



Submission to the Inquiry into unreported child victims of crime by the All Party Parliamentary Group for Victims and Witnesses of Crime

1. Introduction

The Children's Society is a leading charity committed to improving the lives of thousands of children and young people every year. We work across the country with the most disadvantaged children through our specialist services and children's centres. Our direct work with vulnerable groups including disabled children, children in or leaving care, refugee, migrant and trafficked children, means that we can place the voices of children at the centre of our work.

We run 11 projects supporting young people in care and 13 specialist projects working with children who run away or go missing and/or are at risk or victims of sexual exploitation. We also run services that deliver emotional support, psychological interventions and counselling for children who have experienced domestic abuse and/or sexual exploitation. Many of the children we support are very vulnerable young people who come into contact with mental health services.

We welcome this inquiry into unreported child victims of crime. Our submission is informed by learning from our direct work with vulnerable children and young people.

Summary of key points and recommendations

- There is a lack of reliable and transparent data on the number of crimes committed against children and the rate of successful convictions for these crimes.
- The Ministry of Justice, Crown Prosecution Service (CPS) and the Home Office should develop robust and reliable data collection on crimes committed against children up to the age of 18 with data provided on how many crimes have been reported to the police, the number of those that were investigated and prosecuted and conviction rates for different offences committed against children.
- There is an overreliance on young people disclosing crime. More emphasis should be put on agencies' proactively identifying young people at risk and disrupting crimes against children. There is a need for a greater awareness among all safeguarding agencies about the impact of crime on children, the level of unreported crime and the indicators professionals should be aware of to identify children at risk of harm.
- The police, CPS and other agencies need to be adequately trained on how to communicate with children, and how to work with vulnerable groups of children like young runaways, victims of trafficking and CSE, looked after children, young migrants. As many victims of crimes are adolescents the police and other agencies need to develop better awareness of how to work effectively with this age group.
- Children and young people through statutory Personal Social Health Education (PSHE) and Sex and Relationships Education (SRE) education should be educated about how to stay safe, recognise crime and seek help from the police and safeguarding agencies
- Children and young people should always be listened to and support should be given before, during and after they disclose crime and their case goes through the system. That support should be in the form of a consistent adult, advocate or legal guardian for trafficked children and separated migrants as well as access to mental health services to help with recovery from trauma.
- The use of existing legislation should be reviewed to ensure that it is consistently applied and used in all areas. Some laws need to be amended to ensure that they cover all children up to the age of 18. *In particular, we would recommend that:*

- *The age of victim under Section 1 of the Children and Young Persons Act 1933 is raised from 16 to 18*
 - *The age of victim under Section 5 of the Domestic Violence, Crime and Victims Act 2004 (as amended by the Domestic Violence, Crime and Victims Act 2012) changed from 16 to 18.*
 - *Section 2 of the Child Abduction Act 1984 to be extended to cover all young people under the age of 18*
- A new offence of child exploitation covering victims up to the age of 18 should be introduced to enable prosecution for cases of child exploitation, including cases of child sexual exploitation. Such an offence should stipulate that a child under the age of 18 cannot consent to their own exploitation.

What is the extent of hidden crime amongst children and young people and what are the barriers to reporting such crime?

1. How many children and young people to your knowledge do not report crimes committed against them to the police?

Lack of reliable data

- 1.1. There is a lack of reliable and transparent data on the number of crimes committed against children as these are reported to the police, referred to Crown Prosecution Service and the rate of successful convictions for these crimes. In the absence of reliable crime statistics in relation to children and young people it is very difficult to build the whole picture of how successful the police and criminal justice response is in relation to crimes experienced by children and how many crimes are not reported. The offending overview published by the government suggest that only the most serious offences get reported to the police, such as rapes and sexual assaults, with other offences less likely to be reported.¹
- 1.2. **Recommendation:** *the Ministry of Justice, Crime Prosecution Service and the Home Office should develop robust and reliable data collection on crimes committed against children up to the age of 18 with data provided on how many crimes have been reported to the police, the number of those that were investigated and prosecuted and conviction rates for difference offences committed against children.*

The need for proactive responses

- 1.3. Learning from our practice suggest that a significant number of crimes committed against children and young people are not getting investigated by the police either because young people choose not to report formally to the police or other safeguarding agencies, or because the response to crimes reported is not adequate. This often the case with sexual offences. Practitioners report a very poor understanding among the police, the CPS and judiciary of the processes of grooming and exploitation. If the offence or harm is not 'spelt out' and clear to see, there is often no interest or urgency in interrupting and interfering with the situation and no steps are taken to support a child with a disclosure or to share information to build evidence for successful prosecution. As a result the police are unable to intervene at an early stage to protect these vulnerable young people from harm.
- 1.4. Often children would not report the crime to anyone but changes in their behaviour indicate that things are going on in their lives that require professional interventions. For example, there is a strong link between children running away from home or care and child sexual exploitation or involvement in crime. As one young person said: '*So I had to put myself at risk for them to understand I can't go home*'². Our practitioners report that the number of cases that get disclosure and prosecution is higher in the areas where there is effective local partnership working between the police, social services, voluntary sector and CPS and where local agencies

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/214970/sexual-offending-overview-jan-2013.pdf

² Rees, G, Franks, M, Meforth, R and Wade, J (2009) *Commissioning, Delivery and Perceptions of Emergency Accommodation for Young Runaways* London: Dept. for Children, Schools and Families

proactively identify children at risk of sexual exploitation and do not solely rely on the young people making a disclosure.

