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Consultation Document

Safeguarding Children and Young People from Sexual Exploitation

Start of consultation: 8 June 2010

End of consultation: 31 August 2010

Safeguarding Children and Young People from Sexual Exploitation

The aim of this statutory guidance is to support the implementation of the All Wales Protocol: Safeguarding and Promoting the Welfare of Children who are at Risk of Abuse through Sexual Exploitation (October 2008), issued in Part 5 of the All Wales Child Protection Procedures.

This draft guidance is prepared and issued by the Welsh Assembly Government as supplementary guidance to *Working Together* and should be read in conjunction with that. Following consultation, it will replace *Safeguarding Children Involved in Prostitution* (Department of Health, Department for Education and Employment, National Assembly for Wales, 2000).

Start of consultation: 08/06/2010

End of consultation: 31/08/2010

Related Links

Safeguarding Children: Working Together Under the Children Act 2004 (*Working Together*) published in 2006.

<http://wales.gov.uk/topics/childrenyoungpeople/publications/safeguardingunder2004act/?lang=en>

All Wales Protocol: Safeguarding and Promoting the Welfare of Children who are at Risk of Abuse through Sexual Exploitation, issued in Part 5 of the All Wales Child Protection Procedures (*All Wales Protocol*)

www.awcpp.org.uk

How to respond

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Foreword

The sexual exploitation of children and young people is completely unacceptable and I am determined to do all I can to help eradicate it. Child sexual exploitation is a global problem that affects boys and young men as well as girls and young women. It robs children of their childhood and can have a serious long-term impact on every aspect of their lives, health and education. It damages the lives of families and carers and can lead to family break-ups.

Sexual exploitation of children and young people takes different forms. It ranges from them being given accommodation in return for sexual activities through to human trafficking for sexual exploitation. It is often difficult for these children to accept that they are being exploited. They are vulnerable and always coerced in some way into such a lifestyle by others. The true extent of the sexual exploitation of children and young people is unknown because most activity takes place behind closed doors. The hidden nature of this heinous crime makes it easier for abusing adults to continue to exploit these children for their own gain and gratification. We must do all we can to prevent this form of abuse.

Children who are sexually exploited are the victims of sexual abuse and should be safeguarded from further harm. Sexually exploited children should not be regarded as criminals and the primary law enforcement response must be directed at perpetrators who groom children for sexual exploitation. It is clear that the need to protect children and young people from harm and neglect is ever more challenging and a multi-agency approach that educates, identifies and offers protection and long term support to children and young people who are at risk of, or involved in, sexual exploitation is essential.

We already have in place an all Wales sexual exploitation protocol to safeguard and promote the welfare of children and there are clearly defined indicators of risk within the child protection procedures to alert professionals to the warning signs that a young person may be at risk. This new guidance has the protocol at its core and will I hope help police, teachers, social workers and health workers rise to the challenge of identifying children at risk through sexual exploitation, taking steps to protect them and taking action against perpetrators.

I hope it will also help to safeguard children and young people who are already being sexually exploited from further harm, and to prevent other children and young people from being abused in this way.

**Gwenda Thomas AM
Deputy Minister for Health and Social Services**

Safeguarding Children and Young People from Sexual Exploitation

Contents

	Page
Introduction	1
Purpose of guidance	2
Status of guidance	3
Policy and legislative context	3
Chapter 1 – Definition	5
Key Issues and principles	5
Chapter 2 – Preventing Child Sexual Exploitation	9
Vulnerabilities	11
Risk indicators	11
Chapter 3 – Roles and responsibilities	13
Local Safeguarding Children Boards	13
Social Services Departments	13
The Police	14
Leisure, Youth, Careers and Community Services	16
Education Services	17
Health Services	18
Voluntary and Community Groups	19
Chapter 4 – Managing individual cases	21
Referral	21
Assessment	21
SERAF	23
Strategy discussions	24
Multi-agency meetings	25
Intervention	26
Category 1 – Not at risk of CSE	27
Category 2 – Mild risk	27
Category 3 – Moderate risk	28
Category 4 – Significant risk	29
Working with children at significant risk	30
Young people who are over 18	32
Young people who are over 18 with a learning disability	32
Young people who are over 18 entitled to after care services	33

Flow chart – action where there are CSE concerns	34
Chapter 5 – Identifying and prosecuting perpetrators	35
Linking prosecutions to the provision of support	35
Taking action against perpetrators	35
Disrupting perpetrator behaviour	35
Identifying offences committed	36
Identifying individual perpetrators	37
Tackling child sex offender or organised criminal networks	38
Evidence gathering and information sharing	38
National Offender Management Service (NOMS)	39
Victim and witness support	39
Multi-Agency Public Protection Arrangements (MAPPA)	39
Annex A: The legislative safeguarding children framework	41

Introduction

1. This guidance is designed to assist practitioners in preventing child sexual exploitation (CSE), protecting children and young people who are at risk of abuse or are abused through sexual exploitation, and disrupting and prosecuting those who perpetrate this form of abuse.

2. Contemporary research carried out over the last few years provides us with some of the first indications of the nature and prevalence of CSE in Wales. A scoping study carried out in 2005¹ found 184 separate cases of children or young people across Wales were identified as having been sexually exploited. A pilot study carried out in Newport in 2006² identified 67 children and young people at significant risk of sexual exploitation. The data from the pilot study when considered with data gathered from two other Welsh local authorities provided a sample of 1487 cases held by social services including youth offending services³. Of these cases, risk assessments indicated that 9% (129) of children and young people were at significant risk of sexual exploitation.

3. In 2006 the Welsh Assembly Government commissioned a national review of local protocols for CSE which were established following the publication of *Safeguarding Children Involved in Prostitution* in 2000. The review identified wide variations between local protocols across Wales and provided evidence of factors which might hinder their implementation, and undermine their capacity to safeguard children and young people. The review found:

- a general lack of awareness across agencies in relation to the content (or existence) of the local protocol;
- awareness and knowledge was limited to key strategic officers, individual practitioners with direct experience of cases involving CSE, or local 'champions';
- limited evidence of consistent multi-agency working and effective responses;
- practitioners losing faith in the protocol as a means of safeguarding due to the lack of a follow up response for the child or young person following its use.

¹ Coles, J (2005) *Out of sight, out of mind: Child sexual exploitation*, Cardiff: Barnardo's Cymru <http://www.barnardos.org.uk/outofsightoutofmindreport.pdf>.

² Clutton, S. and Coles, J. (2007) *Sexual Exploitation Risk Assessment Framework: A pilot study*, Cardiff: Barnardo's Cymru http://www.barnardos.org.uk/barnardo_s_cymru_sexual_exploitation_risk_assessment_framework_report_-_english_version-2.pdf.

³ Clutton, S. and Coles, J. (2009) *Child Sexual Exploitation in Wales: on 3 years on*, Cardiff: Barnardo's. http://www.barnardos.org.uk/child_sexual_exploitation_in_wales-3_years_on_no_3_policy_and_practice_briefing.

4. The review findings suggested that a protocol can only operate in a way that safeguards and promotes the welfare of children and young people if:

- staff working with children, young people and their families across agencies are aware of the existence and contents of the protocol;
- there is a process to ensure that awareness raising and dissemination of the protocol is provided in a rolling programme and/or induction process to ensure that safeguarding is not undermined by staff turnover;
- use of the protocol leads to a protection plan for the child or young person which is acted upon and reviewed.

5. In response, the *All Wales Protocol: Safeguarding and Promoting the Welfare of Children who are at Risk of Abuse through Sexual Exploitation* (the *All Wales Protocol*) was developed to advise on relevant and appropriate responses to child sexual exploitation and sits in Part 5 of the All Wales Child Protection Procedures (www.awcpp.org.uk).

Purpose of the guidance

6. The aim of this statutory guidance is to support the implementation of the *All Wales Protocol*, issued in Part 5 of the *All Wales Child Protection Procedures*.

7. This document provides supplementary guidance to *Safeguarding Children: Working Together Under the Children Act 2004 (Working Together)* (<http://wales.gov.uk/topics/childrenyoungpeople/publications/safeguardingunder2004/act/?lang=en>) published in 2006 and should be read in conjunction with it. The aim of this statutory guidance is to support local agencies in their effective application of the core guidance, *Working Together*, in the specialist area of sexual exploitation. It should help local agencies to:

- develop local prevention strategies;
- identify those at risk of being sexually exploited;
- take action to safeguard and promote the welfare of particular children and young people who are being, or may be, sexually exploited and take action against those intent on abusing and exploiting children and young people in this way.

8. All Local Safeguarding Children Boards (LSCBs) and their partners in local areas should take account of this guidance. Sexual exploitation is not limited to particular geographical areas and all LSCBs should assume that it is an issue in their area. Even in areas where there is no apparent, clear evidence of child sexual exploitation, the guidance is relevant in the context of awareness raising and preventative education. The guidance is aimed primarily at LSCB partners, managers and practitioners, but it is relevant for all professionals working with children, young people and families.

Status of this guidance

9. This guidance is prepared and issued by the Welsh Assembly Government as supplementary guidance to *Working Together* and should be read in conjunction with that. It replaces *Safeguarding Children Involved in Prostitution* (Department of Health, Department for Education and Employment, National Assembly for Wales, 2000).

10. The guidance is issued to local authorities in Wales under section 7 of the Local Authority Social Services Act 1970, which requires local authorities carrying out their social services functions to act under guidance of the National Assembly for Wales. It should be complied with by local authorities carrying out their social services functions unless local circumstances indicate exceptional reasons that justify a variation.

11. The guidance is issued under Section 34 of the Children Act 2004, which requires local authorities in Wales and each of their Board partners, in exercising their functions relating to a Local Safeguarding Children Board, to have regard to any guidance given to them for that purpose by the National Assembly for Wales with the consent of the Secretary of State. This means that they must take the guidance into account and, if they decide to depart from it, have clear reasons for doing so.

12. In addition, this guidance is advisory for those private and voluntary organisations that come into contact with, or offer services to, children. Where private or voluntary organisations are commissioned to provide services on behalf of a statutory person or body named in section 28(1) of the Children Act 2004, arrangements should be made in such a way as to enable the statutory person or body to ensure that services are provided with regard to this guidance.

