

**Bedford Borough Safeguarding Children Board &
Central Bedfordshire Safeguarding Children Board**
Working together to safeguard children



Bedford Borough, Central Bedfordshire & Luton Safeguarding Children Boards

Safeguarding Children and Young People from Sexual Exploitation

Signed off by Bedford Borough, Central Bedfordshire & Luton SCB – April 2010	To be reviewed in 2012
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LSCB	Local Safeguarding Children Board
IAT	Initial Assessment Team (Luton) Intake & Assessment (Bedford Borough and Central Bedfordshire)
IYSS	Integrated Youth support Services
CSC	Children's Social Care
CIN	Child In Need
S47	Section 47 of the Children Act
S17	Section 17 of the Children Act
YOS	Youth Offending Services
CSCI	Commission for Social Care Inspection
CAIU	Child Abuse Investigation Unit
PHSE	Physical, Health, Social Education
SSI	Socil services

Full Statutory Guidance available – Safeguarding Children and Young People from Sexual Exploitation (Supplementary Guidance to Working Together to Safeguard Children) –

<https://www.education.gov.uk/publications/standard/publicationdetail/page1/DCSF-00689-2009>

1. Definition

- 1.1 In this document the terms, 'young people', 'children' or 'child' refers to people under 18 years of age, both male and female. The fact that a child has reached the age of 16 or is living independently does not change his or her status or entitlement to services or protection under the Children Act 1989.

The sexual exploitation of children and young people is a form of child sexual abuse. Working Together to Safeguard Children (2010) describes sexual abuse as follows:

'Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetrative (e.g. rape or oral sex) or non – penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can children'.

2. Introduction

- 2.1 "Children abused through prostitution and other forms of sexual exploitation should be treated primarily as the victims of abuse, and their needs require careful assessment. They are likely to be in need of welfare services and, in many cases, protection under the Children Act 1989". (NAW, "Safeguarding Children: Working Together Under the Children Act (2004)).
- 2.2 Children who are sexually exploited have been or are being seriously abused and are therefore suffering significant harm. All Professionals should be clear that children and young people who are sexually exploited should not be regarded as having bad or criminal behaviour; they are the victims of sexual abuse.
- 2.3 It is recognised that for the vast majority of children and young people who become involved in sexual exploitation:
- Do not do so willingly, their involvement is indicative of coercion or desperation rather than choice;
 - Are being exploited by other persons even though they may think they are exercising free choice;
 - They are victims of abuse.
- 2.4. A growing number of young people are being sexually exploited by adults and older young people they meet via the internet. The access to children and young

people via technology has increased the ability to groom children for abuse and has further contributed to the invisibility of sexual exploitation of children.

- 2.5 It is important that all agencies are mindful that young males as well as females can be coerced or willingly involved in sexually exploitative activity. In some cases children and young people may be drawn into sexual exploitation by peers who are already involved. Girls in particular are frequently coerced into sexual exploitation by an older man usually posing as or viewed as their boyfriend. They are physically and emotionally dependent upon him and may be reinforced by the use of alcohol and drugs. Over time, access to friends and family becomes curtailed and the child becomes alienated from agencies which may be able to identify and interrupt the abuse.
- 2.6 There is greater awareness that young people are at risk and are vulnerable to being exploited for sex work because of major complex or life traumas. Multi-agency prevention and support with rapid strategies for early exit are an essential pre-requisite for reducing long-term harm to vulnerable children.

What Everyone Should Do

- 2.7 If any person has knowledge, concerns or suspicions that a child is suspected of being sexually exploited, it is their responsibility to ensure that the concerns or suspicions are referred to Children's Social Care (CSC/IAT) Intake & Assessment Team (Bedfordshire), Initial Assessment Team (Luton) or out of normal office hours, at weekends and on Bank Holidays to the Emergency Duty Team.
- 2.8 Referrals should be made to CSC/IAT as soon as a problem, suspicion or concern becomes apparent, and certainly within 24 hours. Referrals may be made by telephone, in person, by letter or by fax.
- 2.9 The person taking the referral should be given the following along with the information in appendix 2.NB. Where all information required on Appendix 2 is not available, as much as reasonably possible should be provided.
- the reason for the concerns
 - the full name, address and date of birth (or age) of the child (if known)
 - the names, addresses and dates of birth/ages of family members, along with any other names which they use or are known by (if known)
 - the names of all those with parental responsibility (if known)
 - the names of other professionals involved with the family, including the name of the child's school and General Practitioner (if known)
 - any information affecting the safety of staff (where known or suspected).
- 2.10 People working for other agencies, i.e. outreach and voluntary agencies, leisure and lifelong learning, youth offending, housing, as an employee, volunteer or management committee member cannot remain anonymous when making referrals. However, members of the public may remain anonymous if they wish to.

3. Principles

- 3.1 All children involved sexual exploitation are sexually, physically and emotionally at risk, both in the short and long term.
- 3.2 The vast majority of these children do not make informed choices to enter or remain in a situation where they are victims of sexual exploitation, but do so from coercion, enticement, manipulation or desperation, because they can see no alternatives. Children under the age of 18 years may be subject to sexual exploitation which covers a range of activity, including buying the sexual services of a child, causing or encouraging or facilitating sexual exploitation, controlling the sexual activity of a child involved in prostitution or pornography.
- 3.3 The primary law enforcement effort must be against adult abusers and those who groom for sexual gratification.
- 3.4 For any intervention to be effective, it is essential that all involved agencies, both statutory and voluntary, work closely together to share information and plan a response. In order to facilitate this, lead officers should be nominated from the key agencies, whose role is to:-
- Form part of the membership of Multi-Agency Strategy/Discussion Group when there are suspicions that a child is involved in sexual exploitation.
 - Provide advice for members of their own agency and other professionals in the area.
 - Provide a forum with other designated officers for gathering local statistics and local and national information, which can be used to inform strategies to prevent children becoming sexually exploited and support those already involved, to exit.
- 3.5. All children at risk of being abused through sexual exploitation are children in need of services under The Children Act 1989. They are also children in need of protection and may fall under the following:-
- The child is at immediate risk of significant harm
 - There is concern that the sexual exploitation is actively encouraged by the child's parent(s)/carer(s)
 - There is concern that the sexual exploitation is facilitated by the child's parent(s)/carer(s) failing to protect
 - There is a concern that a related or unrelated adult in a position of trust or responsibility to the child, is organising or encouraging the sexual exploitation

The nature of sexual exploitation

- 3.6 Any child or young person may be at risk of sexual exploitation, including boys and young men as well as girls and young women. However, some groups are particularly vulnerable, including children and young people who have history of running away or of going missing from home, those with special needs, those in and leaving residential and foster care, migrant children, unaccompanied asylum

seeking children, children who have disengaged from education and children who are abusing drugs and alcohol, and those involved in gangs. Sexual exploitation can take many forms from the seemingly 'consensual' relationship where sex is exchanged for attention, affection, accommodation or gifts to serious organised crime and child trafficking. What marks out exploitation is an imbalance of power within the relationship. The perpetrator always holds some kind of power over the victim, increasing the dependence of the victim as the exploitative relationship develops.

- 3.7 In cases of concern, when suspicions are aroused about the sexual partner/s, the agency concerned should check with other agencies, including the Police, to establish whatever information is known about that person/s. The Police should normally share the required information without beginning a full investigation if the agency making the check requests this.
- 3.8 The fact that a young person is 16 or 17 years old and has reached the legal age of being able to consent to sex does not mean they are no longer at risk of sexual exploitation. These young people are still defined as children under the Children Act 1989 and 2004 respectively. They can still suffer significant harm and their right to support and protection from harm should not be ignored or de-prioritised by services because they are over 16 or no longer in mainstream education or training.

