpose of the section"

4. Duty to share information on the scale of CSE in a local area (New Clause 25)

New Clause 25 would help to improve poor local data collection which is hampering the commissioning of mental health support for children who have been abused.

The Government recently committed £1.4bn over this parliament to improve children's mental health services. This presents a welcome opportunity to address the gap in unmet need among children who have been abused – a group at very high risk of developing mental health issues.

However commissioners face a real challenge when assessing children's mental health needs and commissioning services. The British Psychological Society have stated that 'the children's mental health system has been historically poor in collecting evidence of quality in a meaningful way, and therefore has not been able to use good data to improve services'. This is particularly true for children who have been abused, as abuse is often not recorded as the primary reason behind a mental health referral.

This amendment would help to ensure that commissioners have routine access to data on victims of child sexual exploitation or abuse in their area, in order to assess need and plan services accordingly.

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"

5. Tackling online offences against children (New Clause 44)

This new clause highlights the need for police forces to have the resources to meet this challenge head on, as well as the necessary child protection and safeguarding expertise and technical capability to investigate these offences using the newest technologies available.

Child abuse online includes the making and sharing of sexual images and videos involving children; children being forced to commit sexual acts online; and children being groomed online for the purpose of abuse or exploitation in the 'real world'.

The impact of online abuse or exploitation can be devastating for a child. Children can feel like there is no escape – abusers can contact them at any time of the day or night, the abuse can come into safe places like their bedrooms, and children can be repeatedly re-victimised as images of their sexual abuse are circulated online to be viewed by offenders all over the world.

Various strategies have been adopted to address online offending and the proliferation of child abuse material online. There is some evidence of progress – particularly with regards to the technology industry making a concerted effort to address this problem (e.g. image hashlists), central initiatives such as the Child Abuse Images Database, and the centralised expertise of the National Crime Agency's CEOP Command playing a key role in keeping children safe in the most severe cases. However, it is clear that significant issues remain at a local level.

Despite the Government's leadership, we are deeply concerned about the lack of progress being made by local police forces in tackling this issue, as indicated in recent HMIC Child Protection reports.

Delays in investigating these crimes have potentially serious implications for the safeguarding of children – including children not being promptly identified and safeguarded, and re-offending taking place while devices are still being analysed.

Key challenges for local police forces include:

- **Number of offenders.** The former CEOP centre estimated that there were around 50,000 individuals in the United Kingdom involved in downloading and sharing indecent images of children during 2012, though emerging findings from NSPCC research

show that the scale of this type of offending is far greater than previously thought.

- **Volume of devices and images.** Overall the number of unique indecent images of children in circulation on the internet runs into millions and during investigations police often seize multiple devices from suspected offenders.
- **Resource.** In some cases where separate forensic units exist within police forces to deal with the analysis of devices and online offences against children, they are simply shells and do not have the man-power to deal with scale of this type of offending.
- **Technological capabilities.** Forces do not always have access to the technology which would enable them to deal with these crimes effectively. Anecdotal evidence suggests, for example, that some triaging software used by forces takes up to four hours to analyse one device.

New Clause 44

"Modern technology: specialist digital unit (child abuse)

(1)The chief officer of each police force in England and Wales must ensure that within their force there is a unit that specialises in analysing and investigating allegations of online offences against children and young people

(2)The chief officer must ensure that such a unit has access to sufficient digital forensic science resource to enable it to perform this function effectively and efficiently."

6. Local duty to prevent child sexual exploitation (New Clause 41)

This amendment would make explicit that statutory agencies have a duty to work together through Local Safeguarding Children Boards in order to prevent child sexual exploitation, in addition to safeguarding and promoting the welfare of children in the area.

Prevention must be top of the agenda at every level. Last year the police spent £1bn investigating child sexual abuse cases. The cost to children and young people is of course greater still.

We know that local cooperation is vital in the battle to keep children safe. The police just cannot be expected to do it on their own.

Local Safeguarding Children Boards can play an important role in terms of bringing together local agencies. However, this cannot just be about responding to abuse that has already taken place. We need to make explicit that the role of LSCBs should be about preventing child sexual exploitation from occurring in the first place.

This could be about joint working between police and schools. We know how important this is for effective sex and relationships education. And for tackling sexting and other potential illegal activity. It could be about making sure we respond appropriately to children who abuse other youngsters they don't go on to become adult offenders.

LCSBs are currently under review and this is therefore an important opportunity for the Government to consider what role they can play in prevention.

New Clause 41

"Local Safeguarding Children Board: prevention of child sexual exploitation

(1)The Children Act 2004 is amended as follows

(2)In Section 14 after "children" insert "and preventing child sexual exploitation, child abuse and child neglect."

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