Policy and legislative context

13. **The *United Nations Convention on the Rights of the Child*** (UNCRC, 1989) has been adopted by the Assembly Government as the basis for all its work with children and young people in Wales. The principles of the UNCRC have been translated into 7 Core Aims for all children and young people, each relating to the UN Convention Articles. The UNCRC is clear that the state shall protect children from sexual exploitation and abuse including 'prostitution', trafficking for sexual purposes and involvement in the production of child sexual abuse images.

14. **The Welsh Assembly Government's 7 Core Aims** include the right to '*enjoy the best possible physical and mental, social and emotional health, including freedom from abuse, victimisation and exploitation*' (Articles 6, 18-20, 24, 26-29, 32-35, 37 and 40). This Core Aim (**Core Aim 3**) is central to protecting children and young people from sexual exploitation. Children and young people need the support and protection afforded to them under the 7 Core Aims so that they are not put at risk of CSE. Where children and young people are at risk and where they are abused through child sexual exploitation they require additional support to access their rights and entitlements.

15. **The Children Act 2004** strengthens the arrangements for safeguarding and promoting the welfare of children and young people and aims to keep them safe and well. **Section 25** places a **duty** on all local authorities to make arrangements to promote co-operation, between themselves and their partner agencies with a view to the improvement of the well-being of children and young people in their area. **Section 28** requires local authorities and their partners to make arrangements to ensure that their functions are discharged having regard to the need to safeguard and promote the welfare of children and young people. To do this, agencies should make a number of arrangements including those for effective inter-agency working and information sharing. The way in which these arrangements should be exercised by different agencies is set out in the Assembly Government Guidance *Working Together*. We know that inter-agency working and good information sharing are critical to reducing vulnerability to CSE, safeguarding the welfare of children and young people at risk and gathering intelligence about perpetrators. **The Sexual Offences Act 2003** introduced laws relating to sexual exploitation.

16. In *Working Together* the Assembly Government emphasises that “children involved in ‘prostitution’ and other forms of sexual exploitation should be treated primarily as 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.”

17. The *All Wales Protocol*, issued as part of the *All Wales Child Protection Procedures*, has been written to support consistent evidence based safeguarding practice across Wales.

Chapter 1: Definition

1.1 The sexual exploitation of children (CSE) and young people is a particularly hidden form of abuse. The widespread recognition of CSE as an issue in Wales has been a relatively recent development and the first specific Government guidance issued as recently as 2000. A number of different definitions have been developed through the work of researchers and practitioners, though the concepts of exploitation and exchange are central to each. This guidance uses the description of child sexual exploitation taken from the 2008 *All Wales Protocol*.

Child sexual exploitation is the coercion or manipulation of children and young people into taking part in sexual activities. It is a form of sexual abuse involving an exchange of some form of payment which can include money, mobile phones and other items, drugs, alcohol, a place to stay, 'protection' or affection. The vulnerability of the young person and grooming process employed by perpetrators renders them powerless to recognise the exploitative nature of relationships and unable to give informed consent.

1.2 The guidance applies to male and female children up to the age of 18 years irrespective of whether they are living independently, at home, with carers, or in a residential setting. All references in this guidance to children or young people mean those under the age of 18 as defined in the Children Acts 1989 and 2004.

Key issues and principles

1.3 Providing an appropriate response to child sexual exploitation requires the combined efforts and skills of a protective network for children and young people and depends heavily on a multi-agency response. This response is best delivered in the structure offered by the mainstreaming of the *All Wales Protocol* as part of the All Wales Child Protection Procedures. This aims to ensure that barriers such as differences in agency roles, cultures and perspectives and other practical realities like staff turnover do not impact on specialist safeguarding knowledge and practice in a way that is detrimental to children and young people.

1.4 Action to tackle sexual exploitation should be proactive, focusing on prevention, early identification and intervention, as well as on disrupting activity and prosecuting perpetrators. It is important for cases to be managed so that interventions to safeguard children and young people also support the gathering of evidence to increase the chance of successful criminal prosecutions of their perpetrators, thereby safeguarding potential future victims.

1.5 To help children and young people achieve good outcomes it is important to identify issues and problems early and to take prompt preventative action. Early intervention is likely to be far more effective than intervention at a later stage when the impact on the child or young person's health or development is likely to have escalated. Prevention strategies should therefore be regarded as a key part of agencies' approaches to sexual exploitation. Chapter 2 of this document provides guidance on prevention. Similarly, early identification that a child or young person is

at risk of, or experiencing, sexual exploitation and involving their families early in interventions can be a key step in helping them achieve good outcomes, and should underpin action to implement this guidance.

1.6 Children at risk of CSE will often be in high risk situations and isolated from protective, nurturing adults. They will need to be encouraged to express their wishes and feelings to make sense of their particular circumstances and contribute to decisions that affect them. Of particular relevance is the impact of those who may have groomed and conditioned children, in order to coerce and abuse them. Children may also be under very strong pressure, intimidated, afraid and/or dependent on those that have exploited them where substance misuse is a factor. Children may therefore reject offers of help and support and appropriate interventions need to be designed to address this.

1.7 It should not be assumed that children aged 16 and 17 years are safe from CSE. A young person who has been subject to a complex pattern of life experiences including sophisticated grooming and priming processes that have brought them to a point where they are at risk of, or are abused through, sexual exploitation, are often not able to recognise the exploitative relationships and situations they are in. They may even present as being in control. The Children Acts of 1989 and 2004 relate to all children aged under 18 years.

- CSE is a particularly hidden form of abuse – it takes place out of sight.
- Disclosure of this form of abuse is rare.
- Vulnerability and risk indicators of child sexual exploitation are now well established.
- A sexual exploitation risk assessment framework (SERAF) has been made available to LSCBs and provides for the identification of vulnerable and at risk children and young people.
- Early identification of vulnerable and at risk children and young people by all agencies and the provision of an appropriate, timely response is central to effective safeguarding practice.
- It is possible to reduce the risks associated with CSE at all levels of risk.

Children and young people in Wales have the right to be free from abuse, victimisation and exploitation.

CSE involves a process of grooming, control, force and coercion. Children and young people do not volunteer to be sexually exploited and they cannot consent to their own abuse. This applies equally to young people aged 16 and 17 years.

Information sharing and multi-agency working is central to safeguarding and promoting the welfare of children and young people vulnerable to, at risk of and abused through child sexual exploitation.

Staff working across agencies need to be familiar with risk indicators, assessment procedures and the contents of the *All Wales Protocol*.

1.8 Patterns of family life vary, and there is no single way to bring up children and young people. Parenting can be challenging, and parents and carers deserve support. Asking for help should be seen as a sign of responsibility rather than a parenting failure. In most cases parents or carers will decide when to ask for help and advice but, in some cases, professionals will need to intervene with support for parents and carers to prevent problems or difficulties escalating. Local authorities are recommended to have in place comprehensive parenting and family support strategies which set out how a range of support for parents and families will be delivered to meet identified needs. It is important that authorities and their partners consider the need for support services for parents which help them gain the information, and access the services they need to protect and support their children.

1.9 Parents and carers play the most important 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 sexual exploitation by someone outside the family, this will not necessarily be as a result of parents or carers having difficulties in meeting their child's needs. While professionals will need to take account of family circumstances in assessing and deciding how best to safeguard and promote the welfare of the child or young person, only in exceptional cases should there be compulsory intervention in family life – that is, where this is necessary to safeguard a child from significant harm. Professionals also need to be aware that, in some cases, parents and carers will be complicit in the exploitation of their children.

1.10 The principle that children who are sexually exploited are victims of child sexual abuse was a key message in the previous guidance, *Safeguarding Children Involved in Prostitution* (2000). Children who are sexually exploited have been or are being seriously abused and are therefore suffering significant harm.

1.11 The Government remains 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. 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.

1.12 Annex A sets out the various offences that can be committed in relation to sexual exploitation (including prostitution).

Chapter 2: Preventing child sexual exploitation

2.1 Any child or young person may be at risk of sexual exploitation, regardless of their family background or other circumstances. This includes boys and young men as well as girls and young women. However, some groups are particularly vulnerable. These include children and young people who have a 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.

2.2 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. This chapter sets out some of the more common indicators found in cases of sexual exploitation.

2.3 Sexual exploitation involves varying degrees of coercion, intimidation or enticement, including unwanted pressure from their peers to have sex, sexual bullying (including cyber bullying), and grooming for sexual activity. Technology can also play a part in sexual abuse, for example, through its use to record abuse and share it with other like-minded individuals or as a medium to access children and young people in order to groom them. A common factor in all cases is the lack of free economic or moral choice.

2.4 Many children and young people are groomed into sexually exploitative relationships but other forms of entry exist. Some young people are engaged in informal economies that incorporate the exchange of sex for rewards such as drugs, alcohol, money or gifts. Others exchange sex for accommodation or money as a result of homelessness and experiences of poverty. Some young people have been bullied and threatened into sexual activities by peers or gangs, which is then used against them as a form of extortion and to keep them compliant.

2.5 Child sexual exploitation must be tackled effectively to prevent further problems in later life. Many adults involved in prostitution report difficult childhood histories that include domestic violence, familial child abuse, neglect, emotional abuse, time spent in care, disrupted schooling and low educational attainment. Many were also coerced into sexual exploitation as children or young teenagers.

2.6 Although the predominant evidence is of men sexually abusing children and young people, both men and women have been known to sexually exploit young men and young women. There is a presumption that children and young people are sexually exploited by people they do not know. However, evidence shows that they are often abused by 'boyfriends' or people with whom they feel they have a relationship. Professionals should also be alert to organised familial abuse or abuse within closed community groups, including sexual exploitation and the making and distribution of abusive images of children and trafficking of children into, within and out of the UK.

2.7 The perpetrators of sexual exploitation are often well organised and use sophisticated tactics. They are known to target areas where children and young people might gather without much adult supervision, such as shopping centres, cafes, takeaways, pubs, sports centres, cinemas, bus or train stations, local parks, playgrounds and taxi ranks, or sites on the Internet used by children and young people. The process of grooming may also be visible in adult venues such as pubs and clubs. In some cases perpetrators are known to use younger men, women, boys or girls to build initial relationships and introduce them to others in the perpetrator networks.