Allegations of harm from underage sexual activity

- 3.9 Cases of underage sexual activity which present cause for concern are likely to raise difficult issues and should be handled particularly sensitively.
- 3.10 A child under 13 is not legally capable of consenting to sexual activity. Any offence under the Sexual Offences Act 2003 involving a child under 13 is very serious and should be taken to indicate a risk of significant harm to the child.
- 3.11 Cases involving under 13s should always be discussed with a nominated child protection lead organisation. Under the Sexual Offences Act, penetrative sex with a child under 13 is classed as rape. Where the allegation concerns penetrative sex, or other intimate sexual activity occurs, there would always be reasonable cause to suspect that a child, whether girl or boy, is suffering or is likely to suffer significant harm. There should be a presumption that the case will be reported to CSC/IAT and that a strategy discussion will be held. This should involve CSC/IAT, Police and relevant agencies, to discuss appropriate next steps with the professional. Any decision whether or not to share information must be properly documented and made by people with suitable competence in child protection work such as named or designated professionals or senior managers. The presumption in all such cases is that all relevant information will be shared with partner agencies
- 3.12 Sexual activity with a child under 16 is also an offence. Where it is consensual it may be less serious than if the child were under 13 but may nevertheless have serious consequences for the welfare of the young person. Consideration should be given in every case of sexual activity involving a child aged 13-15 as to

whether there should be a discussion with other agencies and whether a referral should be made to CSC/IAT. The professional should make this assessment using the considerations below. Within this age range, the younger the child, the stronger the presumption must be that sexual activity will be a matter of concern. This rule also applies to children and young people with mental health issues and those with disabilities or special needs. Cases of concern should be discussed with the nominated child protection lead and subsequently with other agencies if required. Where confidentiality needs to be preserved a discussion can still take place as long as it does not identify the child (directly or indirectly). Where there is reasonable cause to suspect that significant harm to a child has occurred or might occur, there would be a presumption that the case is reported to CSC and a strategy discussion should be held to discuss appropriate next steps. Again, all cases should be carefully documented including where a decision is taken not to share information.

3.13 The considerations in the following checklist should be taken into account when assessing the extent to which a child (or other children) may be suffering or at risk of harm, and therefore the need to hold a strategy discussion in order to share information:

- The age of the child. Sexual activity at a young age is a very strong indicator that there are risks to the welfare of the child (whether boy or girl) and, possibly, others;
- The level of maturity and understanding of the child;
- What is known about the child's living circumstances or background;
- Age imbalance, in particular where there is a significant age difference;
- Overt aggression or power imbalance;
- Coercion or bribery;
- Familial child sex offences;
- Behaviour of the child, i.e. withdrawn, anxious;
- The misuse of substances as a disinhibitor;
- Whether the child's own behaviour, because of the misuse of substances, places him/her at risk so that s/he is unable to make an informed choice about any activity;
- Whether any attempts to secure secrecy have been made by the sexual partner, beyond what would be considered usual in a teenage relationship;
- Whether the child denies, minimises or accepts concerns;
- Whether the methods used are consistent with grooming; and
- Whether the sexual partner/s is/are known by one of the agencies.

4. Recognition and Assessment of Information

4.1 Early concerns, or substantial suspicions that a child is being abused through sexual exploitation may be noted by any professional. In the first instance, it is unlikely this will be a social worker. Staff in every agency working with young people should know who the 'Designated' person within their agency is, in order to share their concerns, and then how to make a referral to CSC/IAT.

4.2 Unsubstantiated allegations that a child may be being abused through sexual exploitation should be treated with caution, but should be noted. None of the

following indicators, whether singly or together should be viewed as conclusive proof, but any of them may be suggestive of the possibility. They can alert professionals to difficulties that particular children are experiencing which may include abuse through sexual exploitation. Some of the indicators may be noted more readily if the child is looked after by CSC/IAT, but they apply equally to children living at home.

- Physical symptoms e.g. sexually transmitted infections, or bruising suggestive of physical or sexual assault.
- Reports from reliable sources, suggesting that a child is being abused through sexual exploitation.
- Reports that the child has been seen in places known to be used for prostitution.
- Repeatedly consorting with unknown men outside of the usual range of social or family contacts and/or other children known to be abused through sexual exploitation.
- Phone calls or letters from men outside of the usual range of social or family contacts.
- Accounts of social activities with no plausible explanation of the source of necessary income.
- Acquisition of expensive clothes/mobile phones/other expensive possessions without plausible explanation.
- Frequent reports of staying out overnight.
- Episodes of running away/going missing.
- Preoccupation with secrecy around the use of the Internet, telephone/video, cameras.
- Persistent absconding from placement, or return without plausible explanation - proper explanations need to be sought in every instance.
- Returning from running away/going missing looking well cared for, despite having no known base.
- Unusually long absconding from placement with no known base
- Pattern of street homelessness
- Having keys to premises other than those known about
- Persistent unexplained absence from school
- Low self image
- History of sexual abuse
- History of neglectful and/or emotionally abusive care
- Substance, drug, alcohol abuse
- Other expressions of despair/self harm including statement of intent to harm self, severe sleep disturbance, self-harming through cutting or overdose, eating disorder, intensive acting out, having many sexual partners.

4.3 Where there are early or unclear suspicions regarding a child who has an allocated social worker, the concerns should be shared with the social worker and consideration given to holding a Multi Agency Strategy/Discussion Meeting.

4.4 Where there are early or unclear suspicions regarding a child who is not known to CSC/IAT, a discussion should be held with the CSC/IAT and consideration given to holding a Multi Agency Strategy/Discussion Meeting.

- 4.5 Where there is reliable evidence that the child is being abused through sexual exploitation, a Multi- Agency Strategy/Discussion Meeting must be held.

5. Disclosure of Information

Confidentiality and the Sharing of Information

- 5.1 This is the advice from the Association of Chief Police Officers of England, Wales and Northern Ireland regarding consent and sharing information.
- 5.2 The success of interagency co-operation in the protection of children is rooted in the exchange and sharing of relevant information. Rules of confidentiality are **not** intended to prevent the sharing of information, the purpose of which is to protect children.

The overriding duty to share all relevant information applies both to the investigative process as well as to child protection conferences.

- 5.3 In **all** cases where child abuse is alleged or suspected, there is a duty to share all relevant information. In all such situations the protection of the child must take precedence. It is vital to the decision making process that professional's follow the information sharing protocol process to contribute all relevant information held on their records.
- 5.4 Those in receipt of information obtained through any part of the child protection process must treat it with strict confidence. They should not disclose such information for any purpose other than the protection of children without the expressed consent of the professionals or any family member who provided it. If there is any doubt about sharing information this should be shared with the chair in advance of the conference.

Consent

- 5.6 Many of the Data Protection issues surrounding the disclosure can be avoided if the informed consent of the individual has been sought and obtained. Consent must be freely given after the alternatives and consequences are made clear to the person from whom permission is being sought. If the data is classified as sensitive data the consent must be explicit. In this case the specific detail of the processing should be explained, the particular types of data to be processed, the purpose of the processing and any special aspects of the processing which may affect the individual, e.g. disclosures.

Public Interest

- 5.7 If informed consent has not been sought or sought and withheld the agency must consider if there is an overriding public interest of justification for the disclosure. In making this decision the following questions should be considered:

- Is the disclosure necessary for the prevention or detection of crime, prevention of disorder, to protect public safety, or protect the rights and freedoms of others?
- Is the disclosure necessary for the protection of young or other vulnerable people?
- What risks to others are posed by this individual?
- What is the vulnerability of those who may be at risk?
- What will be the impact of the disclosure on the offender?
- Is the disclosure proportionate to the intended aim?
- Is there an equally effective but less intrusive alternative means of achieving that aim?

6. Which Children and Young People are vulnerable and at risk include those who:

- Have been victims of sexual abuse
- Are excluded from school
- Are homeless
- Are using alcohol and drugs to cope with severe life trauma
- Domestic violence within the family
- Family breakdown
- Physical abuse and emotional deprivation
- Bullying in or out of school
- Family involvement in sexual exploitation
- Parents with a high level of vulnerabilities (drug/alcohol, mental health, learning disabilities/difficulties etc)
- Mental health difficulties themselves and/or learning difficulties
- Being looked after in residential or foster care
- Going missing frequently
- Parents who have been victims of sexual abuse themselves
- May be self harming and/or experiencing low self-esteem
- Migrant Children
- Unaccompanied minors
- Trafficked children

See Appendix 1 for possible indicators to take in account when assessing children and young people who may be at risk of sexual exploitation.

