

**LSCB Policies and Procedures  
Supplementary Guidance**

**Child Criminal Exploitation**

**Protocol**

**February 2019**

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**Part 1: About this Protocol**

**Introduction**

This Protocol aims to:

* Provide all agencies with clear local guidance in relation to children who are at risk of Child Criminal Exploitation (CCE), or who are currently being exploited.
* Ensure that a coordinated approach across all agencies is taken when considering the risks involved for children who may be criminally exploited.
* Ensure that there is an effective plan in place to manage and reduce the risk to these vulnerable children and that role and responsibilities within this are identified and clearly defined.
* Ensure effective monitoring of young people's safeguarding processes.
* Promote information sharing across all agencies and a joined up approach to risk reduction.
* Provide appropriate management oversight of these vulnerable children.

This protocol should be read alongside [**Working Together to Safeguard Children (2018)**](https://www.gov.uk/government/publications/working-together-to-safeguard-children--2) which continues to provide statutory guidance covering the legislative requirements on services to safeguard and promote the welfare of children.

A child is anyone who has not yet reached their 18th birthday. Throughout this protocol the terms 'child' and 'children' are used to refer to all those under the age of 18.

This protocol applies to all staff who are working directly or indirectly with children, young people and their families in Bath & North East Somerset Council.

This protocol is to be read together with the overarching Youth@ Risk Strategy, a multi-agency commitment to work together to prevent all exploitation of children and young people in Bath and North East Somerset. The shared vision is for all children and young people and their families and communities to be safe from exploitation and the values and approaches set out in the Youth@ Risk Strategy fully apply here. This is one of six protocols that underpin the Youth @Risk strategy.

**Part 1** is for everyone whose work brings them into contact with children and families, including those who work in early years, children's social care, health, education (including schools), the police, adult services and youth offending teams. These parts set out first the background to the nature of child criminal exploitation, followed by a series of guiding principles. It is relevant to those working in the statutory, voluntary or the independent sectors, and applies in relation to all children and young people irrespective of whether they are living at home with their families and carers or away from home.

**Part 2** explains the role of the ART Team and what to do if you are worried about a child or young person

**Part 3** Guide to Disruption Order and Legislation.

**Definitions**

**Child Criminal Exploitation (CCE)**

The Home Office report that the Criminal exploitation of children and vulnerable adults is a geographically widespread form of harm that is a typical feature of county lines activity. However the criminal exploitation of children is broader than just county lines, and includes, for instance, children forced to work on cannabis farms or to commit theft.

CCE occurs where an individual or a group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18. The victim may have been criminally exploited even if the activity appears consensual. CCE does not always involve physical contact; it can also occur through the use of technology.

County lines is a major, cross-cutting issue involving drugs, violence, gangs, safeguarding, criminal and sexual exploitation, modern slavery, and missing persons: and the response to tackle it involves the police, the National Crime Agency, Local Government departments and Voluntary and community sector organisations.

Research is also highlighting that some young people are voluntarily seeking out elders to sign up for drug dealing seeing the lifestyle that it brings as desirable. However research is also clear that these young people are exploited into a unrealistic view of the lifestyle with promises of quick money. The elders employ tactics such as creating a drug debt to keep the young people in a cycle of crime.

Children's involvement in CCE is indicative of coercion or desperation rather than choice. CCE is a complex form of abuse and it can be difficult for those working with children to identify and assess.

The indicators for CCE can sometimes be mistaken for 'normal adolescent behaviours'. It requires knowledge, skills, professional curiosity and an assessment which analyses the risk factors and personal circumstances of individual children to ensure that the signs and symptoms are interpreted correctly and appropriate support is given.

The law states that consent is only valid where they make a choice and have the freedom and capacity to make that choice. If a child feels they have no other meaningful choice, are under the influence of harmful substances or fearful of what might happen if they don't comply (all of which are common features in cases of CCE) consent cannot legally be given whatever the age of the child.

It is important to note that perpetrators of CCE may themselves be children who are criminally exploited and that the victims of CCE may also be at risk of becoming perpetrators.

**Organised Crime Groups and Gangs**

Organised crime group means a group that-

1. Has as its purpose, or as one of its purposes, the carrying on of criminal activities, and
2. Consists of three or more persons who act, or agree to act, together to further that purpose

Gang related violence and drug dealing activity is defined as gang related if it occurs in the course of, or is otherwise related to, the activities of a group that-

1. Consists of at least three people, and
2. Has one or more characteristics that enable its members to be identified by others as a group.