2.8 However, young people can also be sexually exploited by informal and unorganised groups of people. Children and young people, who are themselves the victims of exploitation, may introduce other young people to their abusers. This may not be a deliberate attempt to groom others into sexual exploitation, but rather a way of ensuring that their abuser's attention is deflected away from themselves. These children and young people are themselves victims and should not be prosecuted except as a last resort when other interventions have failed and there is an absolute need to protect others.

2.9 Similarly, children and young people may be groomed into 'party' lifestyles where they go to houses/flats with numerous men and other young women. These 'parties' often introduce children and young people to alcohol and drugs and offer a space to 'chill'. No single relationship is formed but a general network is created. Young men may be groomed through 'casual' social relationships formed at common meeting places with perpetrators introducing them to a 'macho' lifestyle of cafes/bars/arcades, etc. This may develop into socialising and making money from criminal activities such as shop lifting or car theft and be linked to other risky behaviours such as drinking and smoking. Many young men and boys who are being exploited will be secretive or ambiguous about their actual sexual orientation.

2.10 Other perpetrators will include friends, peers and friends of older siblings. In some cases, perpetrators may target young people through their parents or carers, by providing drugs, alcohol or money to the parents or carers. This can often mean that the parents or carers approve of the perpetrator as a potential boyfriend or girlfriend as they are trusted and needed by the family.

2.11 Evidence gathered on CSE in Wales suggests that the majority of exploitation takes place 'off street', in private accommodation, hotels, or other business establishments such as cafes and takeaway food premises. The hidden nature of this form of abuse has a significant impact on the visibility of the problem. Disclosure of sexual abuse and violence is always difficult for children and young people. The sophisticated grooming and priming processes executed by abusing adults and the exchange element of the abuse act as additional barriers, which increase denial and make disclosure especially difficult.

2.12 The key to safeguarding vulnerable children is the ability to recognise 'at risk' children and young people and for agencies to work effectively together within a risk assessment framework. Levels of risk can be identified by considering the number and range of risk indicators present in a child's life. Evidence from research in

relation to the vulnerabilities and risk indicators associated with sexual exploitation is well established and understood.

2.13 All staff (including practitioners, middle and senior managers) in all agencies should be familiar with the vulnerability and risk indicators. These agencies include:

- Social Services.
- Police.
- Education (schools, education other than in school, FE colleges).
- Health Services (substance misuse services, school health nurses, practitioners in young people's advisory/sexual health services, Genito-Urinary Medicine (GUM) clinics, CAMHS, GPs, accident and emergency units, specialist nurses/doctors for LAC/CP, health visitors).
- Youth Justice Services.
- Leisure and Community Services (youth workers, play workers, leisure centres, parks).
- Careers Wales.
- Voluntary sector and community groups.

2.14 Each agency should identify a lead officer for CSE. In addition, each team, residential unit, school or service should identify a lead practitioner or manager for CSE who should have, or develop, a level of expertise. They should be able to advise within their agency on identifying and referring a child at risk and how their agency can contribute to risk reduction work and a safeguarding plan. They should also be invited to attend multi-agency meetings under the *All Wales Protocol*.

Vulnerabilities include:

- family history of abuse or neglect;
- family history of domestic abuse;
- family history of substance misuse;
- family history of mental health difficulties;
- breakdown of family relationships;
- low self-esteem;
- history of local authority care.

Risk indicators include:

- staying out late;
- multiple callers (unknown adults/older young people);
- use of a mobile phone that causes concern;

- expressions of despair (self-harm, overdose, eating disorder, challenging behaviour, aggression);
- disclosure of sexual or physical assault followed by withdrawal of allegation;
- sexually transmitted infections;
- peers involved in clipping (receiving payment in exchange for agreement to perform sexual acts but not performing the sexual act) or sexual exploitation;
- drugs misuse;
- alcohol misuse;
- use of the internet that causes concern;
- unsuitable or inappropriate accommodation (including street homelessness, rooflessness, and living in a place where needs are not met);
- isolated from peers and social networks;
- lack of positive relationship with a protective, nurturing adult;
- exclusion from school, unexplained absences from school or not engaged in education or training;
- living independently and failing to respond to attempts by workers to keep in touch.

Significant risk indicators include:

- periods of going missing overnight or longer;
- older 'boyfriend' or relationship with a controlling adult;
- physical or emotional abuse by that 'boyfriend' or controlling adult;
- entering and/or leaving vehicles driven by unknown adults;
- unexplained amounts of money, expensive clothing or other items;
- physical injury without plausible explanation;
- frequenting areas known for sex work.

2.15 All agencies should take steps to ensure that staff are familiar with these indicators of risk, the sexual exploitation risk assessment framework and associated safeguarding actions. Agencies should also make arrangements to incorporate sexual exploitation risk assessments into existing processes so that children who are vulnerable to, at risk of or abused through CSE can be identified at the earliest possible opportunity and plans made to reduce risk accordingly.

Chapter 3: Roles and responsibilities

3.1 Chapter 2 of *Working Together* sets out in detail the roles and responsibilities of the organisations involved in safeguarding and promoting the welfare of children. Chapter 4 explains the role of LSCBs. This chapter should be read in conjunction with that guidance and focuses on the way in which roles and responsibilities apply specifically to safeguarding and promoting the welfare of children and young people in the context of sexual exploitation.

3.2 In addition, persons and organisations subject to the duty to make arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004 should consider their duty in relation to children and young people who are sexually exploited in fulfilling their statutory responsibilities⁴.

Local Safeguarding Children Boards

3.3 LSCBs have a key role to play in coordinating and ensuring the effectiveness of the work of its members. They should act in accordance with this guidance in carrying out their functions and should make arrangements to:

- actively enquire into the extent to which children are involved in sexual exploitation;
- consistently apply the *All Wales Protocol*;
- monitor and review local implementation of the *All Wales Protocol*;
- provide a local resource and source of expertise for those who have concerns that a child may be at risk of sexual exploitation or is being abused through sexual exploitation;
- ensure that a prevention strategy is in place to identify children at risk as early as possible and provide appropriate services to meet the needs of children who are identified as at risk of or abused through sexual exploitation;
- ensure appropriate inter-disciplinary training is provided to raise awareness amongst professionals who work with children and/or with adults who abuse children through sexual exploitation.

Social Services⁵

3.4 Social services have lead responsibility for responding to children at risk of, or abused through, sexual exploitation.

- Decisions on what action to take, other than emergency action and education to support prevention for lower risk children and young people should only be taken following discussion within a multi-agency strategy meeting.

⁴ Statutory guidance on arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004 – updated March 2007.

⁵ In accordance with their responsibilities under the Children Act 1989.

- Social services should identify a designated lead officer for child sexual exploitation. This is often, but not always, the Child Protection/ Safeguarding Co-ordinator. In addition each team, residential unit, service should identify a designated lead practitioner/manager for child sexual exploitation. These lead individuals should have, or develop, a level of expertise in relation to CSE. They should be able to advise within their team or service, on identifying and referring a child at risk and how their agency can contribute to risk reduction work and a safeguarding plan. They should also be invited to attend multi-agency meetings held under the *All Wales Protocol*.
- Social services should collect information to monitor prevalence, activity patterns and effectiveness of interventions for children who are sexually exploited in their area (a tool kit is available using the SERAF framework). The designated lead practitioner should be responsible for this within individual teams and services and the designated lead officer should hold overall responsibility ensuring information is gathered, collated and passed to the LSCB.
- The lead practitioner/manager should advise on the 'educate to protect' work for category 1 and 2 cases and should be invited to attend multi-agency strategy meetings for category 3 and 4 cases.
- Following a multi-agency strategy meeting, category 3 and 4 cases will require allocation to a children in need, family support, child protection or other relevant team to progress the child in need or child protection plan. The plans should include details on who has been identified to undertake direct work with the child or young person. The content of these plans are addressed in further detail in Chapter 4 – Managing individual cases.
- When a case is already allocated, concerns may be raised by another professional or by the child's social worker. The risk of harm to the child needs to be re-assessed in the light of the information relating to child sexual exploitation and any existing plans amended accordingly.

3.5 Implementing an effective child in need or child protection plan may require professionals to be extremely persistent in continuing to offer support and services. It may be that a professional from an agency other than social services can best provide a direct service. Nevertheless, the case should remain allocated to a Social Worker whilst a child in need or child protection plan is in place to act as a point of contact for the child, family and professionals and to co-ordinate the plans. Plans should address each identified risk.

The Police

3.6 The priority for the Police service is the investigation and prosecution of offenders who perpetrate child sexual abuse, and in protecting and safeguarding the welfare of the child while undertaking these investigations. This role should be carried out in accordance with the principle of multi-agency co-operation to safeguard children.

3.7 Police may become aware of children being involved in CSE through normal police work on the streets and in other criminal investigations.

- The initial Police response to the discovery of a child who is being, or is at immediate risk of being, abused through sexual exploitation, must be to act under s46 of the Children Act 1989 and remove them from the source of harm and ensure that any necessary evidence is secured. This action must be followed by referral to social services in accordance with the All Wales Child Protection Procedures. Following this, a multi-agency strategy meeting should be convened.
- If there are suspicions that a child is involved in sexual exploitation, but no immediate or direct evidence, the police officer noting the concern should refer to the police public protection team. If a crime has been committed the matter will be allocated to an appropriately trained officer from the appropriate unit to investigate.
- Police should be aware that going missing overnight or longer is a key indicator of risk for child sexual exploitation. Repeat episodes of going missing or absconding from care are particularly prevalent among children and young people at significant risk of or abused through CSE.
- Police should be alert and competent to identify and act upon concerns that a child is vulnerable to, at risk of, or experiencing abuse through sexual exploitation. They should be familiar with the sexual exploitation risk assessment framework (SERAF) and appropriate associated actions in relation to each level of risk. Police and PCSOs should have access to appropriate training to enable them to undertake their duties in relation to CSE.
- Police should ensure that there is a named officer who will act as a single point of contact for other agencies to send information and intelligence relating to individual perpetrators, domestic dwellings, business premises or any other information in relation to CSE.