6.1 How to manage situations of sexual exploitation through the use of technology.

It is well known that the internet can be used for grooming children and young people with the ultimate aim of exploiting them sexually; we know that ICT can offer new weapons for bullies, who may torment their victims via websites or text messages; and we know that children and young people have been exposed to inappropriate content when online, which has sometimes led to their involvement

in crime and anti-social behaviour. All concerns regarding sexual exploitation through the use of technology, e.g. the internet, mobile phones, etc. should be discussed with the 'Designated' child protection officer within the agency with a subsequent referral to CSC/IAT , if appropriate.

7. Responding to concerns

- 7.1 Interventions to interrupt abuse through sexual exploitation and support children to recover a healthy lifestyle are more likely to be successful if a child who is at risk can be identified. Any information or concerns should be shared within a multi-agency support network, as early as possible.
- 7.2 Practitioners are often in a position of having to develop the child's trust, or having built it up, are concerned about breaking that trust through the sharing of 'confidential' information with other agencies. These issues should be discussed with the agency's designated safeguarding children adviser, and efforts made to share information as soon as possible. In the event that there are concerns but information is limited, there will be a requirement for CSC/IAT and the Police to be informed of the concerns. A decision should be taken about how further information may be sought sensitively, recognising that a mishandled intervention, may have a negative impact on the outcome for the child/young person and may alienate them further from support services
- 7.3 A practitioner or agency view that a child is at low risk may be inaccurate and sharing information about that child may reveal them to be at increased risk and in need of immediate protection.
- 7.4 All practitioners should keep clear contemporaneous records of contact with the child, their concerns, all information shared and discussed (and with whom), decisions made and actions taken. (A good chronology system will help).
- 7.5 In cases where there are indications that a child is at risk of sexual exploitation, practitioners in any agency may, after consultation with their agency's Designated Adviser, consult with and/or refer to CSC/IAT. The aim of the consultation/referral should be to develop a plan to protect the child and help them to recognise and avoid risky behaviours and engage in positive activities and relationships.
- 7.6 Once a referral has been made, CSC/IAT will respond in one of the following ways and will advise the referrer of the outcome of the referral:
 - An initial assessment will be undertaken to identify the child or young person's level of risk and need for service provision
 - The initial assessment may identify the child or young person to be at risk of significant harm and in need of protection. This will necessitate a child protection enquiry and a core assessment of need under section 47 of the Children Act 1989
 - Where no concerns are identified, there will be no further action. In these cases CSC/IAT will advise the referrer verbally and in writing as to why the agency is to take this position

- .
- 7.7 Where there are no substantiated concerns that the child/young person may be suffering or at risk of suffering significant harm the assessment should establish whether the provision of services would be helpful. Any intervention should result in a CIN care plan to support the child and their withdrawal from any exploitative activities where these exist.
- 7.8 Where appropriate the child and their family should be made aware of the concerns, engaged in the assessment and developing the plan and involved in all subsequent discussions. If within the CIN arena they should be invited to attend CIN meetings to review the plan. However, engaging the child and family and alerting them to the risks should be approached with a high level of sensitivity to avoid compounding risks or furthering alienation.
- 7.9 Attendance at a CIN meeting of the child and their family should only be considered if attendance will not compromise the child's safety or the progress of any section 47 enquiries or criminal investigation. The final decision should be taken by CSC/IAT Team Manager for the child's case. This decision should be clearly recorded on the child's case file.
- 7.10 Agencies may wish to access the Family Group Meeting Service as a way to formulate a plan in partnership with the child and their family.
- 7.11 In cases where CSC/IAT initial assessment confirms that a child is at risk of significant harm, they must convene a Strategy meeting in order to determine whether child protection enquiries should be made in accordance with the LSCB's Interagency Safeguarding Procedures (Chapter 4 Action to be taken where a child is at risk of significant harm).
- 7.12 Strategy meetings/discussions should be attended by involved agencies currently providing services for the child e.g. the child's school and/or Education Welfare Officer, Health services as appropriate (School Nurse, Sexual Health Practitioner, GP), CSC/IAT key worker, Lead Professional or any other agency which is in a position to contribute significantly to the development of a plan for the child.

Criteria for deciding whether or not to invite the child and their family include:

- The child's age and level of maturity, taking into account learning difficulties
- The child's perception and interpretation of their involvement
- Patterns and frequency of any behaviour causing concern
- Identity and role of adults involved
- Age and maturity of other participants
- Nature of sexual activity, where is it taking place
- The actual and potential physical and emotional effects
- Whether any physical injuries have been caused
- Existence of substance misuse and their significance for the child's behaviour
- Likely reaction of parent's/carer's
- Likely reaction of peers
- Likely reaction of other agencies

7.13 Attendance at the Strategy/CIN meeting should include:

- The referrer, if a professional
- Delegated Officer from Child Abuse Investigation Unit
- Delegated Officer from Education or nominee
- Delegated Officer from Health or nominee
- Social Worker
- Any other relevant person, e.g. fostering link worker, foster carer, residential worker, YOS, Genito-Urinary Medicine Doctor and/or Health Advisor; youth worker, voluntary agency worker, GP, Probation Officers and CAFCASS. Normally, the child and parent would not be invited to this initial meeting. However, this can be considered in circumstances where there is sufficient information to indicate that this would be appropriate and safe.

7.14 **The purpose of the meeting should be to:**

- Share and clarify information
- Establish exact nature of concerns
- Establish risk for any other children, including siblings
- Agree on action and make recommendations to address the concerns and safeguard the child
- There may be a need to consider a MAPPA or MARAC meeting

Additional factors to be taken into account:

- The child's perception and interpretation of their involvement
- There is insufficient information at this stage, but concerns remain and further work is required to clarify them.

The outcome of meeting may be that:

1. There is no need for further action
2. There is a need to commence section 47 enquiries
3. There is a need for further assessment
4. There is a possibility of criminal action against an adult
5. Direct supportive work is required to divert the child from involvement
6. There is insufficient information at this stage, but concerns remain, and further work is required to clarify them
7. Support services should be identified and actioned
8. A referral for a Family Group Meeting
9. Consultation with the Conference and Review Team

Plans must specify who is responsible for undertaking the work.

NB. While taking steps to protect a child from sexual exploitation, professionals should also consider how best to gather and preserve evidence to prosecute the perpetrators of the exploitation. This will increase the chances of a successful prosecution. The decision of whether to prosecute perpetrators should be made in the context of considering what is in the best interests of the child and of

- potential future victims. If the decision to prosecute perpetrators is taken, consideration of how the child can best be protected through that process should be taken into account.
- 7.14 Unless no further action is agreed, or child protection procedures are invoked, a date for a review meeting will be agreed to take place no later than three months after the initial meeting.
- 7.15 Where a child is identified as vulnerable to abuse through sexual exploitation a key professional must be nominated to befriend, support and enable the child to represent his/her views about the planned work. This is most likely to be a worker from an outreach agency or voluntary sector service
- 7.16 The meeting must consider what information to give parent(s)/carer(s) and the young person at this point, and who should provide this. Parent(s)/carer(s) should usually be notified of concerns regarding their children and what action is being considered in response. Any exception to this must be recorded and reasons given.
- 7.17 The meeting should strive to work by consensus. Any disagreements should be noted and if they cannot be resolved should be raised within the relevant management structures. Time scales should be attached to actions as appropriate.
- 7.18 A record of the meeting should be circulated to all attending, who must ensure that it is held securely within their agency.
- 7.19 Where there are concerns about continuing and future risk of harm and the young person is under 16 a child protection conference will normally be convened. Where a young person is 16/17 the need to convene a child protection conference will be determined in relation to the young person's individual circumstances, including an analysis of the level of continuing risk of significant harm. However, all 16/17 year olds should be offered a service even if child protection procedures are not invoked. This may include referral to an appropriate Voluntary Sector organisation for help/support.
- 7.20 It is important to recognise as with all child sexual abuse, child sexual exploitation involves varying degrees of coercion, reward, secrecy and fear which means that interventions to support and rehabilitate children may need to be long-term. Any plans should be progressed at the child's pace.
- 7..21 **Immediate action** - It may be apparent at any stage during the assessment/enquiries that emergency and /or urgent action should be taken to safeguard a child/young person and secure his/her safety because of the high degree of risk or likelihood of serious harm such action should normally be preceded by a strategy meeting and in consultation with CSC/IAT Team Managers.