(Serious Crime Act 2015)

**County Lines**

County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas within the UK, using dedicated mobile phone lines or other forms of deal lines. They are likely to exploit children and vulnerable adults to move and store the drugs and money and they will often use coercion, intimidation, violence (including sexual violence) and weapons including knives. The perpetrators can also exploit victims financially and take control of their bank accounts and social media.

County lines activity and the associated violence has a devastating impact on young people, vulnerable adults and the local communities. Initially children and young people may be given small amounts of money/drugs, phones, expensive trainers, but are then told they must repay it by working for the gang. Sometimes the gangs arrange for them to be robbed of the drugs and the young person becomes indebted (drugs bondage). If the young person protests they are threatened by violence to their family as retribution. The young people that deliver drugs are at risk of being apprehended by police. They also risk being robbed by drug users. Young people can be physically attacked, raped or killed by members of their own gang or rival gangs. Young people are at risk of internal injuries through ‘plugging’ where they carry drugs internally. Girls and young women may carry concealed or conceal guns, drugs and money and sell drugs. If they are arrested or robbed they can expect violent/sexual retribution. Girls may also be groomed to participate in group sex, sometimes for commercial gain on the part of gang elders.

**Youth Violence**

Violence involving young persons, typically children, adolescents, and young adults between the ages of 10 and 24. The young person can be the victim, the perpetrator, or both. Youth violence includes aggressive behaviors such as verbal abuse, bullying, hitting, use of weapons, slapping, or fistfighting.

**Trafficking**

It is important to remember that young people being exploited in this way are likely to be being trafficked as they are having their travel *arranged or facilitated for the purpose them being exploited.* It is helpful to draw on the definition of human trafficking in the Modern Slavery Act 2015 to understand this*:*

* A person commits an offence if the person arranges or facilitates the travel of another person with a view to being exploited.
* It is irrelevant whether V consents to the travel (whether V is an adult or a child).
* A person may in particular arrange or facilitate travel by recruiting, transporting or transferring V, harbouring or receiving, or transferring or exchanging control over V.
* A person arranges or facilitates travel with a view to being exploited only if— the person intends to exploit (in any part of the world) during or after the travel, or the person knows or ought to know that another person is likely to exploit (in any part of the world) during or after the travel.
* “Travel” means- arriving in, or entering, any country, departing from any country, travelling within any country.

In all cases where it is suspected that a child has been trafficked, the Local Authority will make contact with the National Referral Mechanism: Referrals to the NRM should be for all potential victims of trafficking and modern slavery, who can be of any nationality, and may include British national children, such as those trafficked for child sexual exploitation or those trafficked as drug carriers internally in the UK.

**The purpose of this protocol is:**

* To identify and coordinate support to those young people that meet the criteria of being at risk of or being criminally exploited
* To promote the need to take action against those intent on abusing and exploiting children and young people
* To provide awareness raising and preventative education for the welfare of children and young people who are or may be criminally exploited
* To provide timely and effective interventions with children and families to safeguard those vulnerable to criminal exploitation
* To recognise the links between children missing from home and care and criminal exploitation, and the importance of effective multi-agency procedures in relation to missing children
* The multi-agency partnerships will seek to work with young people to reduce the risk of criminal exploitation in accordance with the policies, procedures and guidance of the B&NES Local Safeguarding Children Board and the South West Child Protection Procedures

**Aims**

There is a wealth of expertise in Bath & North East Somerset, and many examples of excellent practice. Our ambition is to do even more to understand the prevalence of child criminal exploitation and provide a strategic framework to achieve maximum impact**.** This will be achieved through effective inter-agency working and having clear shared priorities and protocols for tackling concerns.

In Bath & North East Somerset we are determined to work together across agencies to identify those vulnerable to criminal exploitation, build resilience, and prevent exploitation taking place. We will work with young people, their family, professionals, and communities to raise awareness of the issue, and ensure our early help services are well placed to provide effective prevention.