3.8 Any criminal action in respect of the child will not be instigated until the matter has been discussed within a multi-agency strategy meeting, and then only in very limited circumstances, and when it is established that all attempts at implementing support through a child protection plan have failed. Particular attention should be paid to the following:

- the age and vulnerability of the child;
- the return to sexual exploitation must be considered genuinely voluntary, with no suspicion of grooming or physical, mental or emotional coercion;
- 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.

3.9 Any criminal action in respect of the child will be instigated with the consent of the multi-agency strategy group only as a genuine last resort and when all other interventions have been attempted and given sufficient time and resources to

succeed. The focus of police time, resources, investigations and prosecutions should be on those who coerce, exploit and abuse children and young people.

- If the matter reaches the point of referral to the Youth Offending Service this provides a further opportunity for positive intervention.
- All victims and witnesses should be interviewed in accordance with *Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and using Special Measures*.
- If the child has made a statement and/or is a potential witness, witness protection and witness support should be considered as early as possible.

Leisure, Youth, Careers and Community Services

3.10 The role of Leisure, Youth, Careers and Community Services staff in relation to children abused through sexual exploitation is in the prevention, recognition and referral stages.

- Staff should be alert and competent to identify and act upon concerns that a child is vulnerable to, at risk of, or experiencing abuse through CSE.
- Leisure, youth, careers and community services should identify a designated lead officer for CSE. This is often, but not always, the lead Child Protection/Safeguarding Officer. In addition each agency or service should identify a designated lead practitioner/manager for child sexual exploitation (this will usually be the designated child protection officer). These lead individuals should have, or develop, a level of expertise in relation to CSE. They should be able to advise within their team or service on identifying and referring a child at risk and how their agency can contribute to risk reduction work and a safeguarding plan. They should also be invited to attend multi-agency meetings held under the All Wales protocol.
- Where staff such as youth workers, careers advisers, play workers or leisure centre workers have immediate concerns they should, together with their designated CSE lead, make a referral to social services in accordance with their child protection procedures. Where the concerns are not immediate, or are unclear, staff should discuss the case with their agency's designated lead officer for CSE.
- In the case of street activity being noted, including within parks, staff should contact the local police.
- Youth and community services have a key role to play in educating children to stay safe and preventing risk of child sexual exploitation through awareness-raising and keep safe work.

- Leisure, youth and community services should ensure that their staff receive appropriate training so that they are equipped to identify children who may be vulnerable or at risk of sexual exploitation. A toolkit is available for leisure, youth and community services to support staff in identifying a child or young person who may be vulnerable or at risk⁶.

Education Services

3.11 Staff in schools, further education colleges and other education establishments are uniquely placed to recognise and refer children who are abused through CSE. They are also in a position to support children to reduce vulnerability to and risk of sexual exploitation and to support abused children to recover.

- School staff should be alert and competent to identify and act upon concerns that a child is vulnerable to, at risk of, or experiencing abuse through CSE. They should be familiar with the sexual exploitation risk assessment framework (SERAF) and appropriate associated actions in relation to each level of risk.
- The school's Personal and Social Education (PSE) curriculum provides clear opportunities for schools to teach about all aspects of relationships. Specifically learners should be given opportunities to understand the features of safe and potentially abusive relationships and the risks involved in sexual activity, including potential sexual exploitation. By exploring the features of safe and healthy relationships, schools can help children and young people to develop the skills to negotiate behaviour in personal relationships, identify potential risks, stay safe and seek help if needed. PSE provides a sound platform through which to deliver basic safeguarding information, to explore ideas around 'healthy' sexual relationships. This also needs to include opportunities for children and young people to understand the very real risks involved in staying out late and going missing from school, home or care.
- Staff should be aware of the importance of reporting any concerns related to children and young people who go missing during the school day, reporting information that perpetrators may be targeting an educational facility or other relevant information. This includes responding to concerns related to a child in local authority care.
- Education services should identify a designated lead officer for child sexual exploitation; this is often, but not always the lead Child Protection/Safeguarding Officer. In addition a designated teacher for CSE should be identified in each school (the designated teacher for child protection) and should monitor information to identify when more than one child in the school or community may be being targeted for sexual exploitation⁷. These lead individuals should have, or develop, a level of expertise in relation to CSE. They should be able to advise within their school or service on identifying and referring a child at risk and how their

⁶ Coles, J and Clutton, S. (2008) *SERAF: Sexual Exploitation Risk Assessment Framework resource pack*, Cardiff: Barnardo's Cymru.

⁷ Sir Christopher Kelly (2004) *North East Lincolnshire Serious Case Review* (Ian Huntley).

agency can contribute to risk reduction work and a safeguarding plan. They should also be invited to attend multi-agency meetings held under the *All Wales Protocol*.

- Education welfare officers and other pastoral staff, in their assessment and ongoing work with young people and their families and liaison with school staff, can identify children who are being, or are at risk of being, abused through sexual exploitation. Where the young person is already known to an Education Welfare Officer they would also be expected to attend the multi-agency strategy meetings and contribute to the child in need or child protection plan.
- Any concerns that a child is at risk of sexual exploitation should be raised with the designated teacher for CSE, who should make a referral to social services in line with the school's child protection policy.
- The designated CSE lead will be expected to attend the multi-agency strategy meetings in relation to individual children or young people.
- All schools and educational facilities should ensure that their child protection procedures include reference to the responsibilities outlined in this guidance.
- All schools and educational facilities should ensure that staff receive appropriate training to ensure they are competent to identify a child who may be vulnerable or at risk of sexual exploitation and act accordingly upon concerns.

Health Services

3.12 As most health provision is provided universally, health professionals may often be the first to be aware that a child may be vulnerable to, at risk of or abused through CSE. These children may be in contact with a range of services, including sexual health services, advice and counselling, CAMHS, substance misuse services and accident and emergency services.

- Health professionals should be alert and competent to identify and act upon concerns that a child is vulnerable to, at risk of, or experiencing abuse through CSE. They should be familiar with the sexual exploitation risk assessment framework (SERAF) and appropriate associated actions in relation to each level of risk.
- Health professionals such as school health nurses, practitioners in young persons' advisory/sexual health clinics and GPs have a crucial role in promoting the young person's health which includes identification of immediate and on-going health needs (including sexual health needs and emotional needs). As a universal service, health is well placed to offer support, counselling and information to enable young people to understand the risks and develop strategies for staying safe.
- Health Boards and Trusts should identify a designated lead officer for CSE. This will usually be the designated professional for child protection. This lead officer for CSE should monitor information to identify when more than one child in the community may be being targeted for sexual

exploitation⁸. In addition a designated professional for CSE should be identified in each service (the designated professional for child protection). These lead individuals should have, or develop, a level of expertise in relation to CSE. They should be able to advise within their service on identifying and referring a child at risk and how their agency can contribute to risk reduction work and a safeguarding plan. They should also be invited to attend multi-agency meetings held under the *All Wales Protocol*.

- Any health professional with concerns that a child is at risk of, or is being abused through CSE (based on vulnerability and risk factors set out in the sexual exploitation risk assessment framework), should share their concerns with their designated CSE lead, who should make a referral to social services in line with their agency's child protection procedures.
- Health staff should offer and/or continue to provide health education, counselling, sexual health and medical intervention to the child as an appropriate part of early intervention. The *All Wales Protocol* provides specific guidance in relation to sharing information about children for whom a practitioner has concerns.

3.13 Health practitioners who may be invited to attend multi agency strategy meetings and contribute to the child in need or child protection plan include:

- All current health professionals involved with the child, including school nurses, nurses working with children in the care of the local authority, GPs, practice nurses, health workers involved with outreach clinics and sexual health resources.
- Any previously involved health practitioners (recent past) who would have a useful contribution to make to the meeting (i.e. most recent health reports and knowledge of a child while at school).
- Health practitioners involved in any screening, medicals or treatment involving the child who is the subject of the meeting e.g. GP, accident and emergency practitioners.
- When no other health person is involved, current or past, the Trusts or LHBs designated CSE lead should attend in an advisory capacity.

Voluntary & Community Groups/Agencies

3.14 Because of their often chaotic circumstances and past family experiences, many young people are reluctant to engage with statutory services and might often find voluntary agencies more approachable sources of help. By working in partnership with statutory bodies, voluntary agencies are able to offer services which help young people understand the grooming process, raise awareness of risks and the implications of risk taking behaviour.

3.15 There is a wide range of specialist (substance misuse, homelessness, counselling and advice, child sexual exploitation), and other voluntary and community agencies and groups (youth clubs, sport, drama groups, faith groups, etc)

⁸ Sir Christopher Kelly (2004) *North East Lincolnshire Serious Case Review* (Ian Huntley).

who might be well placed to identify children who are at risk of, or are experiencing abuse, through CSE. Voluntary and community sector agencies often have a close relationship with their local communities and can develop trusting relationship and maintain a link to the children or young person if they become 'lost' to statutory services. Outreach agencies are often the first point of contact for children in risk situations and specialist voluntary agencies often have the opportunity to provide vital risk reduction support.

- Staff should be alert and competent to identify and act upon concerns that a child is vulnerable to, at risk of, or experiencing abuse through sexual exploitation.
- Agencies and services should identify a designated lead practitioner/manager for CSE (this will usually be the designated child protection officer). These lead individuals should have, or develop, a level of expertise in relation to CSE. They should be able to advise within their team or service on identifying and referring a child at risk and how their agency can contribute to risk reduction work and a safeguarding plan. They should also be invited to attend multi-agency meetings held under the *All Wales Protocol*.
- Any concerns that a child is at risk of CSE should be raised with their designated lead for CSE, who should make a referral to social services in line with the agency's child protection procedure.
- The designated CSE lead will be expected to attend the multi-agency strategy meeting in relation to individual children or young people.
- All agencies should ensure that their child protection procedures include reference to the responsibilities outlined in this guidance.
- It is essential that voluntary and community groups and agencies operate as multi-agency network partners in order to provide children with access to the widest possible range of intervention and support services.

Chapter 4: Managing individual cases

4.1 Significant work has been undertaken over the last two years to develop the *All Wales Protocol* which was developed to set out how individual cases should be managed and sits in Part 5 of the *All Wales Child Protection Procedures*.