8. Looked After Children

Looked after children will be placed in foster care, residential care, a secure unit, residential school or at home under the Placement with Parent Regulations.

- 8.1 When a referral is received regarding a child looked after, the allocated social worker must inform his/her Service Manager/Team Manager.
- 8.2 A Multi-Agency Strategy/Discussion Meeting will be considered in accordance with the above procedures. In addition, the following factors will be considered:-
 - Risks to any other children in the placement
 - Whether the child should remain in his/her present placement
 - The feasibility of controlling the child's movements and the likely effects of doing so.
- 8.3 As above, a Support Plan should be drawn up, which will form part of the overall Care Plan for the child.
- 8.4. The Multi-Agency Strategy/Discussion Meeting should consider the appropriateness and method of informing the child's parent(s)/carer(s). Unless a decision is taken not to invite parent(s)/carer(s) and the reasons for not inviting them being recorded, then parent(s)/carer(s) must be informed of all significant matters. Any decision otherwise should be recorded on file, with supporting reasons.
- 8.5 Following the Multi-Agency Strategy/Discussion Meeting, the child's social worker should develop a strategy for managing the situation, in conjunction with the child's parent(s)/carer(s). This should be shared with the child, written down and held by the social worker and the parent(s)/carer(s). A balance has to be found between the need for assertive action and the need not to unduly increase the likelihood of the child running away, in response to the action being taken, and possibly placing themselves at even greater risk. In some circumstances it may be necessary to discuss with the Police the most appropriate protective action. In some circumstances it may be appropriate to make use of the provisions in Child Abduction Legislation in order to disrupt the activities of the perpetrator/s (See Appendix 3 for The Legislative Framework).
- 8.6 Active work should be undertaken with the child to address issues of self esteem, relationships, sexuality, sexual relationships and health.
- 8.7 Behaviour of other children in the placement should be monitored, to identify if extortion, discrimination or bullying is causing, or reinforcing, the sexual exploitation, in line with national minimum standards for residential care (Children's Homes Regulations) if suspicions are confirmed. These steps may include any of the following:-
 - Monitoring telephone calls and letters by preventing the child from receiving incoming calls, being present when telephone calls are made, confiscating a mobile telephone which is being used inappropriately, opening some letters in the presence of the child and withholding letters if necessary, including in the Care Plan why and which letters and calls are being intercepted.

- Monitoring callers to the home, or adults collecting children by car. This may involve turning visitors away, or passing information direct to the Police, monitoring any suspicious activity in the vicinity of the home and informing the Police. Consideration must be given to the use of Child Abduction Legislation to disrupt activities of perpetrators.
- Making every effort to dissuade the child from remaining involved in sexually exploitative relationships by talking to them, involving them in alternative activities and ensuring they have the resources to attend, including escorting where necessary.
- Using physical control where appropriate in accordance with SSI Guidance, to prevent the child leaving home to engage in sexually exploitative relationships. It should be recognised that physical restraint and/or use of secure accommodation may further alienate the child and/or lead to them eventually running away - therefore staff involved in their care should try to avoid this as far as possible while simultaneously minimising the harm and risk to which they are exposed as a result of their involvement in sexually exploitative relationships.
- Where these efforts fail, and the child leaves, staff need to decide whether to follow them and continue to encourage them to return.
- If they will not return, staff should inform the local Police and pass on information, such as descriptions and car registration numbers.
- Child Abduction notices (s2, Child Abduction Act 1984) can be used to disrupt contact between an adult and a child or young person where the child is aged 16 or under. It is an offence for a person not connected to the child to take the child away 'without legal authority'. In such cases, the police may remove the child to a place of safety and issue a formal warning to the Perpetrator. N.B This legislation can also be used for young people who are still living with their parents and/or those in foster care placements where the parents/carers object to the relationship/s in which the child is involved.
- Liaising with outreach agencies, so they can look out for a child who has gone missing.
- Offering sensitive and welcoming responses to children returning home.
- Ensuring that the child is aware of the legal issues involved, including advice that staff cannot safeguard money which is reasonably suspected to have been gained through involvement in sexually exploitative relationships. When staff acquire such money, they must retain it and seek legal advice.
- Treating the child as a victim of exploitation, not a criminal.
- Ensuring that relevant information and decisions are recorded in the child's Care Plan, along with clear directions for action.

- 8.8 If the child is in foster care, the social worker and fostering link worker should meet with the foster carer to decide which of the above steps could reasonably be taken by the foster carer/parent(s) if appropriate. This needs to take place in consultation with the Fostering Team Manager and in line with national minimum standards for foster care. Out of area placements have also been used with young people in foster/residential care but this can be a bit of a double edged sword – it may render the young person more vulnerable and also sends the message that they are being sent away rather than the person abusing them
- 8.9 Involvement of children being abused through sexual exploitation can evoke strong feelings in carers and staff, which can include anger and revulsion. They must avoid any rejection of the child, or use of sexual insults or innuendo
- 8.10 The child's behaviour and attitude may be extremely challenging and carers and staff will require ongoing support, advice and training in knowing how to respond. These needs must be considered and resources identified, either by the manager of the residential unit, or the fostering link worker.
- 8.11 Staff and carers should be aware of their own position in relation to the child, e.g. male carers or staff may be viewed with suspicion or contempt. This may be further influenced by the person's ethnic background, age or build.
- 8.12 The professionals involved must be mindful of the child's human rights and any action taken must be proportionate to the perceived risk.

9. Involvement of Groups of Children Looked After

- 9.1 Where there is knowledge, or strong suspicion, that children are involved together, or are being controlled by the same person, particularly when that person is a child, there will need to be additional planning, including serious consideration of the use of child protection procedures.
- 9.2 A Multi-Agency Strategy Discussion/Meeting should be convened. This will need to ensure that there are no inconsistencies between individual children's Care Plans.
- 9.3 Where the placement is in another authority, or children from other authorities are involved, that authority's Conference & Review Team must be contacted, to discuss which authority is to take overall responsibility for convening the meeting and to co-ordinate the response.

See Appendix 2 for information to include in your assessment

10. Leaving Care

- 10.1 The same procedures as above should be followed in cases where young people in the Leaving Care Team are considered to be at risk of abuse through sexual exploitation.

- 10.2 The Pathway Plan for any young person where there are concerns about sexual exploitation should specifically identify their vulnerability to sexual exploitation, and address the factors known to impede successful recovery from sexual exploitation e.g. homelessness, poverty, lack of educational and employment opportunities and lack of supportive social contacts. Referrals to agencies that may help build their resilience and reduce their vulnerability e.g. a voluntary sector organisation for support etc.

11. The role of the Police

- 11.1 Identifying, disrupting and prosecuting perpetrators must be a key part of work to safeguard children and young people from sexual exploitation. While the police and criminal justice agencies lead on this aspect of work, the support of partners, for example in recording information and gathering and preserving evidence is also vital. The Identification and prosecution of perpetrators should be a key consideration of all agencies but any such work should not put children and young people at any further risk of harm. Parents and carers should be encouraged and supported in identifying perpetrators, collecting and preserving evidence (medical, forensic and circumstantial) as well as in supporting their children through the criminal justice process. Agencies should ensure effective recording systems are in place to enable information to be shared between agencies, support individual investigations and enable monitoring and mapping of sexual exploitation to identify specific problems and monitor trends.
- 11.2 Police play a leading role in the detection and investigation of crime around the abuse of children who are being abused through sexual exploitation. This role must be undertaken in accordance with the principle of multi-agency co-operation outlined in this protocol.
- 11.3 Police may become aware of children being abused through sexual exploitation through normal police work on the streets and in other criminal investigations. In such circumstances police should make referrals to CSC/IAT/CAIU and share their concerns about the young person as appropriate.
- 11.4 Initial responses to the discovery of a child who is at immediate risk of being abused through sexual exploitation, must be to remove them from the source of risk, and ensure that any necessary evidence is secured. This must be followed by referral to CSC/IAT. Following this, a Multi-Agency Strategy/Discussion Meeting must be convened.
- 11.5 If there are suspicions that a child is being abused through sexual exploitation, but there is no immediate or direct evidence, the Police officer noting the concern should refer to the Child Abuse Investigation Unit, who holds the Police Lead Officer role for children abused through sexual exploitation a multi-agency strategy/discussion planning meeting can then be considered.
- 11.6 Criminal action in respect of the child will not be instigated until the matter has been discussed within a Multi-Agency Strategy/Discussion Planning Meeting. Particular attention should be paid to the following:

