



HM Government

# Definition of child sexual exploitation

Government consultation response

16 February 2016

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## Introduction

The Government is committed to keeping children and young people safe from child sexual exploitation. We are clear that all cases of child sexual exploitation must be thoroughly and properly investigated and those responsible brought to justice.

The current definition of child sexual exploitation was published in the 2009 statutory guidance '*Safeguarding Children and Young People from Sexual Exploitation*' but is widely considered by practitioners to be unclear and out of date. Voluntary organisations, devolved administrations and local agencies have responded over time by developing a number of alternative definitions. Partners have told us that this has led to local agencies using different definitions or using the terms 'child sexual abuse' and 'child sexual exploitation' interchangeably, resulting in ineffective multi-agency working, inconsistent risk assessments and poor data collection.

The '*What to do if you're worried a child is being abused*' (WTDI) advice to practitioners published in March 2015<sup>1</sup>, provided a definition of child sexual exploitation which was welcomed by the practitioners we spoke to as being more simple and concise. There has, however, been inconsistent take-up of the WTDI definition, partly because it is not included in statutory guidance.

In recognition of these issues, the Government committed in the report '*Tackling Child Sexual Exploitation*' published in March 2015 to '*make sure that for the first time all professionals work to the same definition of child sexual exploitation, so that they can more easily create joint risk assessments and work together to target disruption and investigate offending*'.

On 12 February 2016 the Government consulted on revising the current definition of child sexual exploitation.

The aim of the consultation was to agree a clear, common definition of child sexual exploitation which would be used by practitioners across all sectors. The consultation paper also sought views on whether the revised definition should be included in the statutory guidance '*Working Together to Safeguard Children*'<sup>2</sup>.

The consultation closed on 11 March 2016. This document provides a summary of the responses to the consultation document and sets out a new, revised definition of child sexual exploitation:

*Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.*

<sup>1</sup> <https://www.gov.uk/government/publications/what-to-do-if-youre-worried-a-child-is-being-abused--2>

<sup>2</sup> <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

## Summary of responses

We received **348** consultation responses. The responses came from a variety of respondents, including: healthcare professionals, education bodies, local authorities, police, charities, and members of the public.

Respondents to the online survey were not required to identify themselves in order to allow anonymity to those who wanted it. However, many respondents chose to record their identity, either through the online survey or by submitting their consultation response via email. A breakdown of respondents is set out in the table below. Where a respondent has not identified themselves, they have been recorded as a member of the public.

The numbers of responses reported in this analysis are actual numbers and have not been weighted. Not all respondents answered every question; some responded directly to the questions, some answered only parts of questions, and others commented more broadly on the overall content of the consultation.

## Consultation proposals

### 1. Are you content with the revised definition of child sexual exploitation?

The consultation paper sought respondents' views on the following proposed definition of child sexual exploitation:

*Child sexual exploitation is a form of child abuse. It occurs where anyone under the age of 18 is persuaded, coerced or forced into sexual activity in exchange for, amongst other things, money, drugs/alcohol, gifts, affection or status. Consent is irrelevant, even where a child may believe they are voluntarily engaging in sexual activity with the person who is exploiting them. Child sexual exploitation does not always involve physical contact and may occur online.*

65% of respondents (226 respondents) agreed with the proposed definition and 21% (73 respondents) disagreed. Many of those who disagreed with the definition suggested improvements that could be made.

The suggested changes to the definition have been categorised into 10 themes. The following table sets out these themes in order of how frequently they were mentioned:

Themes	Rank	Count
Need to distinguish child sexual exploitation as a form of child 'sexual' abuse	1	71
The issue of consent requires clarification	2	63
Clarification on whether an 'exchange' has to take place and what that exchange might cover	3	24
The definition is too broad	4	23
Lack of reference to the type of perpetrator (e.g. age, gender, relationship to victim)	5	23
Reference to the 'online' element of child sexual exploitation is limited	6	21

Lack of reference to the word 'grooming'	7	16
Need to emphasise the exploitation of people with vulnerabilities	8	16
Need to emphasise that child sexual exploitation is a form of violence	9	15
Clarification required around whether familial abuse falls within scope	10	12

The consultation responses and suggestions have informed the development of the revised definition (see conclusion and next steps below). Some of the issues raised could not be adequately expressed in the definition itself. We have sought to address these points in the new guidance for practitioners to be published shortly.