Across the partnership, we are committed to making a difference for children and young people up to the age of 18 (24 for looked after children) by:

* Enabling children and young people to make safe choices through a concerted campaign of awareness raising and education**.**
* Providing accessible, early support, to target vulnerable groups**,** build resilience and prevent exploitation occurring.

**Key principles, when responding to Child Criminal Exploitation (CCE) are:**

* **A child centred approach** which focuses on the child’s needs and involves the young person in decision making, whilst recognising that they may not see themselves as being in an exploitative or abusive situation.
* **The response to Child Criminal Exploitation is a shared responsibility** among agencies and organisations, including education providers, health services, youth services, children’s services, criminal justice agencies, housing providers, licensing teams and voluntary sector services supporting children and families.
* **An integrated approach** is required at an individual and strategic level. Individual plans for safeguarding and promoting the welfare of children so that plans are based on a wide ranging assessment of the needs of each child, the parents’ capacity to care for them in the context of family and wider community circumstances. Strategic work should be underpinned by committed leadership, shared understanding, improved and effective communication, joined up multi-agency working and the effective co-ordination of work by the B&NES LSCB.
* **Prevention and early intervention** should be regarded as a key part of agencies’ approaches to criminal exploitation.
* **An emphasis on “engagement” with children and young people.** Our contact with young people must be based on the principle that discussion of risk and the building of trust within a professional relationship will be one of the key ways to reduce risk. We need to recognise that within this that children and young people at risk of CCE will be amongst our most difficult to engage and among the least trustful of professionals.

**Working with Parents/Carers**

Parents and carers play the most crucial role in safeguarding and promoting the welfare of their children. If a child or young person is suffering or at risk of suffering significant harm through criminal exploitation by someone outside the family, this may not necessarily be as a result of parents or carers having difficulties in meeting their child’s needs. Involving parents/families early in interventions can be a significant way forward in protecting and supporting their children.

Parents and carers can feel excluded in work with children and young people who are, or who are at risk of being, criminally exploited by perpetrators external to the family. Where assessment shows it is safe and appropriate to do so, parents and families should be regarded as a part of the solution. It is crucial to work with them not only to assess the risks of harm faced by the young person or child but to help them understand what the young person has experienced, the risks they face and how they can be supported and protected. The parents may need direct support and help to improve family relationships and keep their child safe.

However, in some cases, parents and carers will be complicit in the exploitation of their children.

**How does it affect children and young people?**

Like other forms of abuse and exploitation, Child Criminal Exploitation:

* Can affect any child or young person (male or female) under the age of 18
* Can still be exploitation even if the activity appears consensual
* Can involve force and/or enticement-based methods of compliance and is often accompanied by violence or threats of violence
* Can be perpetrated by individuals or groups, males or females, and young people or adults; and
* Is typified by some form of power imbalance in favour of those perpetrating the exploitation. Whilst age may be the most obvious, this power imbalance can also be due to a range of other factors including gender, cognitive ability, physical strength, status and access to economic or other resources.

One of the key factors found in most cases of Child Criminal Exploitation is the presence of some form of exchange (e.g. carrying drugs in return for something). Where it is the victim who is offered, promised or given something they need or want, the exchange can include both tangible (such as money, drugs or clothes) and intangible rewards (such as status, protection or perceived friendship or affection). It is important to remember the unequal power dynamic within which this exchange occurs and to remember that the receipt of something by a young person does not make them any less of a victim. It is also important to note that the prevention of something negative can also fulfil the requirement for exchange, for example, a young person who engages with Child Criminal Exploitation activity to stop someone carrying out a threat to harm his/her family.

**Who is vulnerable to Child Criminal Exploitation?**

All children are vulnerable to Child Criminal Exploitation.

* 15/­16 years are the most common age range
* Both males and females can be exploited
* ‘Clean Skins’ – (a person who does not have an existing criminal record or who has not attracted the attention of police or security forces). Children being targeted because they have ‘limited networks’ to protect them, gangs perceive that these children/young people are more likely to evade police detection
* The use of social media to make initial contact with children and young people
* Class A drug users being targeted so that gangs can take over their homes (known as cuckooing - definition).