- The age and vulnerability of the child
 - The return to prostitution must be considered genuinely voluntary, with no evidence of physical, mental or emotional concerns
 - The child has been told and understands that criminal proceedings may take place and the implications of this for them now and in the future.
- 11.7 The Assistant Chief Police Officers have access to further guidance from the Home Office, regarding what criminal action is available. Consideration should be given to Child Abduction notices (s2, Child Abduction Act 1984) can be used to disrupt contact between an adult and a child or young person where the child is aged 16 or under. It is an offence for a person not connected to the child to take the child away 'without legal authority'. In such cases, the police may remove the child to a place of safety and issue a formal warning to the Perpetrator.
- 11.8 If the matter reaches the point of referral to the YOS, this provides a further opportunity for positive intervention.
- 11.9 The priorities for the Police as well as protecting children are the identification, disruption and prosecution of perpetrators. Disrupting perpetrator behaviours should be viewed as an important part of local work to tackle sexual exploitation. A disruption plan may include a range of activities from the simple observation of an individual's activities, the closing down of venues using local statute, to the use of a range of civil orders. These may include, sexual offences prevention orders, risk of sexual harm orders, anti-social behaviour orders, restraining orders or child abduction notices (see appendix 3 – The legislative framework) depending on the type of behaviour and evidence available. Other legislation including the Licensing Act 2003 may be used to prevent children and young people gaining access to adult venues such as pubs and clubs, where they may be especially vulnerable to grooming.
- 11.10 All interviews with the child as an actual or potential victim should be conducted, as far as possible, in accordance with the appropriate guidance. However, flexibility needs to be applied, as it may take a number of interviews before the child is able to make, or complete a statement. Where more than one statement is required liaison between the police and Crown Prosecution Service is essential.
- 11.11 If the child has made a statement and/or is a potential witness, careful consideration must be given, as early as possible, to the need for witness protection and witness support, in accordance with the Guidance in Achieving Best Evidence: The Interviewing of vulnerable and intimidated persons (including children) involved in criminal proceedings.

12. The role of Leisure and Community Services

- 12.1 The role of staff within this service area is primarily one of recognition and referral.
- 12.2 Library staff, park rangers and leisure centre staff will all have some contact with children and young people and as such should be made aware of procedures relating to child protection.

- 12.3 If any member of staff has knowledge, concerns or suspicions that a child is suspected of being subject to sexual exploitation, it is his/her responsibility to ensure that the concerns or suspicions are referred to his/her nominated officer, CSC/IAT, or, out of hours at weekends and on Bank Holidays, to the Emergency Duty Team.
- 12.4 Referrals should be made to CSC/IAT as soon as a problem, suspicion or concern becomes apparent and certainly within 24 hours. Referrals may be made by telephone, in person, by letter or by fax but must be followed up with completion of the Multi-Agency Referral Form.

13. Role of Education Services

- 13.1 The procedures for Education staff remain the same as those used in cases of child protection, although in this circumstance, young people can also be referred as CIN (of protection and support).

Prevention

- 13.2 Schools are concerned with the personal and social development of pupils, and provide opportunities, in which pupils can develop their personal and social skills, make informed choices, develop a healthy lifestyle and learn to keep themselves and others safe.
- 13.3 Schools have a Personal, Social and Health Education programme (PSHE) for pupils, taught by teachers. These cover topics such as sex education, drug education, safety, food and nutrition, mental health and health-related exercise. Although there is no statutory curriculum, sensitive subjects, such as sexual exploitation and abuse, may be raised within the PSHE curriculum, and resource information be made available.

Recognition

- 13.4 School staff can identify concerns about pupils in their daily contact at school. Awareness of indicators already highlighted in this protocol, will assist in this task
- 13.5 Education Welfare Officers, in their assessment and ongoing work with young people and their families, can help to identify specific areas of concern. This can also take place during their regular consultation with school staff.
- 13.6 The exchange of information with other agencies can build a wider picture of what may be happening to a young person.
- 13.7 Effective record keeping will assist information given out, as well as information received, and will be key for Education staff to contribute to this area of child protection/support planning work.

Referral Procedure

- 13.8 School staff will pass on concerns to the school designated officer for Child Protection, who will refer to the IAT (BBC or CBC) or (MAFSP) Multi Agency family Support Panels (Luton) This would be appropriate in cases of cumulative concerns over time.
- 13.9 In cases of immediate safety needs, or substantial evidence of a young person being involved in sexual exploitation, the Designated Co-ordinator should make *direct* contact with CSC/IAT.

14. Role of Integrated Youth Support Service/Connexions Service

- 14.1 As with teachers, Personal Advisers/Youth Workers are in a good position to identify children who are being, or are at risk of being abused through sexual exploitation. Personal Advisers/Youth Workers should be alert and competent to identify and act upon concerns that a child is at risk of or experiencing abuse through sexual exploitation; and should consult their Designated Adviser and consult with and/or refer to CSC/IAT.

15. Role of Health Services

- 15.1 Health Services are in a key position to recognise Children and young people who are suffering sexual exploitation. In addition, health services may also be in a position to identify concerns about adults who may be perpetrators of sexual exploitation.
- 15.2 Health professionals who come into contact with children who they suspect may be involved in sexual exploitation, have a crucial role in providing holistic support for the physical and mental health of these children".
- 15.3 The role of the health professional in relation to children abused through sexual exploitation is in the prevention, recognition and referral stages, and not to investigate suspected or reported incidents of abuse. However, the Health professional may become involved in the investigative stage after inter-agency discussions.
- 15.4 Where there is concern that a child may be at risk of immediate harm, a referral must be made to CSC/IAT or the police, following the LSCB's Interagency Safeguarding Procedures.
- 15.5 Health, education, counselling, sexual health and medical intervention should be provided to the young person where need is indicated. This includes identification of immediate and ongoing health needs, both physical and emotional: any contact with a child is an opportunity to address health needs as these can be neglected for various different reasons.
- 15.5 The Fraser Guidelines (superseding the Gillick Guidelines) should assist professional judgement in cases where contraception advice is sought.

The Frazer Guidelines:

It is considered good practice for doctors and other health professionals to follow the criteria outlined by Lord Fraser in 1985 in the House of Lords' ruling in the case of Victoria Gillick v West Norfolk and Wisbech Health Authority and Department of Health and Social Security. These are commonly known as the

Fraser Guidelines:

- the young person understands the health professional's advice; the health professional cannot persuade the young person to inform his or her parent or allow the doctor to inform the parents that he or she is seeking contraceptive advice;
- the young person is very likely to begin or continue having intercourse with or without contraceptive treatment;
- unless he or she receives contraceptive advice or treatment, the young person's physical or mental health or both are likely to suffer;
- the young person's best interests require the health professional to give contraceptive advice, treatment or both without parental consent

15.6 Clear and accurate records should be kept about concerns and contacts in relation to these children.

15.7 Health staff may be required to liaise with other agencies, monitoring the situation of the child following referral and, in some instances, carry out specific aspects of the action/care plan, as agreed at the Multi-Agency Strategy/Discussion Meeting. Any contact with a child provides an opportunity to discuss a broad area of issues. This could be facilitated via midwives, obstetricians and gynaecologists, Genitary Urinary Medicine Clinic, Family Planning Clinic, Paediatrician (including Colposcopy Clinic), Child Protection medicals, staff on Accident and Emergency Department, Health Visitor, School Nurse, Child and Adolescent Mental Health Service personnel, Adult Mental Health Service etc. All Health professionals have a role to play in the referral stage, ongoing assessment and, if appropriate, investigation.