- 1.5. At the same time, learning from our practice shows that responses to CSE cases vary considerably from one area to another. There are examples of good joint working at a local level where professionals from all agencies show dedication to protect vulnerable young people and intervene as early as possible to disrupt sexual exploitation and to build evidence long before the young victim of sexual exploitation or grooming is prepared to make a disclosure. For example, our practice report instances where the police have successfully used provisions contained in different pieces of legislation to disrupt CSE and to build evidence for prosecution. Examples include: the application of Child Abduction Notices to break up contact between a child and a suspected perpetrator, the application and breach of Anti-Social Behaviours Orders (ASBOs) to deal with grooming cases, investigating premises as part of health and safety or environmental checks, or working closely with the voluntary sector to build up a bigger picture and intelligence on local hot spots and individuals posing a risk to children
- 1.6. **Recommendations:** *There is an overreliance on young people disclosing crime. More emphasis should be put on agencies' proactively identifying young people at risk and disrupting crimes against children. There is a need for a greater awareness among all safeguarding agencies about the impact of crime on children, the level of unreported crime and the indicators professionals should be aware of to identify children at risk of harm.*

Children falling through the net

- 1.7. In addition to the lack of proactive responses to disrupt crimes against children, some recent changes to the police definitions of missing children, have led to situations where children may stay out of sight of safeguarding agencies without due attention being given to their needs until the risks in their lives escalate. We are, particularly, concerned that the new police definitions of 'missing' and 'absent' rolled out across the country will greatly affect how the police treat children who are reported 'absent.' Children classified as 'absent' may not even receive a police 'safe and well' check and thus will have fewer chances to be referred for further support. This means relevant information that could have been gathered during this check, or a return interview, may not come to light until the situation in the child's life worsens or after a considerable delay. We are concerned that these new definitions may lead to a culture where 'absent' children are regarded as 'streetwise' and less at risk. Research has clearly shown the links between frequent missing episodes and grooming and sexual exploitation.³ However, professionals may be unaware that a child is at risk of sexual exploitation even if they are aware of their whereabouts.
- 1.8. **Recommendation:** *all children classified by the police as 'absent' should receive a return interview to ensure that no important information about risk of harm or actual harm experienced by a child during an 'absent' episode' is missed.*
- 1.9. **Recommendation:** *police responses to 'absent' children should be scrutinised as part of multiagency inspections of services for children at risk*

2. Why do young victims not report their experiences to the police?

Children do not always understand that they are victims of crime

- 2.1. Children and young people, particularly those with earlier experiences of neglect or abuse, are not always able to recognise that they are the victims of crime. Our work with children who are at risk of child sexual exploitation shows that children are often not able to recognise signs of sexual exploitation and grooming. In cases of child sexual exploitation very often children and young people believe that they are in genuine relationships with the individual who exploits them. Their lack of experience and maturity makes it impossible for them to recognise exploitative situations until they reach a crisis point.

"The reason I was running away as bad as I was because I had a boyfriend then. At the time you don't get any attention from the workers when you are in a care home, because there are loads of other

³ The Office of the Children's Commissioner (2012) *"I thought I was the only one. The only one in the world": Interim Report of the Inquiry into Child Sexual Exploitation In Gangs and Groups* London: Office of the Children's Commissioner

people to deal with, so to me that was the person who would give me the attention, so I would just go back to there, it is just attention isn't it, and that's what I wanted" (Sarah, a young person).⁴

- 2.2. Adults, using coercion and threat, exert control over children and make children believe that they are complicit in what is happening to them and therefore make children believe that no one can help them and that it is their fault. This makes it very difficult for young people to come forward to disclose their experiences.
- 2.3. For children who find themselves in the situations of sexual exploitation and abuse, where they recognise these situations as such, there may be a feeling of shame, of being responsible for these situations, and attempts to protect their families from learning the truth by hiding their exploitation.
- 2.4. **Recommendations:** all professionals who work with children should receive training on children's responses to victimisation and on how to communicate with children and young people to enable them to disclose their experiences.
- 2.5. **Recommendations:** the police and children's services should make age appropriate information available for children and young people on what a crime is and how to seek help and report crimes committed against them.

Children are seen as 'troublesome' and not in need of help

- 2.6. The evidence coming from our practice, as well as research, shows that the attitudes of some professionals to young people, particularly those seen as being sexually active or having 'challenging behaviour' remain an issue of concern. This was highlighted in the APPG inquiry we supported into children who go missing from care⁵. The inquiry found that in many cases where children are at risk of, or have experienced sexual exploitation, they were seen by professionals, including the police, as "promiscuous" and making an active "choice" to become involved in a particular "lifestyle" or were seen in some way "complicit" in their abuse. For example a practitioner working with children and young people at risk of CSE told of a response from a police officer to a young girl who disclosed a sexual transgression "...what do you expect dressed like that, you're looking for it...". The inquiry was told that some professionals saw sexual activity between a child under 16 and an adult as acceptable. They believed that the young person had "consented" to sexual relations and therefore did not perceive it as a child protection or sexual exploitation concern. In other examples, professionals could recognise CSE but believed that a young person could not be helped.

The age of the child determines the response

- 2.7. The age of a child or young person seems to greatly impact how professionals perceive them, assess their needs and offer help. The Children's Society's research into how professionals respond to adolescents show that often they perceive adolescents as more resilient, able to deal with abuse and seek help⁶. Yet, our research with young runaways shows that this is not the case as the majority of young people do not seek help and instead, find themselves unable to deal with neglect and abuse they have experienced⁷.
- 2.8. We are particularly concerned that young people aged 16-17 are not often receiving the support they need because they are seen as young adults. This is despite the child protection legislation – the Children Act 1989 – defining children as anyone under the age of 18.
- 2.9. The crime statistics in relation to 16-17 year olds are not easily available and are usually included in statistical bulletins on 16-59 as victims of crime. Data is not available on this group specifically.