Gangs and groups are known to target vulnerable children and adults, some factors that heighten a person's vulnerability include:

* Having prior experience of neglect, physical and/or sexual abuse
* Lack of a safe/stable home environment now or in the past (domestic abuse or parental substance misuse, mental health issues or criminality for example)
* Social isolation or social difficulties
* Economic vulnerability
* Homelessness or insecure accommodation status
* Connections with other people involved in gangs
* Having a physical or learning disability
* Having mental health or substance misuse issues
* Being in care (particularly those in residential care and those with interrupted care histories).

**Risk Indicators**

A young person's involvement in Child Criminal Exploitation activity often leaves signs. A young person might exhibit these signs, either as a member or an associate of a gang or group dealing drugs. Any sudden changes in a young person's lifestyle should be discussed with them.

Some indicators are:

* Persistently going missing from school or home and/or being found out of area;
* Unexplained acquisition of money, clothes or mobile phones
* Excessive receipt of texts/phone calls
* Relationships with controlling/ older individuals or groups
* Leaving home/care without explanation
* Suspicion of physical assault/unexplained injuries
* Parental concerns
* Carrying weapons
* Significant decline in school results/performance
* Gang association or isolation from peers or social networks
* Self-harm or significant changes in emotional wellbeing.

**What does the particular nature of exploitation mean for practice?**

Exploitation should be considered in the context of Contextualised Safeguarding as a model for assessment and is defined as follows ;

‘an approach to understanding, and responding to, young people’s experiences of significant **harm beyond their families**. It recognises that the different relationships that young people form in their neighbourhoods, schools and online can feature violence and abuse. Parents and carers have little influence over these contexts, and young people’s experiences of extra-familial abuse can undermine parent-child relationships. Therefore children’s social care practitioners need to engage with individuals and sectors who do have influence over/within extra-familial contexts, and recognise that assessment of, and intervention with, these spaces are a critical part of safeguarding practices. Contextual Safeguarding, therefore, expands the objectives of child protection systems in recognition that young people are vulnerable to abuse in a range of social contexts’ (Firmin, 2017:1)

**It is important that continued contact with perpetrators is not misinterpreted as informed choice or an indication of absence of harm.** Practitioners should maintain their relationships with children and young people, and continue to exercise professional curiosity and create safe spaces for disclosure. Continued contact with perpetrators should be seen as part of the complex power dynamic of the abusive relationship. Practitioners should continue to reach out to victims and not make the offer of services dependent on formal disclosure. Many victims are only able to disclose after the provision of support, often months or even years down the line.

Parents/carers, teachers, youth workers, other professional workers or, as is often the case, a mixture of the above have a valuable perspective to add. This will inform the contextual understanding and help to identify changes that represent something more than adolescent behaviours (see annex A covering adolescent development) and make sense of the range of vulnerabilities the child or young person may be facing. As ***Working Together 2018*** makes clear, it is important all such perspectives, alongside that of the child/young person, are incorporated in all risk assessments.

**Part 2: What to do if you are worried about a child or young person**

In BANES The Adolescent Risk Team (ART) has been in operation for the last 18 months and was set up after there had been an emergence of young people socialising in peer groups where abuse had taken place.

The abuse presented as domestic abuse in peer relationships, physical abuse, Harmful Sexual Behaviour in a peer to peer context, trafficking, CSE, serious youth violence and young people going missing. We had also seen a rise in the criminal exploitation of children and young people by being exploited to run drugs for adults in and out of the county.

The Adolescent Risk Team has drawn on research completed by the University of Bedfordshire which states that ‘historically Child Protection procedures have not adequately intervened to address risks faced by young people outside of the home. As young people get older their experiences of abuse are often associated with public environments in which they spend their time. Yet child protection procedures routinely intervene with individual young people and their families rather than the public environments where abuse occurs’ (Contextualised Safeguarding Network 2016)

ART has been developed as a multi-agency partnership model where the identified partners work together to support the young people. The sharing of information and the allocation of cases to workers will take place at the fortnightly case meetings. . This is to ensure all information is shared appropriately and agencies are able to effectively create the model of team around the worker.

Key agencies involved are:

* Project 28
* CAMHS
* Youth Connect
* Youth Offending Team
* Willow
* CURO
* Education psychologist
* Mentoring Plus

The young people that are assessed and supported by ART come through the duty system and have been referred to Children’s Services due to safeguarding concerns. A fortnightly email is sent out by the ART Administrator to partner agencies. IF ART have received a referral with concerns regarding a young person they will be discussed in the ART case discussions to see of any other agency is involved, information is shared to ensure an AMBIT way of working. New cases are then discussed at case discussions meeting with partner agencies as part of the gathering information stage. A keyworker or enduring worker is then identified. Partner agencies also bring young people that they are working with and have concerns about to case discussions where a plan is put into place to monitor the risks or if the presenting risks escalate to refer back through the duty process to access a social work assessment by the Duty Team or ART.