Referral

4.2 As with any child protection concerns, all agencies should refer concerns that a child is at risk of any form of CSE to Social Services following the process set out in Part 2 of the *All Wales Child Protection Procedures*. This includes all information gathered from any source including other young people.

4.3 Disclosure of this form of abuse is exceptionally rare and it is therefore essential that all information from a range of sources is pulled together. Any information may help to build up a full picture that the child may be suffering harm. Foster carers and staff in residential settings should **always** report any incidents or concerns.

4.4 The Social Services lead officer for children at risk of abuse through sexual exploitation (this is often, but not always the Child Protection/Safeguarding Co-ordinator) should be informed of the referral by the person taking the referral in Social Services. Where the child has an allocated social worker, they should also be informed.

4.5 When a referral is received regarding a looked after child, the allocated social worker must inform their team manager and the CSE lead practitioner/manager within their team.

Assessment

4.6 In research undertaken with 30 London boroughs and two local authorities outside London, only two areas had Identified CSE through disclosure by a young person. In the same research, respondents welcomed the introduction of multi-agency strategy meetings and noted the difficulty of using traditional child protection processes with this form of abuse⁹. In light of the complex and hidden nature CSE - which children and young people rarely disclose - it is important to work on the basis of concerns rather than relying on hard evidence.

4.7 A sexual exploitation risk assessment framework (SERAF) which includes four categories of risk has been developed for inclusion in the *All Wales Protocol*¹⁰. The SERAF enables safeguarding actions to be linked to evidence of risk, facilitating both preventive action and appropriate interventions and is intended to inform appropriate responses in relation to children and young people's safeguarding needs.

⁹ Harper, Z and Scott, S (2005) *Meeting the needs of sexually exploited young people in London*, Barking: Barnardo's.

¹⁰ Clutton, S and Coles, J (2007) *SERAF Sexual Exploitation Risk Assessment Framework: A pilot study*, Cardiff: Barnardo's Cymru.

4.8 A sexual exploitation risk assessment should be undertaken to establish if a child is in need and requires protection. This should be completed by Social Services, within 7 working days of the referral. The risk assessment will consider all the vulnerabilities and risks and place the child in one of four categories of risk: not at risk, mild risk, moderate risk or significant risk.

Sexual Exploitation Risk Assessment Framework (SERAF)

SERAF Category of risk	Indicators of risk	Description	Associated actions
Category 1 Not at risk	No risk indicators but may have one or more vulnerabilities present.	A child or young person who may be 'in need' but who is not currently at risk of being groomed for sexual exploitation.	Educate to stay safe. Review risk following any significant change in circumstances.
Category 2 Mild risk	Multiple vulnerabilities. One or two risk indicators may also be present.	A vulnerable child or young person who may be at risk of being groomed for sexual exploitation.	Consider multi-agency meeting to share information and agree a plan to address risk and/or need. Work on risk awareness and staying safe should be undertaken with this child/young person. Review risk following any significant change in circumstances.
Category 3 Moderate risk	Multiple vulnerabilities and risk indicators present.	A child or young person who may be targeted for opportunistic abuse through exchange of sex for drugs, accommodation (overnight stays) and goods etc.	Convene multi-agency meeting under protocol for sexually exploited children and young people to ensure effective exchange of information with multi-agency colleagues and agree safety plan. At least one review meeting to be convened. Work should be undertaken with this child/young person around risk reduction and keeping safe.

Category 4 Significant risk	Multiple vulnerabilities and risk indicators. One or more significant risk indicators also likely.	Indication that a child or young person is at significant risk of or is already being sexually exploited. Sexual exploitation is likely to be habitual, often self-denied and coercion/control is implicit.	Convene multi-agency meeting under protocol for sexually exploited children and young people to ensure effective exchange of information with multi-agency colleagues and agree safety plan, including regular review meetings. Protection plan should include long-term intensive direct work with the child or young person.
Moderate or Significant risk	As above.	Young person aged 18 years or above.	Where a young person is aged 18 years or over the associated action in relation to Moderate and Significant risk: sexual exploitation should be addressed as an issue in relation to this young person through the Pathway or other work plan; liaison between Social Services and Police Public Protection Unit to address the young person's protection.

Strategy Discussion

4.9 Following completion of a CSE risk assessment, it may be decided that a strategy discussion is required. A strategy discussion should always take place where a child is assessed as at moderate or significant risk of sexual exploitation. A strategy discussion may also take place where a child is assessed as at mild risk of sexual exploitation.

4.10 Police and Social Services should share and discuss all information received/gathered with other professionals/agencies as appropriate, and decide on the next course of action within 24 hours or without delay if there is immediate concern for the child. The person making the referral should be informed of the outcome of the strategy discussion.

Multi-Agency Strategy Meetings

4.11 Multi-agency strategy meetings for children at risk of sexual exploitation should be conducted as set out in AWCPP, but the following additional measures should also be considered.

4.12 A strategy discussion will, in most cases, agree that a multi-agency strategy meeting should be held and should always be convened for children at moderate or significant risk of CSE.

4.13 The meeting should be chaired by a Social Services manager with lead responsibility for CSE and be attended by:

- the referrer, if a professional;
- lead officers for CSE from Education and Health;
- child's social worker (if they have one);
- identified police officer from the Police Public Protection Team;
- representative from any specialist CSE service;
- any other relevant person who can assist in the planning process for the child protection enquiries and in formulating a multi-agency safeguarding plan e.g. fostering link worker, residential key worker/manager, YOT worker, voluntary agency worker, designated child protection/LAC nurse;
- representative from Probation Service working with any identified perpetrators.

4.14 The meeting should:

- share and clarify information;
- identify all risks (including those in the CSE risk assessment framework) and agree on action and make recommendations to address each risk;
- consider the likelihood of prosecution of relevant adults and where prosecution is not likely, consider the range of alternate action against perpetrators;
- develop a **written** plan to safeguard the child or young person;
- agree a date to review the plan and be clear where individual responsibilities lie;
- decide who will undertake direct work with the child or young person to enable recovery.

4.15 Following a multi-agency strategy meeting, category 3 and 4 cases will require allocation to a Social Services team to progress the child in need or child protection plan. Where a child is already allocated, any existing plans will need to be amended accordingly.

4.16 Implementing an effective child in need or child protection plan for a child at risk of sexual exploitation may require professionals to be extremely persistent in continuing to offer support and services. It may be that a professional from an agency other than Social Services is best able to provide a direct service. Nevertheless, the case should remain allocated to a social worker whilst a child in need or child protection plan is in place, in order to act as a point of contact for the child, family and professionals and to co-ordinate the plans. Plans should address each identified risk.

4.17 While ensuring the welfare of the child is paramount, the priority for the Police is the investigation and prosecution of offenders who have been involved in abusing the child through CSE. Sections 47 to 51 of the Sexual Offences Act 2003 deal with the sexual exploitation of children. The Act creates a number of offences that apply to CSE and these are set out in Annex A. This role should be undertaken in accordance with the principle of multi-agency co-operation to safeguard children.

4.18 CSE is a particularly hidden form of abuse and disclosure by the child is extremely rare. It may not always be appropriate to interview the child or young person in a formal manner, particularly where a child does not believe they are being sexually exploited. Evidence shows that a relationship with a protective, nurturing adult who over time challenges the perceptions of the young person can lead to an increase in the awareness of the child in relation to risks and experiences. Information may be most effectively gathered over time, by practitioners who have gained the trust of the child or young person in a manner that does not alienate, but rather involves them in the process, contributing to their own safety.

4.19 Where there may be limited evidence in relation to perpetrators, for example, the absence of a statement, action may still be taken in relation to particular concerns such as reports of internal trafficking or that an address or vehicle is being used for the purposes of CSE. All intelligence should be recorded and collated. Police should consider using the range of powers at their disposal including those set out in Chapter 5 of this guidance.

4.20 The Multi Agency Public Protection Arrangements (MAPPA) provides a national framework for the assessment and management of risk posed by sexual and violent offenders. This includes individuals who are considered to pose a risk or potential risk of harm to children. The arrangements impose statutory requirements on the Police and Probation Services to make these arrangements under Section 325 of the Criminal Justice Act of 2003. Offenders are referred to the MAPPA process following conviction for a relevant offence. MAPPA are set out in detail in the All Wales Child Protection Procedures and in Chapter 5 of this guidance.

Intervention

4.20 Within the four categories of the SERAF, a different response is required in relation to each level of risk. Each of the four categories of risk has associated safeguarding actions.

Category 1 – Not at risk of sexual exploitation

4.21 Children and young people in Category 1 do not have indicators of risk in relation to CSE. The majority of children and young people will not be at risk of sexual exploitation. However children and young people in contact with support agencies such as Social Services are likely to have some vulnerabilities

4.22 Children and young people assessed as being in this category need access to basic information that will enable them to develop an awareness of the risks that can lead to a situation in which they may be exposed to CSE. They need access to information that will equip them to avoid risk situations and to protect themselves. Practitioners working in Social Service teams are well placed to deliver such information as part of their inter-action with the children and young people with whom they are in contact.

4.33 The school's Personal and Social Education (PSE) curriculum provides clear opportunities for schools to teach about all aspects of relationships. Specifically learners should be given opportunities to understand the features of safe and potentially abusive relationships and the risks involved in sexual activity, including potential sexual exploitation. By exploring the features of safe and healthy relationships, schools can help children and young people to develop the skills to negotiate behaviour in personal relationships, identify potential risks, stay safe and seek help if needed. PSE provides a sound platform through which to deliver basic safeguarding information, to explore ideas around 'healthy' sexual relationships. This also needs to include opportunities for children and young people to understand the very real risks involved in staying out late and going missing from school, home or care.

4.34 Health professionals such as school health nurses, practitioners in young persons' advisory/sexual health clinics and GPs have a role in promoting the young person's health which includes identification of immediate and on going health needs (including sexual health needs and emotional needs). As a universal service, health is well placed to offer support, counselling and information to enable young people to understand the risks and develop strategies for staying safe.

Category 2 – Mild Risk

4.35 A child identified at mild risk is likely to have multiple vulnerabilities such as problematic parenting and childhood experiences present. One or two risk indicators might be present. These vulnerabilities increase the risk of such children and young people being groomed for CSE. Early intervention and preventative work is needed to protect children and young people who have multiple vulnerabilities present.