⁴ The APPG for Runaway and Missing Children and Adults and the APPG for Looked After Children and Care Leavers (2012) Report from the joint inquiry into children who go missing from care

⁵ The APPG for Runaway and Missing Children and Adults and the APPG for Looked After Children and Care Leavers (2012) Report from the joint inquiry into children who go missing from care

⁶ Rees, G. at all (2009) Safeguarding young people. Responding to young people 11-17 who are maltreated..

⁷ Rees, G. (20011) Still running 3.

- 2.10. Recommendation:** data collection on crime reporting, prosecutions and conviction rates by the Ministry of Justice, Crime Prosecution Service and the Home Office should cover all children up to the age of 18.
- 2.11. Where data is available, it indicates that 16-17 year olds are more likely to be victims of crime than any other group. For example, domestic violence issues are prevalent among this age group. 4.6% of men aged 16-19 and 13.7% of young women of that age reported experiences of domestic abuse⁸. They are also more likely to be victims of violent crime than older adults. 8.4% of 16-24 year olds were victims of violence in 2012, as compared to 4.4% of 25-35 year olds⁹. 16-24 year olds are also the most likely age group to be victims of theft¹⁰. In relation to child sexual exploitation, the Office for the Children's Commissioner's report into sexual exploitation by groups and gangs estimated that out of 16,500 children and young people who were experiencing or at risk of CSE, 28% were aged 16 and 16% aged 17.
- 2.12. There are a number of pieces of legislation that define serious crimes against children or disruption mechanisms for specific crimes that do not extend to children who are aged 16-17. Examples include:
- Section 1 of the Children and Young Persons Act 1933 on cruelty to children defines a child as a person under the age of 16. This sends a message that children aged 16-17 can not be victims of child cruelty or neglect. This is not consistent with child protection statistics which show that young people aged 16-17 are very likely to be children in need because of neglect and abuse and a number of Serious Case Reviews demonstrating seriousness of neglect they can experience in families.
 - Section 5 of the Domestic Violence, Crime and Victims Act 2004 (as updated by the Domestic Violence, Crime and Victims Act 2012) creates an offence of causing or allowing death or serious physical harm to a child or a vulnerable adult. The Act defines a child as a person under the age of 16. The government's non-statutory definition of domestic violence was extended to include 16-17 in recognition of their vulnerability¹¹ but the statutory framework does not yet cover this age group.
 - Child Abduction Warning Notices served under Section 2 of the Child Abduction Act 1984 apply in relation to children under the age of 16 only. Child Abduction Warning Notices served under Section 49 of the Children Act 1989 apply in relation to children under 18 in local authority care under Section 31 of the Children Act 1989. CAWN are an effective mechanism to disrupt potential crimes committed against children and the Parliamentary inquiry into the Sexual Offences Act 2003 recommended extending them to all children up to the age of 18.
 - The Sexual Offences Act 2003 defines that children can consent to sexual relationships from the age of 16. The Act offers children aged 16 -17 protection from sexual offences committed by person in a position of trust. Considering the high number of children aged 16-17 who are victims of sexual exploitation committed by persons not in position of trust in relation to young people, it is important to consider the effectiveness of legislation in relation to this age group.
- 2.13. The legislative framework that allows for different treatment of children aged 16-17 contributes to insufficient practice responses to vulnerable young people in this age group and in some cases tragically places them in situations where they become victims of crime as the case study below explains.
- 2.14. For example, Jessica was known to social services because of the troubled relationships in her family. When she turned 16 breakdown in relationships with her family led to homelessness. In the next 1 and a half years she experienced unsuccessful placements in a hostel and B&B, then with her mum and her sister who lived in different local authorities. Her case was closed and reopened several times but no assessment was made for the reasons behind her challenging behaviour and no follow up or additional support was offered when she moved between different local authorities. When the move between different authorities happened, no contact was sustained between the young person and social services to ensure the continuation of support. During that time, starting in her first unsuccessful placements in a hostel, Jessica became a

⁸ <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcn%3A77-290621>

⁹ http://www.ons.gov.uk/ons/dcp171778_298904.pdf

¹⁰ <http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/period-ending-march-2012/sty-a-victim-of-crime.html>

¹¹ Home Office Cross Government definition of domestic violence consultation

victim of sexual exploitation, started using drugs and developed mental health problems. It was only when Jessica disclosed abuse when she was 17 and a half that her needs were assessed and support offered.

2.15. Recommendation: *safeguarding professionals should receive training on the adolescents and developmental, social and legislative issues that make them vulnerable to becoming victims of crime and less likely to report crime to the law enforcement or safeguarding agencies.*

2.16. Recommendations: *where legislation does not offer protection to 16-17 equal to that of younger children should be reviewed and amended. In particular, we would recommend that:*

- *The age of victim under Section 1 of the Children and Young Persons Act 1933 is raised from 16 to 18*
- *The age of victim under Section 5 of the Domestic Violence, Crime and Victims Act 2004 (as amended by the Domestic Violence, Crime and Victims Act 2012) changed from 16 to 18.*
- *Section 2 of the Child Abduction Act 1984 to be extended to cover all young people under the age of 18*
- *A new offence of child exploitation covering victims up to the age of 18 should be introduced to enable prosecution for cases of child exploitation, including cases of child sexual exploitation. Such an offence should stipulate that the child under the age of 18 can not consent to their own exploitation.*

Previous experiences make it difficult for young people to trust statutory agencies

2.17. Many vulnerable young people who become victims of crime develop the feeling of distrust and suspicion of statutory services. In many cases this may be because their family have been known to social services for a while and received a number of assessments and interventions that did not result in real improvements for the young person. Some young people report that social services side with their parents and do not take children's concerns seriously. The culture of not listening to children and young people had been exposed in numerous Serious Case Reviews and reports into the failings of the child protection system.