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| *Any practitioner* working with a child who they think may be at risk of Child Criminal Exploitation should follow the guidance set out in *Working Together 2018* and share this information with Bath & North East Somerset Council Social Care. You should refer any concerns about a child's welfare to Bath & North East Somerset Council Children's Services [www.bathnes.gov.uk/services/children-young-people-and-families/child-protection](http://www.bathnes.gov.uk/services/children-young-people-and-families/child-protection).  If you believe a child is in immediate risk of harm, you should contact the police. |

**Part 3: Guide to Disruption Orders and Legislation**

This annex sets out examples of the range of disruption measures, civil powers and criminal offences which may be used by practitioners as part of a strategy to tackle child criminal exploitation. This is not an exhaustive list and practitioners should consider the full range of powers available to them when developing effective disruption strategies. Government work on a more comprehensive toolkit of disruption measures is also being developed and will be made available to practitioners.

**Identifying, Disrupting and Prosecuting perpetrators**

Identifying, disrupting and prosecuting perpetrators must be a key part of work to safeguard children and young people from CSE and CCE. While the police and criminal justice agencies lead on this aspect of work, the support of other partners, for example in recording information and gathering and preserving evidence is also vital. Identifying and prosecuting perpetrators should be a key consideration of all agencies working to address the issue of exploitation locally but, any work to identify and prosecute perpetrators should not put children and young people at any further risk of harm.

Adapting an approach that includes prevention, intervention and protection for young people and prosecuting offenders should not be undertaken in isolation. Work to identify and address the risk factors that make young people vulnerable to CSE/CCE and the provision of support and protection will enable agencies to gain the trust and confidence of the young person, in many cases so that they can be part of the work to tackle the exploitation itself.

Specialist agencies, particularly those that are non-statutory, that work with victims of CSE will most frequently be in this position and it is vital that where a young person wants, and is able to be a part of a prosecution, the agency is able to support them through the process and post-conviction, including consideration of special measures and support in giving evidence in court.

**Taking action against perpetrators**

Suspected perpetrators may be identified through other work such as neighbourhood policing / dedicated Police CSE patrol or work to trace organised crime. Agencies and professionals should contribute to action taken against perpetrators. The details will be for local operations and the most effective tactics will change and develop, not least to keep up with perpetrator behaviours.

Disrupting perpetrator behaviours should be viewed as an important part of local work to tackle CSE and CCE. Whilst there should always be a pro-active investigation aiming for successful prosecutions, a disruption plan targeting suspected perpetrators can be extremely beneficial. A disruption plan might involve a number of activities, ranging from simple observation of an individual's activities, to the use of a range of civil orders including Sexual Offences Prevention Orders, Child Abduction Warnings and Risk of Sexual Harm Orders, depending on the type of behaviour and evidence available. Other legislation, such as the Anti-Social Behaviour Act 2003, Protection from Harassment Act 1997 or Family Law Act 1996 or Child Abduction Act 1984 might be used to disrupt incidents of CSE and CCE while other measures to safeguard children and young people or gather evidence are taking place. The Licensing Act 2003 can 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.

Local authorities may be able to use their statutory powers to disrupt incidents of sexual and criminal exploitation. For example, if practitioners are aware of locations where exploitation is taking place, local authority licensing or housing departments can be invited to exercise their powers to close down venues. If a child is in the care of the local authority and the child is missing, the local authority can apply to the court for a recovery order under s50 Children Act 1989.

**Disruption Measures**

Child Criminal Exploitation may be associated with other crimes, or perpetrators may be involved in other criminal activity. In these instances there are a number of civil measures that can be used to disrupt the activities of individuals also involved with Child Criminal Exploitation, alongside criminal and civil processes that directly address offending and other child protection procedures.

