

# Reflections on Government Child Sexual Exploitation Progress Reports

18 November 2016

*“Children have suffered adult violence unseen and unheard for centuries. Now that the scale and impact of all forms of violence against children is becoming better known they cannot be kept waiting any longer for the protection to which they have an unqualified right.” (2006 UN Study on Violence against Children)*

## Summary

- The Independent Inquiry into Child Sexual Exploitation in Northern Ireland was initiated by the then Ministers for Health, Justice and Education in 2013 and published its report in November 2014.<sup>1</sup> The three Ministers made a commitment to develop action plans in order to implement the Inquiry recommendations and Departments have produced implementation plans and progress reports following this.
- In October 2015 NICCY produced a paper which reviewed Child Sexual Exploitation (CSE) Implementation Plans and highlighted that these were **fragmented, inconsistent and needed to more directly address the substance** of the Inquiry findings. The Commissioner called for government to ensure **independent oversight** was in place to assess whether responses to CSE were improving protection and support for children.
- In reviewing the two rounds of Progress Reports that have been published by Departments, the Commissioner remains of the view that the implementation process is flawed and that Government must demonstrate **how learning from the Inquiry is changing the way services work and that children and young people are being better protected from CSE.**

## Background

- The United Nations Convention on the Rights of the Child recognises that children as rights-holders have special rights to protection from abuse, exploitation and trafficking and to be supported in their recovery from abuse. Earlier this year, following examination of the UK and devolved governments, the UN Committee on the Rights of the Child highlighted that in Northern Ireland the recommendations of the Independent

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<sup>1</sup> The Inquiry was established following the police investigation Operation Owl into cases of CSE involving twenty two 'looked after' children. At the same time the Health Minister directed the Safeguarding Board for Northern Ireland to undertake a thematic review into these cases which was published in December 2015.

Inquiry must be implemented.<sup>2</sup>

- The Inquiry concluded that CSE “must be regarded as a significant and growing threat to the welfare of children and young people” in Northern Ireland and assessed how well statutory services and other organisations were safeguarding children, supporting those affected by CSE and taking action against abusers.<sup>3</sup> The Inquiry set out a wide range of recommendations (77 in total with 17 key and 60 supporting recommendations) across health and social care, education and policing and justice which, if properly implemented, would ensure Northern Ireland responded more effectively to CSE.
- The Commissioner recognises the tireless work of many professionals and families in protecting children and young people from CSE. However, NICCY is concerned that since 2014, the Implementation Plans and Progress Reports published by Departments have not provided a robust framework to take forward learning from the Inquiry or demonstrated that real improvements in tackling CSE have been achieved.<sup>4</sup>

### **Weak on outcomes**

Implementation Plans and Progress Reports produced by the Departments of Health, Education and Justice do not follow a consistent format to track Inquiry recommendations beside activity or progress and against the outcomes that implementation seeks to achieve. For example, Progress Reports from Education in relation to the recommendation that they must work with other departments to ensure there are appropriate safeguarding arrangements in all non statutory settings (including home education), note that the Education Authority will consider this in broader procedures for Elective Home Education but do not outline how this will be assessed or monitored as impacting on safeguarding practices and outcomes (supporting recommendation 30).

Only the Department of Justice includes outcomes within their reports and while this is positive, these could be considerably strengthened and outcomes for PSNI and Public Prosecution Service recommendations should be identified. For instance, the Second Progress Report from Justice outlines a range of relevant activity associated with the recommendation that PSNI as a priority strengthen relationships with communities and young people but no outcome for this is articulated and no measurable evidence of how relationships, particularly those with young people vulnerable to CSE and another forms of abuse, have improved is provided (key recommendation 2).

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<sup>2</sup> Committee on the Rights of the Child (2016) Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland.

<sup>3</sup> K. Marshall (2014) Child Sexual Exploitation in Northern Ireland: Report of the Independent Inquiry, pp14.