2.18. Recommendation: *when working with a child who is the victim of crime, safeguarding agencies should ensure consistency in who is involved in communicating with a young person and should invest time into building relationships with a young person.*

2.19. Recommendation: *children and young people should be informed that they have a right to have the support of independent advocates to communicate their wishes and feelings when decisions are made about their lives so that these decisions reflect children's needs and improve children's interactions with services.*

Lack of awareness of indicators of risk

2.20. In some cases, young people rely on professionals to identify that children are at risk and offer help. When this does not happen children may start accepting their experiences as 'normal' and learn not to expect help. For example, our practitioners have reported one case where the police, who were responding to a disturbance call at a local address that was a known CSE hotspot found adults with young people, but did not speak to young people or record their names, thus, not only losing important evidence that could have been used later in child sexual exploitation case, but also sending a signal to children involved that this situation was not a concern for the police.

2.21. In another example, a young person ran away from home following abuse and threats from her mum's new boyfriend. She stayed in the park and sofa surfed with friends for few weeks while attending school regularly. Her observation about the response from services is below.

'I went from being a hard-working well-behaved pupil who never got told off to one who was a mess and always being pulled up for something. I mean, did they [school staff] never wonder why I was so different?'(Shelly, a case study from the Lessons to Learn report).

- 2.22. Recommendation:** *all front line professionals should receive training on indicators that a child may be at risk of harm and have clear policies in place on how to communicate their concerns within their agencies or make referrals to children's services or the police.*

Experiences of other people and the lack of prosecutions

- 2.23. Evidence available as well as observations from direct work with young people suggests that few of the cases that come to attention of safeguarding services get investigated and prosecuted, and that the conviction rates for those cases brought to court remain an issue of concern. For example, last year it was reported that 18,915 child sexual offences were reported to the police but just 9,381 were referred to prosecutors.¹² The conviction rate for sexual offences cases, where there were prosecutions, was around 75%.¹³
- 2.24. Our practice report that offences against children under the Sexual Offences Act 2003, do not have high prosecution rates but place enormous pressure on young people who go through processes of disclosure and giving evidence. Currently criminal prosecutions under the Sexual Offences Act 2003 rely heavily on a young person making a disclosure of sexual assault and focussing on separate counts of sexual assaults. The issue of whether a young person, aged 13-16, consented to a sexual relationship and whether the offenders could have believed that the young person was older than 16, puts a focus on a young person to prove that they are the victims of crime and on the examination of a child's behaviour or character. Where the exploitation happened over a period of time, and particularly, where young people initially believed that they were in relationships with perpetrators, uncovering sufficient evidence for prosecutions becomes difficult. All these factors lead many young people who have been the victim of sexual assaults to refuse to make a formal disclosure and to press on with prosecutions.
- 2.25. The over-reliance of CSE investigations and prosecutions on the victim means cases easily fall through if the evidence is not strong enough or the young person is not perceived as a good enough or reliable witness. As the young person has been manipulated and is often too traumatised to give evidence, a full disclosure usually comes later. This, combined with alcohol and substance misuse and the young person continuing to contact the abuser are all cited as examples of unreliable witnesses or 'liars' who have changed their story. However, this perception is due to a lack of understanding of the grooming process. Despite the recent progress made by the Crown Prosecution Service (CPS) to ensure that prosecutors look at the credibility of the overall allegation of abuse rather than the perceived weakness of the person making it, our practitioners report that the focus is still very much on questioning the young person's story and character.
- 2.26. As a result our services report that many victims who report allegations of serious sexual violence find that "No Further Action" (NFA) is taken on their case. A large number of cases are discontinued by the Crown Prosecution Service (CPS). Practitioners tell us that young people often report feeling 'dropped' once a case is NFA'ed. Initially there is a lot of interest in what happened and they find themselves having to tell their story (the ABE 'Achieving Best Evidence interview') to large numbers of strangers and agencies/professionals they did not even know existed. However, once the case is not going forward or it is dropped in court, most professionals withdraw and young people often feel that they have been left to deal with the consequences of talking (both psychological and physical) on their own.
- 2.27. The number of cases that do not progress to prosecution or result in a conviction is a barrier to victims coming forward and disclosing abuse. Our projects also report that alleged offenders are often freed on bail whilst they are awaiting trial but victim support services such as ours are not informed which makes victims and witnesses vulnerable to intimidation and further violence. For example, one of our services reports that several witnesses in a large grooming operation were approached and threatened by the alleged offenders who were out on bail. This was despite strict bail conditions that forbade them from doing this.