The range of formal and informal disruption measures that may be used to help tackle Child Criminal Exploitation include:

* Obtaining orders on an identified individual (see below);
* Investigation of other crime types such as drugs or theft;
* Increased police attention on an individual (checking car tax, road worthiness of car etc);
* Increased police presence in suspected hotspots (online or offline);
* Working with internet providers to address online risks; and
* Use of licensing laws and powers to obtain guest information or close down premises associated with child exploitation.

Where applicable, an effective disruption strategy may use a range of these methods in conjunction with one another to address individual perpetrator behaviour, protect victims and address wider contexts of concern. In developing an effective disruption strategy, local partners including the police and local authorities should work together to consider the full range of powers available. Though not the focus of this guide, an effective disruption strategy will also involve work with children and young people to address the issues contributing to their vulnerability and to provide them with alternative options.

**Civil Orders and other means of controlling individual behaviour**

**Gang Injunction** a gang injunction is a civil tool that allows the police or a local authority to apply to the County Court, High Court or Youth Court for an injunction against an individual to prevent gang related violence and gang related drug dealing. By imposing a range of prohibitions and requirements on the respondent, a gang injunction aims to prevent the respondent from engaging in, or encouraging or assisting, gang related violence or gang related drug dealing activity and/or to protect the respondent from gang related violence or gang related drug dealing activity.

**Child Abduction Warning Notices (CAWNs**), formerly known as Harbourers' Warnings. These can be issued by the police and used with individuals over 18 to let them know (and record that they have been told) that they are not allowed to associate or contact with a named child (under 16, or under 18 if in care). CAWNs have no statutory basis in and of themselves, but are very useful in providing evidence to support the prosecution of other offences by, for example, registering that a suspect knew the child was 15, thereby taking away the age defence in criminal cases.

**Sexual Harm Prevention Orders (SHPOs)** can be applied for by the police or the National Crime Agency. They can be used to impose restrictions on an individual who has been convicted or cautioned of a sexual or violent offence, where there is reasonable cause to believe that the imposition of such an order is necessary to protect an individual or the wider public from harm. Restrictions can include things like limiting their internet use, preventing them from approaching or being alone with a named child and prohibiting foreign travel.Breach of the order, without reasonable excuse, is an offence punishable by a fine and/or imprisonment.

**Sexual Risk Orders (SROs)** can also be applied for by the police or the National Crime Agency. These are similar to Sexual Harm Prevention Orders, and can include similar restrictions, but do not require an individual to have been convicted or cautioned. SROs can be issued when an individual has carried out an act of a sexual nature and there is reasonable cause to believe that such an order is necessary to protect an individual or the wider public from harm.

As with SHPOs, breach of the order is an offence punishable by a fine and/or imprisonment.

Both SHPOs and SROs may be used with children under 18, but recent Home Office guidance on Part 2 of the Sexual Offences Act 2003 states that the following principles should apply when considering this:

* The early consultation and participation of the Youth Offending Team in the application process;
* That 14 to 17 year olds made subject to civil injunctions in relation to harmful sexual behaviour are offered appropriate interventions to reduce their harmful behaviour;
* That the nature and extent of that support is based on a structured assessment that takes into account the needs of the young person and the imminent risk;
* That the welfare of the child or young person is the paramount consideration, in line with local safeguarding procedures;
* That the requirements of all other orders and sentences that may already be in existence are taken into account to ensure that any requirements made by these orders do not restrict a young person's ability to complete other current orders or sentences, and the combined burden of requirements is taken into account to ensure the young person has the capacity to comply (Home Office, 2015).

Where there are concerns that a child has been trafficked as part of the Child Sexual Exploitation (this can include movement from one area to another within England), **Slavery and Trafficking Prevention Orders (STPOs) and Slavery and Trafficking Risk Orders (STROs)** can also be considered. STPOs and STROs can be applied for by the police, the National Crime Agency or an immigration officer. These were introduced under the Modern Slavery Act (2015) and, like the SHPOs and SROs outlined above, offer a means of placing restrictions on an individual's movements and actions. A STPO can only be made against an individual who has been convicted of a slavery or human trafficking offence, while a STRO can be made against an individual who has acted in a way which means that there is a risk that they will commit a slavery or human trafficking offence. Both require reasonable belief that the individual may commit a modern slavery offence in the future and that application of the order is necessary to protect an individual or the wider public from harm.