<sup>4</sup> NICCY acknowledges that the reporting process developed by Departments may simply be failing to report evidence of positive change that has taken place.

The lack of attention to impact and outcomes means reports can be largely descriptive of ongoing work or processes rather than documenting how changes are positively affecting operational matters and practice on the ground. For instance, the Department of Health's Second Progress Report on how Trusts are minimising the movement of children and staff in residential and foster care provides ten pages of information outlining plans and agreed positions to promote this and, while detail is provided on monitoring staffing patterns, none is given to demonstrate how concrete change in children's placements is progressing. Implementation of this recommendation is now reported as completed (supporting recommendation 25).

Concerns about lack of an outcomes focus become more significant as Departments assess a growing number of recommendations as having been delivered or completed without evidence of change. For example, a number of interrelated Health and Justice recommendations, including considering a multi agency safeguarding hub model; providing joint training on guidance when children go missing; ensuring that return from missing interviews are effective and safeguarding evidence is collected have all been assessed as completed (supporting recommendations 60, 15, 18 and 17). Departmental commentary on these highlights the restructure of PSNI Public Protection Units and social services and the revised Runaway and Missing from Home or Care Protocol in delivering these recommendations. However, a recent HMIC inspection found the police response to missing children "not consistently good" noting that some of those at risk of CSE were assessed as being only at medium risk, that underlying issues of missing episodes were not addressed and that there was no consistent process to provide police with information from return interviews.<sup>5</sup> This raises significant questions about whether, as stated in the Second Progress Report from the Department of Health, actions taken "now ensures both agencies [social services and police] have dedicated experienced personnel available at the front door to deal with all safeguarding matters including CSE".<sup>6</sup>

The approach to charting progress used by Departments and the lack of attention on outcomes means that reports fail to capture the positive impact that implementation may be having on services and practice. NICCY understands from practitioners that there are tangible examples of improvements on the ground, such as increased awareness of the risk posed by CSE across professionals and improved collaborative working with police teams and it is disappointing that this is not better evidenced.

### **Poor integration and accountability**

The Commissioner remains concerned that there is not a unified and robust reporting

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<sup>5</sup> HMIC (2016) PEEL: Police effectiveness: vulnerability, An inspection of the Police Service of Northern Ireland, pp3.

<sup>6</sup> DoH (2016) The 2<sup>nd</sup> Marshall Implementation Plan Progress Report 1<sup>st</sup> October 2015 to 30<sup>th</sup> June 2016, pp43.

process in place. While NICCY welcomes some of changes made to reporting, such as, the majority of recommendations now being included in Departmental reports, Justice reports now providing more detail on recommendations made to PSNI and a composite report being produced in Autumn 2015, a number of issues remain outstanding.

For instance, not all recommendations are properly addressed within Progress Reports as can be seen in the Department of Health's Progress Reports which do not include the recommendation made to RQIA regarding peer review of children's homes (supporting recommendation 24). Further to this, Health simply lists the recommendations which the Department transferred to the Safeguarding Board (SBNI) noting they will produce a separate report while the range of recommendations made by the Inquiry directly to SBNI are absent.<sup>7</sup> A number of these recommendations relate to data gathering and information sharing about CSE and it is notable that the 2016 independent review of SBNI observed that it does not have effective multi agency mechanisms for monitoring and reporting the scale of CSE.<sup>8</sup>

Concerns about how implementation is progressed across Departments and their family of statutory bodies can also be seen in Education's Second Progress Report which states that the recommendation for schools to ensure Relationships and Sexuality Education (RSE) is provided by those with the skills and confidence to do so has been delivered (supporting recommendation 31). The Department notes that the production of revised guidance from the Council for Curriculum, Examinations and Assessment delivers this, yet does not address how this and similar recommendations are tracked across the Department through regional bodies to school management and, most importantly, to quality of provision in individual schools. Indeed, in July the education inspectorate in evaluating primary and special schools, reported that "a majority of schools identified that the teachers lack confidence and/or are uncomfortable in delivering the sensitive aspects ..." of RSE, such as addressing abuse, and require specific training on this.<sup>9</sup>

In relation to Justice, it is welcome that the Second Progress Report provides information on how the Public Prosecution Service, Northern Ireland Bar and Judicial Studies Board will progress training on CSE for all legal professionals, but there is no clarity as to how the Department will assess uptake, quality of training and, of course, the impact of this on case management, the treatment of victims and witnesses and prosecution outcomes (supporting recommendation 46).