¹² Read more: <http://www.dailymail.co.uk/news/article-2509181/More-half-child-sex-offenders-avoid-prosecution-despite-rise-number-reported-cases.html#ixzz3IOesIfNU>

¹³ http://www.cps.gov.uk/publications/docs/cps_vawg_report_2013.pdf

- 2.28. Recommendations:** *the police and CPS should work closer with other agencies to build evidence for each crime reported by young people to take the focus away from the disclosure and evidence given by the young person and to ensure that more cases get successfully prosecuted.*
- 2.29. Recommendations:** *there should more help available for child victims of crime and their families before, during and after the court case to ensure that the victim is supported to recover from the impact of crime and is not further intimidated by those who committed a crime against them.*
- 2.30. Recommendation:** *Support for victims should include a clear agreement between agencies working with child victims and their families of what protection they will be offered from the moment they have disclosed abuse.*
- 2.31. Recommendation:** *The CPS need to monitor the level and quality of support offered to young people through the court process to ensure effective implementation of changes that have been made in relation to how young people are supported in court.*
- 2.32. Recommendation:** *Child victims of crimes should be supported by one consistent adult before, during and after the court process. The role of that professional should include providing information on all stages of the process, linking different agencies working with the young person to ensure consistent response and eliminating the need for a young person to retell their story again to get the support they need.*
- 3. What are young people's experiences of reporting and does the police service need to change practice to address this?**

Young people's experiences of interacting with the police

- 3.1. Young people we are working with report negative experiences of their interactions with the police and other services that precede any disclosures about being victims of crime. These negative experiences make it more difficult for them to come forward and disclose crimes later. Young people's interactions with the police happen in a variety of situations: when they approach a police officer for help when away from home; when they are picked up while away from home (as a result of being recognised as a missing person, or because they have committed an offence or been the victim of crime); or when they are visited by a police officer conducting a 'Safe and Well' check on their return home after a missing episode.
- 3.2. Research studies that we have carried out over several years, information from our practice base and consultations conducted with children who run away have found that children generally have negative experiences of interacting with the police. This is illustrated by the fact that young people who run away rarely choose to approach the police - our national survey found that just 2% of runaways overall sought help from the police.¹⁴
- 3.3. Young runaways report that when they run away they are frequently treated as criminals by the police. When we consulted with young people with experiences of running away from home or care about the statutory guidance on children who run away or go missing, they described their experiences of being put in the back of a police van when the police picked them up following a missing episode. In the young people's words, the police treated them as if they had done something wrong, rather than asking them about their reasons for running away. The majority felt that the behaviour of the police needed changing more than of other professionals they came into contact with. Young people wanted the police to have more training on how to work with children and how to talk to children and not to treat them like adults.

'Tell the police not to judge us until they know the full story.'

'They need to start learning how to work with us.'

¹⁴ Rees, G (2011) *Still Running 3* London: The Children's Society

'The police shout at you 'you are wasting our time'. They should be more sympathetic. They should find out the reasons why a young person is running away.'

'The police say 'we are not a taxi service'. Don't pick us up then.'

'They [the police] are too proud to apologise even when they were wrong.'

'Stop treating us like criminals.'

- 3.4. Our practitioners who have been involved in police CSE investigations have found that young people do not want to speak to the police about the sexual exploitation they have suffered. These findings are also backed up by recent report from Barnardo's and Paradigm Research which demonstrated that young people find the process stressful and difficult.¹⁵

Vulnerable groups of children coming into contact with the police

- 3.5. There are some groups of children and young people who are more vulnerable and more likely to be victims of crime and who will need more support. We work with many vulnerable groups of children who are victims of crime or at particular risk of becoming victims of crime, such as victims of child sexual exploitation, children in care, children who run away from home or care, disabled children or children with learning difficulties, children involved in the youth justice system, unaccompanied asylum seeking children and victims of child trafficking. Some young people are both victims of crime and young people who break the law which makes it difficult for them to come forward to report crime.

*'The worst thing about running away is having nowhere to sleep. One time I ran away with two other kids from the children's home. We didn't plan it, we just went, and it was a spur of the moment thing. We had no money so we'd just walk a lot, break into cars and sleep there.'*¹⁶

- 3.6. Many children turn to risky survival strategies while running away from home which means they can become involved with the police as a result. It also illustrates why it is so important that they get the support they need from the police. Our research found that one in eight (12%) children said that they had stolen while away and one in 11 (9%) said that they had begged. Another one in six (18%) children said that they had slept rough, or stayed with someone they just met, for at least some of the time they were away.¹⁷ Being alone on the streets can put children at great risk of sexual exploitation or lead to them using sex to survive.
- 3.7. Young migrants are another group that can experience both sides of the police response. A young people-led research project conducted through our New Londoners project¹⁸ in the London Boroughs of Newham, Croydon and Hillingdon explored the reasons why young migrants may get involved in street crime. Most of the young people interviewed through this report were either victims of street crime or had friends who had been victims. Some of these were children who were alone in the UK and separated from their families or carers and were therefore at high risk of being victims of crime.
- 3.8. The research found there were a number of reasons why young migrants were more likely to be victims of crime. These included isolation due to being new to the country, and the language barrier, as well as having no family, support networks or friends and being the victim of bullying. Young migrants involved in the immigration system often find themselves living on the streets, destitute and homeless, which can make them more likely to be victims of crime. Many of the young people we have worked with have also experienced racial violence while homeless.¹⁹
- 3.9. Some groups of children are also more likely to be at risk of sexual exploitation such as children in care, children involved in gangs and street crime. The Joint All Party Parliamentary Group

¹⁵ Smeaton, E. (2013) *Running from hate to what you think is love: The relationship between running away and child sexual exploitation* London: Barnardo's and Paradigm Research