4.36 A practitioner or agency view that a child is at mild risk (category 2) may be inaccurate and sharing information about that child may reveal them to be at moderate or significant risk – and in need of protection. 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, and information about concerns shared within a multi-agency support network, as early as possible.

4.37 Consideration should be given to convene a multi-agency meeting to ensure all information is shared and agree a child in need plan to address risk and need. The plan should include a programme of direct work with the child to raise awareness of CSE and to provide tools for the child to self protect. The programme should raise risk awareness, provide information on keeping safe and address specific identified issues that pose a threat to safety. It should be delivered by a practitioner who has a good working relationship with the child or young person. It should include opportunities for the child to understand the very real risks involved in activities such as staying out late and going missing from school, home or care.

4.38 Risk needs to be reassessed regularly as part of the planned work undertaken with a child or young person. Any significant change in circumstances which might increase vulnerability, or any incidence of behaviour associated with risk, should result in an immediate reassessment of risk using the CSE risk assessment.

Category 3 – Moderate Risk

4.39 A child or young person identified at moderate risk is likely to have multiple vulnerabilities present as well as one or more indicators of risk. Children and young people at moderate risk may be groomed or targeted for opportunistic abuse and/or exploitative relationships by abusing adults.

4.40 It is in this category that any omitted information can have the greatest effect on accuracy of assessment and information sharing. A multi-agency strategy meeting for children at risk of abuse through CSE should always be convened in relation to child or young person assessed as at moderate risk. Multi-agency strategy meetings enable the effective exchange of information between representatives of key agencies. The meetings should include the individual who has identified risk or raised concerns in relation to the child or young person and representatives of Social Services, Police, Health, Education, Placements and any specialist CSE services. Multi-agency strategy meetings should respond to the needs of children and young people for whom risk of CSE is indicated but not known, as well as responding to cases where evidence of sexual exploitation is available.

4.41 The multi-agency strategy meeting should agree a safeguarding plan and action to include direct work with the individual child or young person. The focus of any safeguarding plan and of direct interventions should be the reduction of specific risks which are causing concern. In particular where staying out late and/or going missing from school, home or care is identified, these should be addressed as a priority. The safeguarding implications of staying out late and going missing should not be underestimated by any agencies. The length of intervention required will be different in each case and is reliant on the specific circumstances of the child or young person and the nature of the risks which are being addressed. Individual children and young people may respond to intervention in different ways and this will also impact on the length of that intervention.

4.42 A change of circumstances - such as a placement change - may serve to support the reduction of risks in a relatively short space of time. Conversely a placement change could serve to quickly escalate risk. At least one review meeting by the multi-agency strategy group should be conducted to ensure that actions have

been taken, assess progress, consider the impact of interventions, share further information and reassess the level of risk. Risks should be carefully monitored and reviewed over time in relation to children and young people for whom there have been concerns as part of the assessment and planning processes.

4.43 Risk needs to be reassessed regularly as part of the planned work undertaken with a child or young person. Any significant change in circumstances which might increase vulnerability or any incidence of behaviour associated with risk should result in an immediate reassessment of risk using the CSE risk assessment.

4.44 The approach to working with children and young people at significant risk of or abused through sexual exploitation set out below can also be applied to children and young people in category 3.

Category 4 – Significant Risk

4.45 Where a child is assessed as being in category 4, there is a clear indication that they are at significant risk of sexual exploitation or that they are already being abused through sexual exploitation. This is likely to include cases where abuse is habitual, denied, and where coercion and control is implicit.

4.46 A multi-agency strategy meeting for children at risk of abuse through CSE should always be convened in relation to a child or young person assessed as at significant risk. As with Category 3, multi-agency strategy meetings should ensure the effective exchange of information between representatives of key agencies. The meetings should include the individual who has identified risk or raised concerns in relation to the child or young person and representatives of Social Services, Police, Health, Education, Placements and any specialist CSE services. Participants of the meeting should agree a safeguarding plan and action to include long-term intensive direct work with the individual child or young person. Review meetings should be conducted regularly to ensure that agreed actions are implemented, and to assess the progress and impact of agreed interventions. Risk should be closely monitored and regularly reassessed as part of the risk reduction process.

4.47 All agencies involved in working with the child or young person should address issues of CSE whether in relation to, for example, placements, offending behaviour, work with the child or young person's family, education or sexual health as part of their work with that child or young person. A coordinated and synchronised approach by all agencies maximises the effectiveness of interventions and the impact of planned actions. All agencies should agree and adopt a consistent approach that does not shy away from, or collude with risky behaviour. All agencies and professionals need to be aware of the intensive and long-term nature of the approach required. The presence of multiple vulnerabilities and risks in the lives of children and young people at significant risk often means that they are difficult to engage and that positive outcomes take time.

4.48 The use of a 'fit for purpose' sexual exploitation risk assessment framework should allow for the identification of vulnerability and risk in relation to the majority of children and young people at an earlier stage. Over time, routine assessment, early

identification and appropriate interventions should reduce the numbers of children and young people who are exposed to significant risk of sexual exploitation.

Working with those at significant risk of or abused through CSE

4.49 By the time in a child or young person's life where they are at significant risk of, or are experiencing, CSE they are subject to a complex pattern of life experiences which might impact negatively on each dimension of their life. Because of this they can present to agencies such as the Police as 'streetwise' or 'problematic' rather than in need of support. Information, training, tools for assessment and risk identification, protocols and procedures should all lead to a plan of intervention. Intervention, support and action should be based upon the child or young person's individual needs and be delivered by a trusted worker in conjunction with a protective network of appropriate agencies.

4.50 Working with children and young people for whom CSE is an issue requires a holistic approach through investment of time and resources in long term intervention. An important aspect of the work can be maintaining contact with and being available to children and young people until they reach a point where they are ready to think about their situations and accept support. The process and effort spent by a worker on relationship building can be an important factor in bringing them to that point. These windows of opportunity, when they present, should be fully capitalised upon, with the right kind of support being made available at the time that it is required by the young person. This can only be achieved through the cooperation and joint working of an established network of appropriate agencies.

4.51 Establishing a positive trusting relationship with such vulnerable children and young people takes time. A relationship needs to be developed which offers something tangible to the child or young person. At the same time it is important to acknowledge that workers are not providing a friendship and that there are inescapable power differentials. Change needs to happen at a pace that is set by the young person and which provides real choices and promotes a sense of positive control for the individual. Working with children and young people who are exposed to risk situations and experiences of CSE requires an approach that is non-judgemental and where staff are 'unshockable'. There is a need to be consistently honest and to listen to and respect the views of children and young people.

- Intervention should begin with relationship building, and assessment of risks and vulnerabilities with the child or young person.
- Honest discussions and inclusion in assessment and planning processes will assist the child or young person in feeling included, and create a sense of ownership and connection with the plan.
- The plan should address each of the identified areas of risk.

4.52 Workers need to be realistic about expectations and to understand that this is long term, intensive work, where progress will not always go forwards, and where some level of regression is likely.

4.53 If the child is in a residential unit, the staff should be asked to take positive action to clarify and record any concerns and minimise the child's involvement in CSE. If suspicions are confirmed the following steps should be taken:

- treating the child as a victim, not a troublemaker or criminal;
- ensuring that all relevant information is recorded in the child's care plan and file – concerning adults and identifying information e.g. appearance, street names, cars registration details etc, telephone activity, the child's patterns of going missing etc – together with decisions and clear directions for action;
- making every effort to dissuade the child from leaving to engage in CSE by talking to them, involving them in alternative activities, and ensuring they have the resources to attend those activities, including escorting where necessary;
- ensuring that the child is aware of the legal issues involved, for example that those exploiting them are committing a range of offences;
- monitoring telephone calls, text messages and letters by preventing the child from receiving some incoming calls, being present when phone calls are made, confiscating a mobile phone which is being used inappropriately, opening some letters in the presence of the child and withholding letters if necessary; reasons for intercepting letters and calls (for example, that they relate to a dangerous adult) should be included in the care plan;
- monitoring callers to the home, or adults collecting children by car. This may involve turning visitors away, or passing information directly to the Police, monitoring any suspicious activity in the vicinity of the home and informing the Police;
- using appropriate methods, in accordance with relevant guidance, to prevent the child leaving home to engage in sexual exploitation (these should be recorded in the care plan);
- 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 that the child is missing and pass on all relevant information
- 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.

4.54 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 as part of the multi-agency plan.

4.55 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.

Young people aged 18 years and over

4.56 A young person who has been subject to a complex pattern of life experiences including sophisticated grooming and priming processes that have brought them to a point where they are at risk of, or are abused through, CSE does not stop needing support and protection when they reach the age of 18. They remain a vulnerable young person with on-going needs. A person's vulnerability will depend on their circumstances and environment, and each case must be judged on its merits¹¹. Consideration should be given to referral through the Independent Safeguarding Authority.

4.57 A vulnerable adult can be defined someone over 18 who is, or may be:

- in need of community care services by reason of mental or other disability, age or illness;
- unable to take care of him or herself, or is unable to protect him or herself from significant harm or serious exploitation¹².

4.58 This definition of vulnerable adult may include a person who:

- has a physical or sensory disability; including people who are physically frail or have a chronic illness;
- has a mental illness, including dementia;
- has a learning disability;
- is old and frail;
- misuses drugs or alcohol;
- has social or emotional problems, or whose behaviour challenges services¹³.

Young people aged 18 years and over with a learning disability

4.59 Where a young person has a learning disability and is entitled to receive support via adult services, transition arrangements should take account of any risk to, history of or current abuse through CSE. Children's services should ensure that they draw any specific needs in relation to the young person's ongoing safety and

¹¹ South East Wales Executive Group for the Protection of Vulnerable Adults (2003) *South East Wales Policy and Procedures for the Protection of Vulnerable Adults*.

¹² Lord Chancellor's Department (1997) *Who Decides? Making decisions on behalf of mentally incapacitated adults*, London: HMSO cited in National Assembly for Wales (2000) *In Safe Hands: Implementing Adult Protection Procedures In Wales*.