**The National Referral Mechanism (NRM**) is also an important mechanism in disrupting and identifying perpetrators of Human Trafficking and Modern Slavery. The NRM is a framework for identifying and safeguarding victims of human trafficking or modern slavery. The NRM applies to victims of both domestic and international trafficking and is designed to facilitate relevant multiagency involvement in trafficking and modern slavery cases, ensuring that the victim receives safe accommodation, appropriate protection, support and advice. Referrals to the NRM contribute to building evidence about trafficking and modern slavery, providing a national picture and informing policy decisions and practice actions in this area.

**Criminal Behaviour Orders** are available following a conviction for any criminal offence in the Crown Court, Magistrates' Court or Youth Court.They can impose restrictions on an offender who has engaged in behaviour that hadcaused, or was likely to cause, harassment, alarm or distress to any person if making the order will help prevent them from engaging in such behaviour. If the offender is under the age of 18 when the application is made, the prosecution must ascertain the views of the local youth offending team before applying for a criminal behaviour order.

Notification Orders are intended to protect the public from the risks posed by sex offenders in the UK who have been convicted or cautioned for sexual offences which have been committed overseas. A Notification Order makes the offender subject to notification requirements in the same way as if they had been convicted in the UK for a sexual or violent offence.

**Non-Molestation Orders** are civil injunctions that can be issued to protect named children from abuse from an individual and any third party acting on the behalf of that individual.

The order only applies to those individual(s) 'associated' with the child. It is an offence if the order is breached.

**Exclusion Orders** can be sought upon the application for an Interim Care Order or Emergency Protection Order. The order can be taken where there is reasonable cause to believe that if an individual is excluded from a dwelling, house or defined area in which the child lives, the child will cease to suffer, or cease to be likely to suffer, significant harm. The order cannot cover an unlimited area.

**A Wardship** is a civil injunction which can be used to prevent an 'undesirable association' between a child and an individual(s).

A local authority can make a Wardship application to the High Court to make a named child a ward of court and to seek an injunction against a named individual(s) to prevent that person from making any contact with the child. An injunction can be used where there is reasonable cause to believe that the child is likely to suffer significant harm without the court's intervention. An example of the use of a Wardship to disrupt child sexual exploitation is the case of BCC v Riaz et al [2014] EWHC 4247 (Fam). In this case, Birmingham local authority took civil action in this way to protect girls under the age of 18 from being approached by men with whom they were not personally associated.

**Criminal Offences**

The main set of offences used in criminal prosecutions of child sexual exploitation is contained within the **Sexual Offences Act (SOA) 2003**. These offences are categorised according to the age of the victim (under 13s, under 16s and under 18s) as outlined below.

**Under 13s**

Articles 5 to 8 of the SOA 2003 cover offences against children who are 12 years of age or younger. These include two offences of penetration, a wider offence of sexual assault and one of causing or inciting a child to engage in sexual activity:

* rape of a child under 13 (intentional penetration of vagina, anus or mouth by a penis);
* (sexual) assault of a child under 13 by penetration (intentional penetration of vagina or anus by something other than a penis, such as a finger or an object);
* sexual assault of a child under 13 (intentional sexual touching); and
* causing or inciting a child under 13 to engage in sexual activity.

Penalties for these offences are higher than those for offences against children aged 13 or above and defendants cannot utilise the defence of believing the child was of an older age (which they can for offences of children under 16 as explored below).

**Under 16s**

Articles 9 to 12 of the SOA 2003 cover adults sexually offending against children under the age of 16 years within England or Wales. This includes:

* Sexual activity with a child under 16 (intentional sexual touching);
* Causing or inciting a child under 16 to engage in sexual activity;
* Engaging in sexual activity in the presence of a child (for the purposes of sexual gratification); and
* Causing a child to watch a sexual act (watching someone else/viewing images).

These activities are also an offence if perpetrated by another child or young person (under 18), but in these circumstances they would be prosecuted under Article 13, and as such attract lower penalties.

Articles 14 and 15 of the SOA cover the commission of sexual offences against a child under 16 years of age outside of England and Wales:

* Article 14 criminalises an individual (of any age) arranging or facilitating the commission of any of the four offences outlined in the bullet points above, anywhere in the world (Article 14); and
* Article 15 makes it an offence for an adult to meet (or travel with the intention of meeting) a child under 16, anywhere in the world, if they have met or communicated with that child on at least two occasions and intend to commit one of the sexual offences above.