15.8 For the purposes of audit, systems for monitoring and recording will be necessary.

16. The role of the Probation Service

16.1 The Probation Service has involvement with, or statutory responsibility for, supervising a wide range of offenders largely deriving from its work in criminal courts.

16.2 In discharging all statutory responsibilities the Probation Service is required to contribute to the protection of the public through the assessment and management of risk.

- 16.3 The Probation Service does not have a primary responsibility for the welfare of children but contributes as a consequence of statutory involvement with adults, including its engagement with those who have committed certain offences against children. In addition, Services will have responsibility for cases with an active child protection focus because of the supervision of a perpetrator within a family context involving child victims.
- 16.4 Beyond this primary focus, as outlined above, the Service has statutory and supervisory responsibilities which involve contact with families and staff must therefore be alert to the possible indications of concern in relation to the well being of children. Such concerns must be referred to CSC/IAT and may trigger the child protection process or a response to general welfare needs. After making a child protection referral, follow-up liaison with CSC/IAT would be pursued and any actions requested in the interest of inter-agency work carried out.
- 16.5 The Probation Service may become suspicious or concerned that children are being abused through sexual exploitation. Such concerns should be passed through to the Police respective CAIU who hold the police lead officer role for children abused through sexual exploitation. Should a Multi-Agency/Strategy/Discussion Planning Meeting be held, then appropriate representation or contribution should be made by the Probation Service.
- 16.6 Clear and accurate records must be maintained in such cases at all times.
- 16.7 If concerns result in child/ren being made subject to child protection plans, the Probation Service must discharge any agreed element of the child protection plan, including membership of core groups, promptly record contact and contribute to any review child protection conferences which may be convened.

17. The role of Voluntary & Community Groups/Agencies

- 17.1 Government guidelines on young people involved in sexual exploitation emphasise the importance of a multi-agency approach, which includes voluntary and community groups/agencies:
- 'The child may seek to avoid statutory services. They are more likely to respond to informal contact, for example, with health outreach workers, or local non-statutory agencies. The primary concern of all those involved must be the welfare of the child, and decisions on the sharing of concerns about a child's safety must form part of local protocols between police, CSC/IAT, health and education authorities and non-statutory agencies'.¹*
- 17.2 There is a wide range of specialist (drug misuse, HIV prevention, homelessness, counselling and advice), and other voluntary and community agencies/groups (youth clubs, sport/drama groups, faith groups and churches etc) who may be well placed to identify children who are at risk of, or are experiencing abuse through sexual exploitation; because:

¹ *Guidance on Children Involved in Prostitution, HO/DfES (2000)*

- Voluntary and community sector agencies often have a close relationship with their local communities
 - Voluntary and community sector agencies can develop relationships of trust with the children and maintain a link to the young person if they become 'lost' to statutory services
 - Outreach agencies are often the first point of contact for children in risk situations
 - Specialist voluntary agencies often have the opportunity to provide vital health/harm minimisation/risk reduction support
- 17.3 It is essential that voluntary and community groups/agencies operate as multi-agency network partners in order to provide children with access to the widest possible range of intervention and support services.
- 17.4 Practitioners and volunteers in voluntary and community groups/agencies should be alert and competent to identify and act upon concerns that a child is at risk of, or experiencing abuse through sexual exploitation. They are well placed to receive and verify information about sexual abuse and exploitation of children in the local community.
- 17.5 Each voluntary and community group or agency should have a Designated Safeguarding Children Person.
- 17.6 Where a practitioner or volunteer in a voluntary or community group/agency has immediate concerns they should, together with their Designated Adviser consult with and/or make a referral to CSC/IAT² or contact the Police. Where the concerns are not immediate or are unclear, staff should discuss the case with their Designated Adviser.

18. Concerns arising in Bedford Borough, Central Bedfordshire or Luton regarding children from outside their LA area.

- 18.1 If a referral is received regarding a child involved in sexual exploitation who resides in another local authority, initial enquiries should be undertaken by the home CSC/IAT. Immediate action may be required, in accordance with Section 47 of the Children Act 1989. If not, a referral should be made to the relevant home authority.
- 18.2 If the child needs to be returned to her/his home authority, arrangements should be made, either with the relevant CSC or the child's parent(s), for the child to be escorted back by a responsible adult. It may be necessary to consider accommodating the child overnight whilst arrangements are put in place. Wherever possible, this should take place after discussion with the home authority, including discussion of financial responsibility. If the child is to be found accommodation, attention must be given to identifying an appropriate placement, so as not to exacerbate the risk to the child, or present a risk to other children.

² These should be in line with the Bedfordshire & Luton Safeguarding Interagency Procedures (2006). Staff may also act in accordance with the government guidance: *What To Do If You're Worried a Child is Being Abused* (DCSF 2006).

18.3 It is not appropriate to offer the child a travel warrant to return home unescorted.

19. Concerns regarding a Bedford Borough, Central Bedfordshire or Luton Child arising in another Local Authority area.

19.1 Where a referral is received regarding a Bedford Borough, Central Bedfordshire or Luton child being involved in sexual exploitation outside the Local Authority, these procedures apply.

19.2 If the child has run away and has been located by Police or CSC elsewhere, discussions must be held with the relevant local authority regarding how to keep the child safe whilst arrangements can be made to have the child collected, either by a social worker or a parent/carer. (If it is clear that the parent/carer is not implicated in the child's sexual exploitation.)

19.3 The local authority should be asked specifically not merely to offer the child financial assistance to return unaccompanied to either Bedford Borough, Central Bedfordshire or Luton

Appendix 1

Vulnerability for Sexual exploitation (This is not an exhaustive list)

	Education	Running away/Going missing	Sexualised Risk taking	Rewards	Contact with abusive adults and/or risky environments	Coercion/ Control	Sexual Health	Substance Use	Emotional Health
1	Truancing from school	Regularly coming home late Absent without permission and returning late	Overt sexualised dress/attire Getting into unknown adult's cars Meeting adults through the internet	Unaccounted for monies and/or goods	Associating with unknown adults and/or other sexually exploited children	Reduced contact with family/friends	Sexually transmitted diseases (STIs)	Experimenting with alcohol/drugs	Poor self image Expressions of despair – internal Cutting Overdosing Eating disorder Sexualised risk taking
2	Non school attender/excluded Regular breakdown of school placements due to behavioural problems.	Frequently staying out overnight without explanation Episodes of running/going missing Persistently running/going missing from placement Looking well cared for despite having no known base Regular	Getting into unknown adult's cars Meeting adults through the Internet Clipping (offering to have sex and then running upon payment) Older boyfriend (5 + years)	Unaccounted for monies and/or goods, especially jewellery and mobile phones	Associating with unknown adults and/or other sexually exploited children/young people Extensive use of phone, particularly late at night Having access to premises not known to parent/carer. Reports from reliable	Limited contact with family/friends Disclosure of physical/sexual assault followed by withdrawal of allegation Physical injuries – external/internal	Multiple STIs Miscarriages Terminations	Regular use of substances Concerns for drug dependency	Chronic low self esteem Expressions of despair: Internal (Self-Harm) - Cutting Overdosing Eating disorder Sexualised risk taking External (Intensive Acting out) - <ul style="list-style-type: none"> ▪ Bullying/threatening behaviour ▪ Violent outbursts

		breakdown of placements due to behavioural problems			sources, suggesting involvement in sexual exploitation Seen in known red light districts				<ul style="list-style-type: none"> Offending behaviour
3	Non school attender or excluded Regular breakdown of school placements due to behavioural problems	Persistently running away/going missing from placement Pattern of street homelessness	Older boyfriend (5+ years) Clipping (offering to have sex and then running upon payment)	Unaccounted for monies and/or goods	Picked up in red light district Having access to premises not known to parent/carer	Disclosure of physical, sexual assault followed by withdrawal of allegation Abduction and forced imprisonment (described by young people as 'locked in') No contact with family/friends Disappear from system (no contact with support systems) Physical injuries – external/internal	Multiple STI's Miscarriages Terminations	Chronic drug dependency (particularly crack/heroin)	<p>Chronic low self esteem Expressions of despair:</p> <p>Internal (Self-Harm) - Cutting Overdosing Eating disorder Sexualised risk taking</p> <p>External (Intensive Acting out) - Bullying/threatening behaviour Violent outbursts Offending behaviour</p>