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<sup>7</sup> NICCY understands that SBNI intends to submit a Progress Report to the Department of Health in December 2016 and have established a CSE Sub Group.

<sup>8</sup> Jay A. and Somers K. (2016) A Review of the Safeguarding Board for Northern Ireland.

<sup>9</sup> ETI (2016) Relationships and Sexuality Education in Primary and Special Schools: Report of an evaluation by Education and Training Inspectorate; pp7.

The reporting process across Departments has not fully integrated all recommendations or addressed how accountability for delivering implementation has been developed across the full range of statutory bodies.

### **Lengthy timescales**

Two years on from the publication of the Independent Inquiry's Report, it is of concern that timelines for a range of recommendations have remained, or become, extended. One of the most significant of these is the development of a Northern Ireland strategy to tackle CSE which was noted in the Department of Health's First Progress Report as being due for consultation by June 2016 with final publication in June 2017 (key recommendation 15). The Department's latest Progress Report makes reference to mapping work that has been done but provides no detail on whether a strategy will be consulted upon. It is important to note that HMIC highlighted that a factor in inconsistent police response to missing children was that there "is no overarching strategy in place for CSE and this is leading to different approaches being taken in different trust areas."<sup>10</sup>

Again in relation to Health, the recommendation that the Department ensure the revised Circular Sharing to Safeguard: Information Sharing about Individuals who may pose a Risk to Children is accompanied by clear guidance, was noted in the First Progress Report as the Circular being revised and guidance for consultation in autumn 2015, to be published in March 2016. The latest Progress Report however, states the Circular will be replaced with guidance which will be consulted on in autumn 2016 (supporting recommendation 52). The information sharing this relates to can pre-empt children's exposure to danger as outlined by the Inquiry who viewed its current status (following judicial review) as leaving frontline staff hesitant, highlighting it is "a lot to ask of practitioners that they refer to court judgments when working in an area of such complexity with the knowledge of possibility of legal challenge."<sup>11</sup>

In considering Justice Progress Reports, it is disappointing that the recommendation to strengthen the law to better protect children from CSE (for example, by ensuring protections from sexual offences extend to all children under 18 years and reviewing provisions for who is responsible for proving the age of a child when a sexual offence has been committed) has not yet resulted in concrete legislative proposals and no definitive timescale in which this could be expected is provided (key recommendation 14).

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<sup>10</sup> HMIC (2016) PEEL: Police effectiveness: vulnerability, An inspection of the Police Service of Northern Ireland 1-5 February 2016; pp24.

<sup>11</sup> K. Marshall (2014) Child Sexual Exploitation in Northern Ireland: Report of the Independent Inquiry, pp124.

## Conclusions

- It is clear that government and statutory agencies must properly demonstrate how well they are implementing the recommendations from the Independent Inquiry into CSE in Northern Ireland.
- The Commissioner remains concerned that, because of weaknesses in the reporting process, assurances cannot be given about how effectively our arrangements to protect children are addressing CSE. NICCY therefore maintains the view that a form of independent oversight or review to monitor implementation should be put in place.
- Two years on from the publication of the Inquiry report it is time to make sure that Northern Ireland is properly responding to the risks that CSE poses and that government action is leading to real change in how well we are protecting children and young people, supporting those who work with them and disrupting and pursuing those who seek to abuse and exploit them.