¹⁶ Case study from The Children's Society Birmingham

¹⁷ Rees, G. (2011) *Still Running 3* London: The Children's Society

¹⁸ Young people from New Londoners (2013) 'Beyond the streets - Young Migrants' Solutions to Street Crime':

<http://www.childrenssociety.org.uk/what-we-do/helping-children/young-refugees/new-londoners/beyond-streets>

¹⁹ The Children's Society (2012) 'I don't feel human: experiences of destitution among young refugees and migrants': http://www.childrenssociety.org.uk/sites/default/files/tcs/research_docs/thechildrenssociety_idontfeelhuman_final.pdf

Inquiry into children who go missing from care and the Interim report by the Office of the Children's Commissioner into CSE in gangs and groups in 2012 found that children in care and in particular those living in care homes were particularly vulnerable to sexual exploitation.²⁰²¹ The report also found that large proportions of young people involved in gangs were at high risk of sexual exploitation which was often linked with street crime and drugs.

- 3.10. Recommendation:** *the front line police officers, police community support officers as well as other professionals, particularly those working with the young people in trouble with the law, should receive training explaining the vulnerabilities of particular groups of children, such as young runaways, young migrants, children in care and the link between survival strategies and victimization. This was also a recommendation of the recent report from Ann Coffey, MP.*

Responses within the judicial system

- 3.11. Our projects find that young people are not given adequate support when they report allegations of child sexual exploitation or serious sexual violence and when they go through the court proceedings. The mechanisms of grooming for child sexual exploitation such as alcohol and drugs and emotional and physical manipulation can mean that children are perceived as unreliable witnesses who may have changed their story. Only through the support of an adult that they trust can the young person start to come to terms with what has happened and tell their story in a way that will produce the evidence needed for a successful prosecution. In addition victims of CSE often find themselves having to repeat their personal and traumatic story to numerous strangers and agencies or professionals.
- 3.12. There are examples of good practice of the police or CPS interacting positively with young people. These examples usually involve 'specialist' posts within those agencies, those who have responsibility for investigating crimes against children, or experiences of supporting young people through court proceedings. There is a need though, for all front line professionals within the judicial system to have knowledge of how to work with children.

Trafficked children

- 3.13. From our research and experience of working with trafficked children we are aware that this particular group of children and young people frequently have negative experiences with the police. We undertook a joint review of the practical care arrangements for trafficked children in the UK on behalf of the Home Office with the Refugee Council.²² The review highlighted a number of areas where trafficked children have come into contact with the police and had extremely negative experiences. This included a lack of identification and prioritisation of trafficking cases by the police, as well as the criminalisation of trafficking victims instead of recognising them as children who cannot consent to being trafficked and were coerced into crime. It is crucial that police officers responding to calls are trained in spotting the signs of trafficking and allow time to separately meet with young people they encounter when visiting premises.
- 3.14. One case discussed in our Still at Risk report is Christine. The police visited the house where Christine was being kept after she called them as she feared physical violence from the man who lived there. When they arrived, the man claimed she was his daughter and she was asked what had happened in front of him and therefore did not disclose. The police did not make any further checks and Christine continued to be exploited until she found another way out.

"I don't want to be around him and when the police came and the police talk to the man and then they ask me what happened, I didn't want to talk I was just crying and then they asked the man who am I to him. He says I am his daughter and they say what is your daughter's date of birth, he says I don't know my wife usually keep the children and stuff, I can't remember it. And they asking me if you feel threatened or anything say something and I couldn't say it standing there so they didn't do anything.
Christine

²⁰ The APPG for Runaway and Missing Children and Adults and the APPG for Looked After Children and Care Leavers (2012) [Report from the Joint Inquiry into Children who go Missing from Care](#) London: The Children's Society

²¹ Office of the Children's Commissioner (2012) [I thought I was the only one in the world. The Office of the Children's Commissioner's Inquiry into Child Sexual Exploitation In Gangs and Groups Interim Report](#) London: Office of the Children's Commissioner

²² Still at risk: A review of support for trafficked children (2013), The Children's Society

- 3.15. **Recommendation:** *the police should receive adequate training on how to identify victims of trafficking and have policies in place on how to record information and refer children to children's services for help.*
- 3.16. **Recommendation:** *separated migrants who are victims of trafficking should have access to legal guardians who would ensure that the complex issues within immigration and domestic law are resolved and protection is offered to the child.*
- 3.17. **Recommendation:** *We recommend that as part of multiagency inspections HMIC looks at how effective the police force is in identifying, recording, and responding to trafficked children and working jointly with other agencies to protect them from harm*
- 3.18. **Recommendation:** *We recommend that the Home Office creates a national register of missing and absent children where information will be reported and updated as soon as it comes to the attention of police forces.*
4. **Do young people have any trust in the elements of the CJS or charities working in this area?**

Trusted relationships with children and young people

- 4.1. Charities, like The Children's Society, who work with young people experiencing or at risk of harm play crucial role in identifying children who need help and developing a bridge between the child or young person and statutory services. Young people we are working with told us that what they value most in their relationships with practitioners from The Children's Society, is the persistency with which the offer of help is made and not feeling judged by the workers. The case study below provides an example of the importance of the intervention offered by The Children's Society.
- 4.2. Fiona aged 14, was referred to The Children's Society's project in 2012, following missing episodes and her misuse of drugs and alcohol. She did not attend full time education and there were problems with alcohol misuse in her family. She agreed to receive a service which consisted of a return interview and a follow-up programme of activities but failed to attend her appointments. The project worker persevered and eventually met with Fiona and started building a relationship with her. Once the young person engaged with the project, the true extent of her risk taking became apparent. Fiona was associating with a number of older males, ranging from 16-63 years old, including a known drug dealer. She would often drink alcohol or go to parties with these males whilst missing. She also made an allegation of rape against an extended family member and an allegation of sexual assault against a local shop keeper. The information was shared with relevant agencies and allegations of rape and sexual assault were investigated by the police. The project undertook work and discussions with Fiona around risks, including drugs and alcohol, grooming and sexual exploitation, healthy and appropriate relationships and risky relationships. As a result, Fiona's missing episodes have greatly decreased and she says that she is no longer using drugs or alcohol. As requested by Fiona, the project worker who worked with her through the return interview and all follow up activities will also support her through the court proceedings relating to the alleged rape and sexual assault.