In 2015 a new offence of sexual communication with a child was introduced, under the Serious Crime Act, to strengthen the powers of the authorities to prosecute cases of grooming (without having to wait until the point of travel, as per the requirements of Article 15 of the SOA outlined above). Like Article 15 of the SOA, this only applies to adult perpetrators, and victims under 16 years of age, but it does criminalise the act of sexual communication (defined as being sexual or encouraging a sexual response, and for the purposes of sexual gratification).

**Under 18s**

Although the legal age of consent for sexual activity is 16, the SOA recognises the continued vulnerability of 16- and 17-year-olds in particular circumstances. These include:

* Abuse of a position of trust (e.g. sexual offences by an adult teacher or social worker - the offences covered are the same as those outlined in the bulleted list above (Articles 9 to 12), but extended to cover 16/17 year olds in these circumstances);
* Familial child sex offences (engaging in sexual activity with a child in the family or inciting them to engage in sexual activity);
* Indecent photographs of a child aged 16/17 (includes making, distributing, intent to distribute and possessing indecent photographs); and
* Sexual exploitation of children (see commentary below).

**Offences of sexual exploitation**

The SOA was amended by the Serious Crime Act 2015 to remove references to 'child prostitution' and 'child pornography' and replace them with 'sexual exploitation of a child'. The changes were made to the following offences:

* Section 48: causing or inciting child prostitution or pornography;
* Section 49: controlling a child prostitute or a child involved in pornography; and
* Section 50: arranging or facilitating child prostitution or pornography.

The changes were made to the terminology of the offences in order to clearly reflect that children involved in such activities were victims of abuse. This did not however, change the behaviours to which these offences apply, which remain the recording of an indecent image of a person or the offer or provision of sexual services to another person in return for payment or a promise of payment. The SOA offences do not capture all offences that would fall under the new policy definition of child sexual exploitation in that:

* the exchange is limited to 'financial advantage', whereas the policy definition includes a broader list of things the victim/offender could receive; and
* the offence relating to the recording of an indecent image of a child does not require an exchange; this is outside of the policy definition of child sexual exploitation but would fall under the definition of child sexual abuse more generally.

In recognition of these differences the Government has made it mandatory from April 2016 for police forces to flag all police recorded offences that meet the policy definition of Child Sexual Exploitation. This will include those that fall under the offences of Child Sexual Exploitation but also those falling under other sexual offences that being perpetrated within the context of Child Sexual Exploitation.

**Indecent Images of Children**

The Protection of Children Act 1978 provides for an offence of taking, making, distributing and sharing an indecent photograph or pseudo photograph of a child under 18 years of age. The Criminal Justice Act 1998 covers the possession of such images. All offences include photographs (including moving images) and also images made, for example, on a computer but which look like real photographs.

**Human Trafficking (no age restriction)**

A sometimes overlooked avenue of criminal prosecutions is that of human trafficking4 which can be used where a child or young person (including those aged 18 or over) has been trafficked for the purpose of sexual exploitation. Under this legislation, it is an offence to arrange or facilitate the travel of another person with a view to their being exploited, whether or not the victim consents to the travel. This covers entering, departing or travelling within any country and as such can be used in cases when a child is moved from one city to another within the UK, for example.

**Management and Monitoring of Offenders**

Multi-Agency Public Protection Arrangements (MAPPA) are designed to protect the public from serious harm by accessing and managing the risk posed by sexual and violent offenders. The system requires a multiagency partnership to work together, share information and combine resources in order to maximise the risk management of individual offenders. More information about the MAPPA framework can be found at: <https://mappa.justice.gov.uk/connect.ti/MAPPA/view?objectId=271411>.

The multiagency tool ViSOR has been developed to assist in the effective management of offenders. It provides a central store for up-to-date information about offenders that can be accessed and updated by the three Responsible Authority agencies - the police, the Prison Service (both public and the contracted- out estate) and Probation Trusts. The tool enables the prompt sharing of risk assessment and risk

management information on individual offenders who are deemed to pose a risk of serious harm to the public.

Where it is suspected that a crime is being committed against a child, professionals should contact the police on:

**101 Non Emergency 999 Emergency 0800 555 111 Crimestoppers**