### **Need to distinguish child sexual exploitation as a form of child 'sexual' abuse**

The proposed definition stated that child sexual exploitation was '*a form of child abuse*'. Respondents suggested that it would be helpful to explicitly refer to child sexual exploitation as a form of child *sexual* abuse. A number of respondents felt this change would help to prevent partners from using the terms 'child sexual abuse' and 'child sexual exploitation' interchangeably.

In light of these responses, we have revised the definition to refer to child sexual exploitation as '*a form of child sexual abuse*' and further detail has been included within the guidance for practitioners.

### **The issue of consent requires clarification**

Respondents felt strongly about the issue of consent and suggested it needed further clarification in the definition. The phrase '*consent is irrelevant*' in the proposed definition was considered by many respondents to be too strong. They suggested that a more nuanced approach was preferable, which emphasised that the appearance of consent might not constitute actual consent due to the coercive nature of child sexual exploitation.

We have adopted this approach in the revised definition which now states that '*the victim may have been sexually exploited even if the sexual activity appears consensual*'. In recognition of the complexity of issues around consent, we have included further detail in the guidance for practitioners.

### **Clarification needed as to whether an 'exchange' has to take place and what that exchange might cover**

Respondents thought the definition should clarify whether an 'exchange' had to take place in order for an offence to be defined as child sexual exploitation. To address this, we have revised the definition to state that the sexual activity is '*(a) in exchange for something the victim needs or wants, and/or (b) the financial advantage or increased status of the perpetrator or facilitator*'.

There were a number of suggestions about how to define the type of exchange that may take place. Some respondents were concerned that the listing of '*affection*' in the proposed definition as something which might be exchanged would lead to confusion, particularly when practitioners were considering the relationships of 16 and 17 year olds.

We have not listed types of exchange in the revised definition because, as highlighted by concerns about references to '*affection*', they are likely to cause confusion without further explanation. An explanation of the types of exchange that might take place is included in guidance for practitioners.

### **The definition is too broad**

There were concerns that the definition was too broad and had the potential to be interpreted as covering age-appropriate sexual experimentation as well as cases of child sexual exploitation. In particular, a number of respondents felt that the inclusion of the word '*persuaded [into sexual activity]*' could cover a range of 'normal' behaviours within the relationships of 16 and 17 year olds that would not fit the coercive nature of child sexual exploitation.

A number of respondents also suggested it would be helpful for the definition to reflect that 'deception' and 'manipulation' were often part of child sexual exploitation.

We have considered suggestions from respondents and replaced '*persuaded, coerced or forced*' with '*coerce, manipulate or deceive*' to better reflect the types of behaviour associated with child sexual exploitation.

### **Lack of reference to the type of perpetrator (e.g. age, gender, relationship to victim)**

Respondents wanted to include a reference to the type of perpetrator that may be involved in child sexual exploitation. To address this, we have revised the definition to clarify that the abuse may be perpetrated by an '*individual or group*'. Some respondents wanted to highlight that perpetrators could be female or peers of a similar age to the victim. In the interest of brevity, we have covered this level of detail in guidance for practitioners rather than the definition itself.

### **Reference to the 'online' element of child sexual exploitation is limited**

A number of respondents felt that the revised definition did not place enough emphasis on the fact that child sexual exploitation can happen online. Other respondents thought the phrase '*may occur online*' in the proposed definition did not adequately capture exploitation that might occur through the use of mobile phone applications and other forms of technology.

We have amended the definition to refer to '*the use of technology*' as this has a broader application than '*online*'. The guidance for practitioners provides further clarification on child sexual exploitation that might happen online or through other technological means.