Information sharing

- 4.3. Information sharing between statutory and non – statutory safeguarding agencies is crucial for identification of children who may be victims of crime. The Children's Society's practitioners currently sit on either the Local Safeguarding Children's Board or a relevant sub-group in 33 local authorities. Our practice has found that the existence of multi-agency forums within LSCB structures that can share information about vulnerable young people are instrumental in leading a safeguarding response to children and young people and identifying children victims of crime.
- 4.4. Constructive relationships between our practice other local agencies lead to a number of positive changes for young people. For example, The Children's Society in Lancashire has worked hard with the police to develop innovative ways of responding to the different patterns of emerging need and achieving successful prosecutions (e.g. work with young men as victims of CSE; work with young men at risk of becoming perpetrators of CSE and involving them in challenging other

young men; and night-time outreach in partnership with police operations working in red light districts). In Bradford and Calderdale, the creation of co-located teams and better partnership working has led to a higher number of CSE cases being investigated and an increase in prosecutions.

- 4.5. The relationships between the young people and practitioners help with gradually building a young person's confidence in the criminal justice system and aid their disclosure about the crime they experienced. For example, in one area where a project works closely with the police, we share information that the young person has told us about the sexual exploitation with the police, even if the young person does not want to make a complaint or disclose. This is done in order to help the police disrupt and investigate key 'hot spot' areas for exploitation such as take aways or hotels. The time we have spent building up relationships with young people means they trust how our services and the police will use the information and agree for information to be shared.
- 4.6. Several of our projects have been involved in mapping and gathering intelligence about perpetrators which have sometimes been the first step in uncovering grooming rings and have resulted in police operations. This is because they are often the first professionals to come into contact with the victims and will uncover valuable information about whom they are associating with, which other victims may be involved and where the exploitation may be taking place. Frequently the site of exploitation, or perpetrator, is uncovered through return interviews which should take place when a child has gone missing or run away and allow practitioners to explore what happens during a missing episode. For example, Operation Mansfield was initiated because our CheckPoint project discovered through return interviews that several of the children were running away to the same man's house.
- 4.7. Our projects also make use of online intelligence to help gather evidence, disrupt CSE and secure prosecutions. This can also help identify young people at risk of CSE and individuals who may pose a risk to them, particularly in cases where we are working with one young person and it is clear that others may be involved. For example, our services use Facebook to find the names of potential perpetrators and who else they are friends with, as well as peer- review sites like Trip Adviser to see if anyone has reported anything suspicious about certain hotels or restaurants.
- 4.8. *Recommendation:* Police and other statutory agencies should better involve and work together with voluntary sector agencies to enable more effective crime disclosure by young people and provision of support at all stages of the process.**

5. If they do report crime to teachers or parents, why does this not progress through the Criminal Justice System?

Need to focus on all types of crime and not on specific known patterns of crime

- 5.1. There is still a lack of awareness and understanding among professionals about wider range of risks and crimes experienced by young people. Due to increased media focus on certain crimes experienced by young people, safeguarding and law enforcement agencies often focus on particular crimes rather than investigating the broader range of risks experienced by young people.
- 5.2. For example, recent media reports on child sexual exploitation have been to a great degree focussing on the sexual exploitation of girls by groups of men of Asian origin. Our practice report that in some places this leads to a lack of understanding that child sexual exploitation can happen in many different forms and that perpetrators and victims can come from any community, cultural, religious or ethnic background.
- 5.3. It is vital that all frontline police officers, as well as other professionals who work directly with young people receive appropriate training about CSE and how to gather and share local intelligence about CSE hot spots and individuals posing a risk to children. For example, our CheckPoint project in Torquay has been delivering awareness training to police officers on what actions to take if they come across a young person that has run away and/or been sexually exploited and how to identify risk indicators. Police can also do a two week placement with CheckPoint to gain greater understanding on the links between running away and CSE and how

to address these. Our project in Lancashire, for example, has done a number of targeted campaigns with the police to raise awareness of boys as victims of sexual exploitation.