Appendix 2

Information to include in your assessment of the child

Concerning Adults/Young Adults
Names of Adults visiting unit/home
Description of adult <ul style="list-style-type: none"> • Hair: • Skin: • Ethnicity: • Height: • Clothes: • Jewellery: • Distinguished markings (e.g. tattoos): • Accent (even if not sure what accent state there was one): Nicknames:
Names of Adults calling unit/home
Names of Adults meeting children outside unit/home
Description of young person <ul style="list-style-type: none"> • Hair: • Skin: • Ethnicity: • Height: • Clothes: • Jewellery: • Distinguished markings (e.g. tattoos): • Accent (even if not sure what accent state there was one): • Nicknames:
Mobile Phone Activity
Time of calls
Frequency of calls
Number of callers
Behaviour of YP post call (angry, upset, leave the unit immediately etc):
Cars being used to visit/collect/transport the young person
Model (s)
Colour (s)
Number Plate (s)
Missing Patterns
Appearance when YP leaves unit:
Who is the YP with:
Date & time left unit:
Length of absence:
Frequently staying out late at night without explanation:
Episodes of running/ going missing
Persistently going missing from placement/home
Emotional & Physical appearance upon return

Siobhan King, Barnardos, 2006

Appendix 3 The legislative framework

Relevant clauses of UK legislation

Safeguarding Children

The Children Act 1989 imposes a range of responsibilities on local authorities for the care and protection of young people under the age of 18. These include:

Section 17	<p>Every LA has a general duty to safeguard and promote the welfare of children within their area who are in need.</p> <p>A child is defined as being in need if:</p> <p><i>(a) he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority;</i></p> <p><i>(b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or</i></p> <p><i>(c) he is disabled.</i></p>
Section 20	<p>Requires local authorities to provide accommodation for any child in need within their area who appears to require it or who has no other suitable accommodation.</p> <p>Section 31 a Court may make a care order if satisfied a child is suffering or is likely to suffer significant harm and the likelihood of harm is attributable to the care being given to the child not being what would be expected from a reasonable parent.</p>
Section 44A and 44 B	<p>The court may make a child the subject of an emergency protection order if it is satisfied there is reasonable cause to believe that the child is likely to suffer significant harm if the child is not moved to a safe place or does not remain in one.</p> <p>When the court makes an emergency protection order, it may include exclusion requirements or accept an undertaking from the relevant person.</p>
Section 46	<p>The police may take a child into protective</p>

	custody for up to 72 hours if they have reasonable cause to believe s/he would otherwise be likely to suffer significant harm.
Section 47	Requires that the local authority make enquiries where they have reasonable cause to suspect that a child is suffering, or is likely to suffer significant harm, to enable them to decide what action they should take to safeguard or promote the child's welfare.
Section 48	Enables courts to provide local authorities with powers to locate a child in need of protection when making an emergency protection order for a child whose whereabouts are not known.
Section 49	Makes it an offence to abduct or induce, assist or incite a child to run away whilst in care, the subject of an emergency protection order or in police custody.
Section 50	A court can make a recovery order with respect to children who are abducted or who run away or go missing whilst in care, the subject of an emergency protection order or in police protection. A recovery order instructs anyone who knows where a child is to reveal this information or to produce the child if they are in a position to do so. The order also authorises a police officer to search a particular house and a particular person (usually a police officer or social worker) to remove the child.

Under the Protection of Children Act 1978 (as amended), the UK has an absolute prohibition on the taking, making, circulation and possession with a view to distribution of any indecent photograph of a child under 16. This age was raised to 18 in the Sexual Offences Act 2003. Section 160 of the Criminal Justice Act 1988 also makes the simple possession of indecent photographs of children an offence.

The Children Act 2004 - Local authorities and the other persons and bodies to which section 11 of the Children Act 2004 applies must make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children.

Sexual offences

The Sexual Offences Act 2003 introduced a range of offences specifically focused on the protection of children from sexual exploitation. The main offences relating to the exploitation of children are summarized below:

Sections 5-8	Cover offences committed against children under 13. For the purposes of these offences, whether the child ostensibly consented to the act is irrelevant as is the defendant's belief as to the child's age.
Sections 9-12	Cover offences against children under 16 committed by adults. The fact that a child gives ostensible consent to such sexual activity is not relevant as sexual activity involving a person under the age of 16 is unlawful regardless of such consent. Where there is no ostensible consent, the conduct will fall under the (non child-specific) non-consensual offences in sections 1-4 of the Act, which include rape.
Section 13	Covers child sex offences committed by children or young persons: this offence covers any of the offences covered by sections 9 to 12 where they are committed by someone under 18.
Section 14	Provides an offence of arranging or facilitating commission of a child sex offence. The offence being arranged or facilitated may take place anywhere in the world for the purposes of this offence.
Section 15	Provides an offence of meeting a child following sexual grooming. The original version of section 15 made it an offence for a person aged 18 or over to meet intentionally, or to travel with the intention of meeting, a child under the age of 16 in any part of the world, if he has met or communicated with that child on at least two prior occasions, and intends to commit a "relevant offence" against that child either at the time of the meeting or on a subsequent occasion. Section 72 of the Criminal Justice and Immigration Act 2008 extended the offence to where the person arranges to meet the child in any part of the world or where the child travels with the intention of meeting the defendant in any part of the world. This addition strengthens the offence of meeting a child following sexual grooming.
Sections 16-19	Cover sexual offences against children under 18 where the offender has abused a position of trust. Roles which constitute a position of trust are set out in section 21. Positions of trust include, for example,

	employment in a residential home or detention centre or in an educational establishment. Sections 25-26 Provide offences for engaging in or inciting sexual activity with a child family member.
Sections 47-50	Provide a set of offences specifically dealing with the exploitation of children through prostitution and pornography which provide protection for all children up to the age of 18.
Sections 57-59	Provide the offences relating to the trafficking of people into, outside and within the UK for the purposes of certain sexual offences.

Section 33A of the Sexual Offences Act 1956 makes it an offence to keep a brothel used for prostitution. The maximum penalty upon conviction was raised to seven years imprisonment under the Sexual Offences Act 2003.

Section 1 of the Protection of Children Act 1978 makes it an offence to take, make, distribute or show indecent photographs or pseudo-photographs of children. Section 160 of the Criminal Justice Act 1988 makes it an offence to possess indecent photographs or pseudo-photographs of children.

The Sexual Offences Act 2003 extended the meaning of 'child' for the purposes of these two provisions to children aged under 18 (rather than 16).

Other legislation that may be used against perpetrators

- The Child Abduction Act 1984
- The Children Act 1989
- The Children Leaving Care Act 2000
- The Adoption and Children Act 2002
- Education Act 2002
- Homelessness Act 2002
- The Asylum and Immigration (Treatment of Claimants, etc) Act 2004
- The Children Act 2004
- The Domestic Violence, Crime and Victims Act 2004

Civil orders under the Sexual Offences Act 2003

The Sexual Offences Act 2003 also provides a number of civil orders.

The aim of these orders is to protect the public or specific members of the public from sexual harm. The police will need to provide evidence of a risk of sexual harm before an order can be imposed.

A sexual offences prevention order can be imposed by a court on an offender who has been convicted of a relevant sexual or violent offence (these offences are listed in Schedule 3 and Schedule 5 of the Sexual Offences Act 2003) where the court is

satisfied that the order is necessary for the purpose of protecting the public or particular members of the public from serious sexual harm. The order can be made at the time of conviction or after conviction, provided that there is a present risk of the offender causing serious sexual harm. This order automatically makes an offender subject to the notification requirements (commonly known as the sex offender's register) in the Sexual Offences Act 2003.

A risk of sexual harm order can be imposed on an offender who has demonstrated behaviour that suggests he may be at risk of committing a sexual offence against children where the court is satisfied that the order is necessary to protect children from harm to the defendant. There have to be at least two specified incidents of concern, but there does not need to be a previous conviction. The acts which would qualify an offender for such an order are set out at section 123(3) of the Sexual Offences Act 2003 and include communicating with a child, where any part of the communication is sexual and engaging in sexual activity with a child.