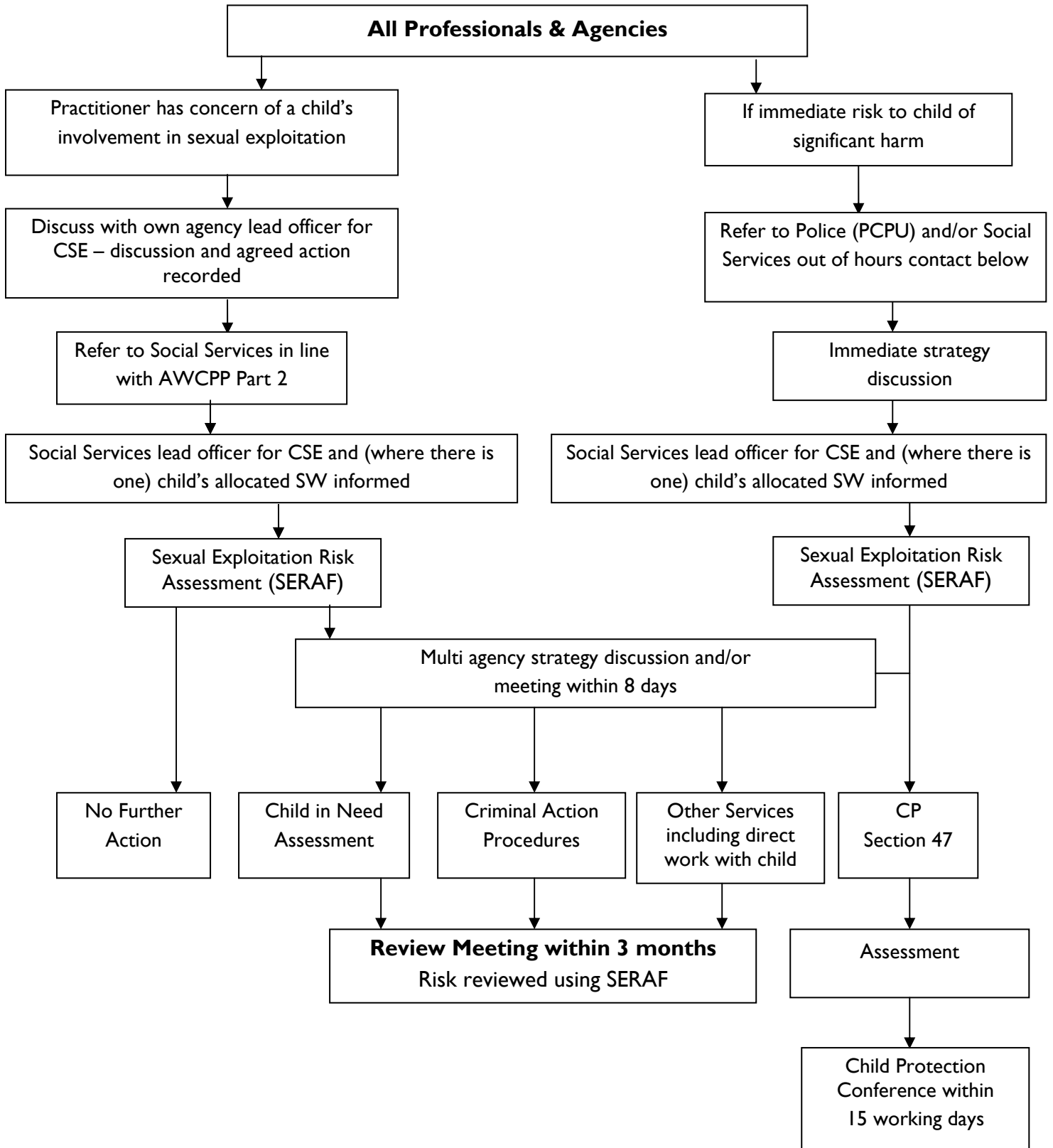
¹³ See 12 above.

protection to the attention of colleagues in adult services to enable ongoing care plans to reflect these specific needs.

Young people aged 18 years and over entitled to After-Care Services

4.60 In addition to the provisions for vulnerable adults, where a young person is entitled to receive services under the Children (Leaving Care) Act 2000 the pathway planning process should specifically identify any vulnerability to CSE. The plan should also address the factors known to impede successful recovery from CSE e.g. homelessness, poverty, lack of educational and employment opportunities and lack of supportive social contacts. For those under 18, where they are assessed at medium or high risk, the associated safeguarding actions should be implemented. Work to address specific risks and vulnerabilities should be included in the pathway plan and regularly reviewed. Liaison between social services and the Police Public Protection Unit is also required to ensure the protection of the young person. In Category 1 and Category 2 cases, information and awareness raising actions should be included in the pathway planning process. Risk should be assessed and addressed as part of existing plans and processes on an ongoing basis.

Flow Chart: Action where there are concerns of CSE



Chapter 5: Identifying and prosecuting perpetrators

5.1 Identifying, disrupting and prosecuting perpetrators must be a key part of work to safeguard children and young people from CSE. 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 the perpetrators should be a key consideration of all agencies working to address the issue of CSE locally. But any work to identify and prosecute perpetrators should not put children and young people at any further risk of harm.

Linking prosecutions to the provision of support

5.2 Local areas need to adopt a three-pronged approach to dealing with CSE, including prevention, providing support and protection for young people and prosecuting offenders. These areas of work should not be undertaken in isolation. Work to identify and address the risk factors that make young people vulnerable to CSE 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.

Taking action against perpetrators

5.3 Work to identify concerns about children and young people may mean that agencies become aware of perpetrators of CSE. Suspected perpetrators may also be identified through other work such as neighbourhood policing 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. This section sets out some key principles and information.

Disrupting perpetrator behaviour

5.4 Disrupting perpetrator behaviours should be viewed as an important part of local work to tackle CSE. 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 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 (see below) might be used to disrupt incidences of CSE 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.

5.5 Local authorities may be able to use their statutory powers to disrupt incidences of sexual exploitation. For example, if practitioners are aware of locations where sexual 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.

5.6 Child Abduction notices under Section 2 of the Child Abduction Act 1984 can be used to disrupt contact between an adult and a child or young person where the child is under 16 years old. It is an offence for a person not connected to the child to take the child away from the person with lawful control of the child, without lawful authority or reasonable excuse. In such cases, the police may remove the child to a place of safety and issue a formal warning to the perpetrator. Although these cases do not require a complaint from the child, it does require the child's parent or guardian to make a statement. Although not a long-term solution to the problem, Section 2 notices are a useful tool in terms of immediately breaking contact between the child and the individual exploiting them. They are also useful in ensuring that the suspected perpetrator cannot claim they did not know the age of the child. The perpetrator's details will also be input on to the Police National Computer system.

Identifying offences committed

5.7 In CSE perpetrators may commit one or more of a range of offences, some more specifically linked than others to the abuse. Police and other agencies should bear in mind the full range of offences that may be relevant. The Sexual Offences Act 2003 includes three broad categories of specific sexual offences against children:

- Offences against children under the age of 13 (sections 5-8 of the Sexual Offences Act 2003) – sexual activity with a child under the age of 13 is an offence regardless of consent or the defendant's belief as to the child's age. The offences are rape, assault by penetration, sexual assault and causing or inciting a child under 13 to engage in sexual activity. The offences carry a maximum sentence of life imprisonment or 14 years' imprisonment, depending on which offence applies.
- Offences against children under the age of 16 (sections 9-15 of the Sexual Offences Act 2003) – these offences apply regardless of whether the child consented to the sexual activity but, unlike with the offences relating to children under 13, an offence is not committed if the defendant reasonably believed that the victim was 16 or over. The offences are: sexual activity with a child, causing or inciting a child to engage in sexual activity, engaging in sexual activity in the presence of a child, causing a child to watch a sexual act, arranging or facilitating the commission of a child sex offence, and meeting a child following sexual grooming (under s15 an offence is committed if an adult communicates with a child on at least two previous occasions, and then meets the child, arranges to meet the child or (the adult or child) travels for such a meeting, where the adult intends to

commit a sexual offence). These offences carry a maximum sentence of 10 years' or 14 years' imprisonment, depending on which offence applies. Where the offender is below the age of 18, the maximum sentence is 5 years' imprisonment.

- Offences against children under the age of 18 – there are a number of sexual offences in the 2003 Act that apply to all children under the age of 18. These include sexual offences where there is abuse of a position of trust (sections 16-24) and familial child sex offences (sections 25-29). Further details are at Annex A.

5.8 In respect of all children aged 13 or over, the general non-consensual offences in sections 1-4 of the 2003 Act are also relevant. These are rape, assault by penetration, sexual assault and causing a person to engage in sexual activity without consent. These offences all require that the victim did not consent to the sexual activity and the defendant did not reasonably believe that the victim consented. Whether a 14–17 year old has the capacity to consent and whether the defendant reasonably believed that the victim consented will be a question of fact to be determined by the court in each case.

5.9 The Sexual Offences Act 2003 also provides for offences specifically to tackle the use of children in the sex industry, where a child is under 18 (s47-50). These offences are paying for sexual services of a child, causing or inciting child prostitution or pornography, controlling a child prostitute or a child involved in pornography and arranging or facilitating child prostitution or pornography.

5.10 Sections 57-59 of the 2003 Act provide for offences relating to trafficking for sexual exploitation. These offences may be particularly pertinent for cases of sexual exploitation. This is often overlooked, however, it is applicable to cases of people who are trafficked within the UK as well as those who may be trafficked into or out of the UK for sexual exploitation.

Identifying individual perpetrators

5.11 IMPACT Nominal Index (INI) is a new, police-led national information management system which enables an investigator in one police force to quickly identify which other forces hold relevant information on a given individual. It was rolled out to all Forces by the National Policing Improvement Agency (NPIA) in December 2005, addressing Recommendation 2 of the Bichard Inquiry, which reviewed events surrounding the murders of Holly Wells and Jessica Chapman in Soham in June 2004.