Peer on peer crimes

- 5.3. Our practitioners report that peer on peer exploitation is becoming increasingly common and the number of referrals from schools concerned about changes in young people's behaviour or patterns of attendance have increased. *"It's not just 'boyfriend' grooming, you see other girls and boys grooming young people, and taking other young girls to sex parties or parties where they can get drink and drugs."*²³ Young people can be groomed to become victims of sexual exploitation as well as groomed to become perpetrators of this crime. Some may turn into perpetrators as a result of sexual abuse or violence whilst they can be victims and perpetrators at the same time.
- 5.4. There is a need to address the complexity of peer on peer exploitation in legislation and guidance for the police and judiciary to ensure that adequate therapeutic support is available for young people alongside a criminal justice response. The new Sexual Harm Prevention Orders and Sexual Risk Orders introduced in the Anti-Social Behaviour Crime and Policing Act 2014, for example, will allow the police and CPS to deal with peer on peer exploitation from a criminal justice point of view to an extent. However, it is equally important that there are provisions to ensure young people involved in exploiting other young people are offered support to help them break the cycle of exploitation.
- 5.5. **Recommendation:** *The government need to ensure that there is clear guidance on what assessment of need and support should be available to young people in cases of peer on peer crimes, both for victims of crimes and for those who perpetrated crime, to prevent these crimes happening again, help victims to recover and help the perpetrator move away from offending behaviour.*
- 5.6. **Recommendation:** *Statutory guidance that is being developed on new Sexual Harm prevention Orders and Sexual Risk Orders need to stipulate how the welfare needs of those young people who will be subject to those new orders should be assessed and met through statutory provision.*
- 5.7. **Recommendation:** *education, police and children's services should develop strategies of working with young people to prevent their involvement in peer on peer crimes. This is particularly important where it is known that certain attitudes prevail in communities or schools that need to be challenged.*

Use of available legislation

- 5.8. Another issue is to what extent the police and professionals in the criminal justice system understand and use the legislation available. For example, our practice report that where trafficking offences are prosecuted, they are a very beneficial piece of legislation and have a high likelihood of conviction. This is because they are often the only charges that the CPS can bring a strong case for and ensure a long sentence. Practitioners also report that trafficking is easier to trace and prove than other offences and does not involve the victims disclosing that they have been abused in the same way as with offences such as rape. This is because the trafficking of a child is always an offence because a child cannot consent
- 5.9. At the same time there is a mixed picture in terms of police awareness of legislation relating to trafficking within the UK for the purposes of sexual exploitation. The majority of our practitioners report that the police are not aware of the trafficking legislation in the Sexual Offences Act or do not use it to its full potential. In one example, trafficking charges were not used, despite the evidence of movement, as the police and CPS believed that young people have not been moved far enough. There is a perception that trafficking only takes place across country or county borders. However, our practitioners find that trafficking may occur as part of the grooming process within a very short distance, e.g. from street to street or even house to house.
- 5.10. **Recommendation:** *the police, the CPS and other agencies should receive better training on the use of current offences, such as trafficking offence, and how these can be used to prosecute those who commit crimes against children.*

²³ The Children's Society (2012) Make Runaways Safe Launch Report

- 5.11. **Recommendation:** A new offence of child exploitation covering victims up to the age of 18 should be introduced to enable prosecution for cases of child exploitation, including cases of child sexual exploitation. Such an offence should stipulate that the child under the age of 18 can not consent to their own exploitation.

6. How do young people identify what is a crime?

The need for education for young people

- 6.1. To be able to recognise crime children and young people need to be educated about what a crime is and also about where to seek help and report crime.
- 6.2. For example, Catherine aged 14 was referred to The Children's Society's project for a return interview. Catherine was going missing, drinking alcohol, associating with other vulnerable young people and visiting addresses which are considered unsafe for children in different parts of the city where she lived. Planned sessions with Catherine covered work about grooming, internet safety, alcohol, feelings, family and sexual health. Catherine stated that she could now recognise potential grooming scenarios that had already occurred and felt she would also be able to identify risky grooming situations in the future.
- 6.3. A number of recent government reviews of PSHE and SRE (The SRE review of 2008, The MacDonald review of PSHE in 2009, the review of PSHE in 2011) as well as Ofsted reports into PSHE and SRE showed that although there are good examples of how these subjects are approached in schools overall the teaching of these subjects remains of inconsistent quality and requires improvement. Surveys of young people also indicate that they are not getting good quality education, particularly about relationships and sex. For example, in 2007 21,000 young people took part in a survey organised by the UK Youth Parliament and 40 percent of those young people said that their SRE was 'poor' or 'very poor' (UKYP, 2007). More recent survey showed that 27% of young people thought SRE was bad or 'very bad' and 30% did not learn about consent through SRE education (NCB, 2013).
- 6.4. In April 2014 the UN Special Rapporteur on violence against women, at the end of her visit to the UK, asserted that "I have also noted the efforts of the UK Government, the Governments in the constituent countries, and also voluntary sector organisations, in the design and launching of campaigns aimed at reaching out to young people and educating them about different manifestations of violence, including in the home, in schools and in social media and on the internet. I was informed of the national prevention campaign *This is Abuse*, which encourages teenagers to rethink their views about rape, consent, violence and abuse. In order to play a truly transformative role in the longer term, this campaign, as well as similar initiatives, need to be part of the curriculum and be institutionalised in the education system"²⁴.
- 6.5. Young runways we have worked with tell us that effective responses to young runaways should include educating young people about the risks of running away.

'Young people should know what the risks are, they need to have them drilled down'

'If you need help you should be able to ask for help'

'There need to be places where you can go and know that you are not going to be judged'

'It's like grooming – I learnt about it here in the project'

Sex education should provide education about running away and risks'

²⁴ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14514&LangID=E> Special Rapporteur on violence against women finalizes country mission to the United Kingdom and Northern Ireland and calls for urgent action to address the accountability deficit and also the adverse impacts of changes in funding and services

6.6. **Recommendation:** children and young people should be educated about what a crime is, how to seek help and how to stay safe as part of PSHE and SRE education. These issues should become part of statutory curriculum to ensure consistency of themes covered and need to be updated to include focus on consent, grooming, peer on peer abuse, and online relationships.

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