A foreign travel order can be imposed on an offender who has been convicted of a specified sexual offence against a child (as set out in section 116(2) of the 2003 Act) where a court is satisfied that the offender's behaviour since their conviction makes it necessary for the order to be made for the purpose of protecting children abroad from serious sexual harm from the offender. The order may prevent the offender travelling to a specific country or simply from travelling outside the United Kingdom at all.

A notification order can make an offender who has committed a sexual offence abroad subject to the notification requirements that would have applied if he had committed the same offence in the UK.

Street offences

The Street Offences Act 1959

It remains legally possible for a child aged 10 years and over to be charged with the offence of loitering or soliciting for the purposes of prostitution under section 1 of the Street Offences Act 1959, although following the publication of the earlier version of this guidance in 2000, the numbers of prosecutions for under 18s has dropped consistently up until 2006 when there were none. Although the offence remains available for under-18s, this guidance echoes the message included in the earlier version that the criminal law is rarely an effective or appropriate response to children and young people under the age of 18 found loitering or soliciting for the purposes of prostitution and that the responsibility for the sexual exploitation of children or young people lies with the abuser: either the person who pays for sex, in some way, or the person who grooms the child and/or organises the exploitation. The focus of police investigations and of prosecutions should be on those who coerce, exploit and abuse children and young people.

Section 1 of the Act provides that it is an offence for a 'common prostitute to loiter or solicit in a street or public place for the purposes of prostitution'. The offence is punishable by a fine, not exceeding level 2 (£500) for a first offence and level 3 (£1000) for a subsequent offence.

The offence was made gender-neutral by the Sexual Offences Act 2003. To prove that an individual is a 'common prostitute' requires evidence that he/she has been soliciting for the purposes of prostitution persistently. Persistence in the case of adults is demonstrated by the issuing of a 'prostitutes' caution' under Home Office circular 109/59.

Special measures

There are Special Measures to help children under the age of 17 give evidence in the best way to increase its quality and with as little stress as possible. They include:

- using a video of their evidence to give their account of what happened;
- answering questions from the defence using the live link from another room;
- in sexual cases, giving evidence in private by clearing the court of people who do not need to be there;
- advocates and judges in the Crown Court removing their wigs and gowns;
- aids, such as sign and symbol boards, for children who have difficulty speaking;
- screens to prevent a witness who is in court from having to see the defendant;
- an intermediary to help explain the questions or answers if necessary.

Anti-social behaviour orders

Anti-social behaviour orders (which came into effect in April 1999) were introduced in the Crime and Disorder Act 1998 to combat anti-social behaviour which causes people harassment, alarm or distress. LAs and Chief Officers of Police in consultation with one another can seek an order from the courts to protect the community from the actions of an individual or individuals who cause harassment, alarm or distress to one or more other persons of a different household (i.e. neighbours or the wider community) by their anti-social behaviour. The order will be prohibitive i.e. it prevents the defendant from doing anything specified in the order and remains in force for a minimum of two years, unless both parties agree to discharge the order before that time. If that person breaches the order he or she is guilty of a criminal offence, which carries stiff penalties.

Reports suggest that some local areas have used anti-social behaviour orders against adults involved in prostitution. While this may be the case, ASBOs are not an appropriate response to children who are being sexually exploited, and should be used only as a last resort.

Appendix 4

J's story

J is 14 and until recently a brilliant student and dancer. She lives with her parents and her younger sister and older brother in a quiet suburb.

Over the summer J started to behave strangely, appearing to be drunk and out of control and was out at all times of the night. Her parents received letters from J's schools about her attendance and behaviour. When they confronted J they were shocked at the language and abuse that J hurled at them.

J eventually visited her doctor as she was worried about missing periods and an infection. She told the nurse what had happened. J felt that the nurse was understanding and helped her to see how badly she was treated by her 'boyfriend' and his friends. J went to the police and felt that she could talk to the police officer who was extremely kind. J attended a strategy meeting which was also attended by a social worker and many others.

J revealed that she had met B, 27, a brother of her class mate, and went around with him and his friends. Initially they had persuaded her to miss classes, go to amusement arcades, spending money, playing, eating and drinking. Then they asked her to a party. She did not want to go but B threatened to tell her mother what J did on the day that she missed classes.

J became desperate for the roll ups that B made especially for her. Normal cigarettes did not make her feel the way they did. B cared for her and she was happy to give him blow jobs in his car to show she cared for him too. One night she got drunk and went into the men's toilet with B. He raped her while his friends filmed the incident on their mobile phones.

In a later incident she went looking for B but instead was approached by an older man who said he was B's friend. The older man asked her if she would like to spend the night at his flat. J was horrified and asked him to leave her alone, but he insisted she look at some pictures on his mobile. J was shocked and shaken to see the pictures of that night's ordeal on his mobile. He told her that if she would not do what he wanted, he would put the picture on the Internet.

J went with B to different towns. One evening he took her to a flat where she passed out after a drink. She woke to lots of men having sex with her. B said that it was her fault and that she had invited it. The next time that they were at his flat, B begged her to do him a favour, saying that she owed it to him. She had sex with his 'friends', but in disgust. She felt that B was her 'boyfriend' and she needed him, but at the same time she hated him for what he had put her through.

B knew all about her family, the car her mother drove and the route that her sister took to school. J worried that her mother was asking too many questions and was frightened that her mistakes would cost her family all their happiness. She was contemplating B's advice to leave home and go into care when she went to see her doctor.

Source: Coalition for the Removal of Pimping (CROP)

Online sexual exploitation – inciting a child to watch a sexual act.

A boy aged 13 was confused about his sexuality and went into a chat room for young gay teens. He read the postings and decided to ask a few questions. He was rapidly befriended by a number of adult males who offered to chat on a one-to-one basis. Over the following weeks they sent him pictures, some of boys posing and others sexually aroused. He was encouraged to look at the pictures and to try out some of the poses himself. He was encouraged to go on webcam so that they could watch him and see how he responded and they could demonstrate what he should be doing sexually.

They captured the pictures and began to threaten him, telling him that he must do as they asked otherwise they would post the pictures on the Internet. They finally coerced him into meeting up.

The boy's mother discovered the situation and struggled to know what to do next. She telephoned CEOP's general enquiries number and spoke to the NSPCC Child Protection Advisor who reassured her and explained what needed to be done to safeguard her son and protect him from further harm. During the call information was collated that would help the local police and Children's Services to assess need. CEOP staff continued to work with the local police to progress the investigation and engage Children's Services in supporting the family.

Source: CEOP

Online sexual exploitation – child planning to meet up with her abuser

Report via CEOP's Report Abuse Button:

'I first met the person in a chat room but then gave him my MSN address and we started chatting on there. I am telling you this is because I have arranged to meet up with him, because I was too scared to say no. He has been talking to me and has told me that he wants to have sex with me even though he knows I am 13. He is much older. He has my phone number and he says he knows where I live even though I haven't given him my address. I have planned to meet up with him but I am still scared and I daren't tell my parents as they will be angry. I need a quick reply because we are planning to meet up tomorrow but I don't want to and I'm scared he will find out where I live. He was online earlier but isn't now.'

An email response was immediately sent out from the NSPCC Child Protection Advisor to the child, to reassure her and to seek information about the person she was going to meet. She was advised not to go to meet the person and to try to talk to her mother or father. After an exchange of e mails between the Child Protection Advisor and the child, the child disclosed that she had sent pictures of herself to him. She was reassured that she had done nothing wrong and she eventually agreed to talk to her mother about what had happened.

The following morning the information was passed from the NSPCC Child Protection Advisor to the local police force who visited the child at home. She was interviewed using the Home Office National Guidance for Achieving Best Evidence from vulnerable and intimidated witnesses. Her computer and mobile telephone were given to the police for examination.

To assist the local police and utilising expertise, CEOP continued to work on identifying the suspect and locating him. The information was passed to the investigating force and the suspect was arrested.

Source: CEOP