5.12 Since its launch in Child Protection Units across England and Wales, INI has been deployed to 63 organisations including all UK police forces, the British Transport Police, HM Revenue & Customs, the Royal Military Police, the UK Human Trafficking Centre and the Child Exploitation Online Protection Centre, providing an extremely effective UK-wide law enforcement system with access to over 61 million records. There is set criteria and terms of reference for conducting INI as part of the police investigation and risk assessment process to be conducted on a case by case basis. Local child protection agencies can make full use of this key development via their policing contact on the LCSB.

Tackling child sex offender or organised criminal networks

5.13 Information and intelligence gathered through the joint investigation of CSE is the starting point for building up local knowledge about people responsible for exploiting children and young people. This should enable police and local authority children's social care to recognise situations where organised and complex abuse is taking place, and instigate the necessary investigations. The information from investigations can then be linked together by different authorities and police forces to establish whether or not cross-border networks of exploiters are operating.

Evidence gathering and information sharing

5.14 The effective identification and recording of information and intelligence in relation to individual cases is crucial to the successful disruption and prosecution of perpetrators. All people involved in caring for a child or young person who is suspected to be at risk of CSE should continually gather, record and share information with the appropriate authorities. 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. Such information can form the basis of strong intelligence and can help the police to start an investigation. The CSE lead must work in partnership with their counterparts in other agencies to ensure that information and intelligence is recorded and shared appropriately. Effective recording systems should be in place to enable information to be shared between agencies, support individual investigations and enable local areas to monitor and map sexual exploitation to identify specific problems and monitor trends.

5.15 Ensuring that evidence is gathered in a way that will be accepted by the Crown Prosecution Service (CPS) and can be used in court is critical. The CPS should work with local partners to discuss how to build a successful case in order to support successful prosecutions.

5.16 The police should be robust in seeking evidence to support charges such as grievous bodily harm, unlawful wounding, actual bodily harm, kidnapping, abduction, rape or indecent assault and should not hesitate to use them where this is justified by the evidence. Similarly, where there is an allegation of racially motivated crime, charges relating to this type of offence should be considered. Examples of other charges that may also be considered in particular circumstances are drugs offences, tax evasion and, if the coercer is on benefit, social security fraud. Where appropriate, confiscation of assets should also be considered, although it should not be used if there is a danger that the coercer may further abuse a child to effectively compensate him or her for their loss of assets.

5.17 The investigation should seek to identify and assemble evidence that will support charges to reflect the full extent of the abuse. Contemporaneous photographic evidence of physical abuse should be obtained whenever appropriate. It will help in establishing severe abuse even when the child may be unwilling or unable to give evidence. Photographic evidence of the conditions in which a child was kept could also provide valuable evidence for charges of kidnapping or false imprisonment. Care should be taken, however, in obtaining such evidence to ensure

that it does not compound the abuse suffered by the young person, and she or he should be made aware that photographs are being taken for evidential purposes. Those investigating criminal actions must understand that the welfare of the child is the paramount concern.

National Offender Management Service (NOMS)

5.18 The focus of the National Offender Management Service's work is managing or supervising offenders, a number of whom will have been identified as presenting a risk, or potential risk of harm to children. NOMS' principal objective, therefore, will be to ensure that these offenders are managed so as to protect children from sexual exploitation. This may involve referral into MAPPA (see below) in a small number of cases.

5.19 NOMS also provides direct services to children, including a service to child victims of serious sexual or violent offences, supervision of 16 and 17 year olds on community punishment and seconding staff to Youth Offending Teams. In this work, and in all cases involving offenders who are parents/carers of children, offender managers can help to safeguard children from CSE by maintaining awareness of the indicators and principles set out here, and elsewhere in *Working Together*.

Victim and witness support

5.20 Given the levels of vulnerability of the victims and witnesses involved in cases of CSE, victim support is vital in its own right but is also an important aspect of ensuring a successful prosecution. Many of the issues facing young victims and witnesses are addressed in a CPS policy document on prosecuting cases involving children and young people as victims and witnesses¹⁴ and it would be useful for multi-agency partnerships to identify with their local CPS branch how these procedures are to be delivered locally.

5.21 Special measures are available for any witness under 17, and can be requested for a vulnerable or intimidated witness of any age. For those under 17 it would be usual for evidence to be video-recorded, and for a live link to be used. These measures can also be made available to vulnerable and intimidated witnesses. Other measures available include the use of screens, communications aids, and clearing the public gallery (for sexual offences). Indeed the court will consider any difficulty faced by the young witness provided that it is brought to their attention. Given the protracted nature of investigations in sexual exploitation cases it is not unusual for a young person to have reached the age of 18 before the case comes to court. It is important that consideration should be given to applying for special measures in these cases.

Multi-Agency Public Protection Arrangements (MAPPA)

5.22 MAPPA are a set of arrangements to manage the risk posed by the most serious sexual and violent offenders. They bring together the police, probation and prison services into what is known as the MAPPA 'Responsible Authority'. A number

¹⁴ CPS (2006).

of agencies are under a duty to cooperate with the Responsible Authority including local housing, social, health and children's services.

5.23 There are four key stages to the MAPPA process: identification, information sharing, assessment and management. Firstly, relevant offenders are identified and there are three categories: registered sexual offenders, those convicted of serious violent offences, and other offenders who pose a risk of serious harm on current assessments. Perpetrators of CSE will be found in all three categories.

5.24 The second key MAPPA stage involves sharing information and it is essential that each of the agencies working within MAPPA exchanges information relevant to protecting potential victims from further exploitation. Generally this will be information about the offender but will also include information about previous and potential victims and others who come into contact with the offender. As a consequence of section 327A Criminal Justice Act 2003, MAPPA responsible authorities will be under a duty to consider disclosure of information on child sex offenders under their management to members of the public.

5.25 Assessing the risk of harm posed by the offender is MAPPA third stage. It will often be immediately clear on the basis of previous offending who presents a risk of CSE but, in other cases, this will only become clear on the risk assessment made in light of all the information from the various agencies.

5.26 The fourth stage, and the objective of MAPPA, is to ensure that a practicable risk management plan is put in place. MAPPA ensures that attention is focused on those who present the highest risks and that when extra resources are required, these are committed swiftly where they will have the most impact. This could include covert surveillance, specific treatments or interventions and also the targeted use of disclosure of information about the offender to people or agencies which will be in a position to use the information effectively to protect children and young people.

5.27 Further information about MAPPA, including contact details and how the arrangements work in the 42 Areas of England and Wales (Annual Reports), and how cases can be referred for MAPPA management (Manual of Guidance), can be found at: <http://www.probation.justice.gov.uk/output/page30.asp>.

Annex A: The legislative safeguarding children framework

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 - Every LA has a general duty to safeguard and promote the welfare of children within their area who are in need. A child is defined as being in need if:

- (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;*
- (b) *his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or*
- (c) *he is disabled.*

Section 20 requires local authorities to provide accommodation for any child in need within their area who appears to them to require accommodation as a result of:

- (a) there being no person who has parental responsibility for him;
- (b) his being lost or having been abandoned; or
- (c) the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care.

Section 31 – a court may only make a care order if it is satisfied that 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; or the child's being beyond parental control. If the above 'threshold' is met, the court proceeds to the welfare stage to consider whether the child's welfare requires the making of a care order, having regard to the provisions of section 1.

Section 44 - 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 removed to accommodation provided by or on behalf of the applicant (usually a local authority) or does not remain in the place in which he is being accommodated. When the court makes an emergency protection order, if the requirements of s44A(1) are met, it may include exclusion requirement or accept an undertaking from the relevant person.

Section 46 - a police constable may take a child into police protection 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 who lives, or is found, in their area, is suffering, or is likely to suffer, significant harm, to enable them to decide whether they should take any action 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 protection.

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 directs 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 authorises a particular person (usually a police officer or social worker) to remove the child.

Under section 1 the Protection of Children Act 1978 (as amended by the Sexual Offences Act 2003), 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 18 - with exceptions in relation to 16 and 17 year olds in specified circumstances – for example, when the photographs are taken by consent in a marriage or civil partnership, or when photographs are taken for the purpose of criminal investigation . Section 160 of the Criminal Justice Act 1988 also makes the 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** ('the 2003 Act') 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 summarised below:

Sections 5-8 covers offences committed against children under 13. For the purposes of these offences, whether the child consented to the act is irrelevant as is the defendant's belief as to the child's age. These offences mirror the non consensual offences in sections 1–4 of the 2003 Act but apply specifically to cases where the child is under 13.

Sections 9-12 cover offences against children under 16 committed by adults. The fact that a child gives 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.

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 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 of the 2003 Act 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 2003 Act.

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 2003 Act extended the meaning of ‘child’ for the purposes of these two provisions to children aged under 18 (rather than 16).

Other relevant legislation includes:

- The Child Abduction Act 1984.
- The Children Act 1989.
- The Family Law Act 1996.
- The Protection from Harassment Act 1997.
- 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 ('SOPO') places restrictions on a defendant's behaviour specified in the order. A SOPO can be imposed by a court on an offender who has been cautioned for or 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. A SOPO can also be made in respect of a defendant where the court deals with him in respect of a finding: (a) that he is not guilty of an offence listed in Schedule 3 or 5 by reason of insanity, or (b) that he is under a disability and has done the act charged against him in respect of such an offence.

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 made if the court is satisfied that the defendant has on at least two occasions, done one or more of the following:

- (a) engaging in sexual activity involving a child or in the presence of a child;
- (b) causing or inciting a child to watch a person engaging in sexual activity or to look at a moving or still image that is sexual;

- (c) giving a child anything that relates to sexual activity or contains a reference to such activity;
- (d) communicating with a child, where any part of the communication is sexual; and the court is satisfied that it is necessary to make such an order, for the purpose of protecting children generally or any child from harm from the defendant (s123 of the 2003 Act).

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. Surrender of the defendant's passport may be required.

Under s97 of the 2003 Act, 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 ('the 1959 Act')

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 1959 Act (amended by the 2003 Act and the Policing and Crime Act 2009) provides that it is an offence for a **person** (whether male or female) **persistently** to loiter or solicit in a street or public place for the purpose of prostitution. **Conduct is persistent if it takes place on two or more occasions in any period of three months.** The offence is punishable by a fine, not exceeding level 2 (£500) for a first offence and level 3 (£1000) for a subsequent offence.

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.

Welsh Assembly Government
May 2010