### **Lack of reference to the word 'grooming'**

A number of respondents were concerned about the omission of 'grooming' from the definition, which they saw as being inextricably linked to the act of child sexual exploitation. Some respondents felt that the inclusion of grooming in the definition would help prevent child sexual exploitation by encouraging practitioners to identify and address the signs of child sexual exploitation at an earlier stage.

While we recognise that grooming can be a precursor to child sexual exploitation, it does not define the act itself. We have therefore not included grooming in the revised definition.

The guidance for practitioners sets out ways of working with young people who may be vulnerable to or experiencing grooming.

### **Need to emphasise the exploitation of people with vulnerabilities**

Some respondents thought that there needed to be more emphasis on the exploitation of people with vulnerabilities and suggested that consideration was given to expanding the definition to include victims under the age of 21. A key reason given for this suggestion was that young people can remain vulnerable to sexual exploitation into adulthood, for example due to mental health, learning and/or physical disabilities or because they have suffered significant trauma. Expanding the definition would enable the definition to cover young people in the transition between children's (up to 18 years or 21 if in care) and adult services.

We have discussed this issue with local partners who thought that including young adults in the definition would cause additional confusion for practitioners. We have therefore decided not to expand the definition. We have defined child sexual exploitation for those aged under 18, but the methods set out in guidance for practitioners can equally be applied to vulnerable young adults who may be exploited.

### **Need to emphasise that child sexual exploitation is a form of violence**

A number of respondents felt that the definition did not reflect the violent nature of some instances of child sexual exploitation. After careful consideration and discussion with local partners we have decided that this point should not be covered in the definition as violence is not the sole characteristic of child sexual exploitation. We have provided further explanation in guidance for practitioners.

### **Clarification required around whether familial abuse falls within scope**

A small number of respondents thought the proposed definition was unclear as to whether familial abuse fell within scope of the definition. Although there are known cases of family members or carers perpetrating child sexual exploitation, in most cases of child sexual exploitation, risk is primarily located outside of the family environment. We have provided further explanation in guidance for practitioners.

## **2. Does the revised definition place child sexual exploitation clearly and unambiguously within wider child sexual abuse and other forms of abuse?**

The majority of respondents (84%, 292 respondents) agreed with this proposal. The majority of the respondents that answered 'no' to this question would be happy to agree once their suggestions had been considered from their response to question 1.

## **3. Are you content for the revised definition of child sexual exploitation to be included in the statutory guidance '*Working Together to Safeguard Children*' (2015)?**

The majority of respondents (84%, 292 respondents) agreed with this proposal. The others were content once their suggested changes (at question 1) had been considered.

**4. Are there any other options or changes that you consider need to be made to the revised definition? (please be as specific as possible)**

The main options and changes to the definition suggested by respondents have been included within the consideration of question 1.



## Conclusion and next steps

The majority of respondents were content with the definition with some suggestions on how to further refine child sexual exploitation as a form of child sexual abuse. We have included the key changes that respondents suggested within the final revised definition and we have also included detailed information in the supporting guidance for practitioners, which can be found on Gov.uk.

The supporting guidance will assist local partners as they develop their risk assessment and local systems as part of a multi-agency approach to tackling child sexual exploitation.

The final revised definition will shortly be included in the '*Working Together*' statutory guidance:

*Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.*

## Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>

# Annex A - the consultation analysis process

## Consultation analysis methodology

Consultation responses were analysed and written up by Government officials.

While it was clear that respondents using the consultation proforma or answering specific questions were replying to the consultation, a view also had to be taken on what other correspondence constituted a formal response. It was decided to consider all letters or emails received during the consultation and to include them, so long as they mentioned the consultation or one of the policies within it and gave a view.

Data from responses to the quantitative (closed) questions in the consultation (those that invited 'yes', 'no', 'don't know' responses) were inputted and analysed. All qualitative responses (those responses to open questions or where a respondent had written a paper, letter or email rather than answering specific questions) were also logged and analysed. This was done by coding the responses to identify frequently occurring themes. Findings have been reported in this document.

A number of in-depth annexes to consultation responses were also received, covering areas such as evidence, data and legal opinions. These were not coded but have been considered by officials and fed into the Government's response and further impact assessments.



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