

**NSPCC**

**Response to**

**Police & Social Responsibility Bill  
Consultation**

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## **NSPCC Response to The Police & Social Responsibility Bill Consultation**

### **Introduction**

The National Society for the Prevention of Cruelty to Children (NSPCC) is the UK's leading charity specialising in child protection and the prevention of cruelty to children. The NSPCC aims to end cruelty to children in the UK over future generations. In pursuit of our vision we will:

- Create and deliver services for children which are innovative, distinctive and demonstrate how to enhance child protection most effectively;
- Provide advice and support to ensure that every child is listened to and protected;
- Provide advice and support to adults and professionals concerned about a child and if necessary take action to protect the child;
- Work with organisations which work with children to ensure they effectively protect children and challenge those who do not;
- Campaign for changes to legislation, policy and practice to ensure they best protect children;
- Persuade everyone to take personal responsibility for preventing cruelty to children;
- Inform and educate the public to change attitudes and behaviours towards children;
- Use our statutory powers as necessary to protect children.

### **Scope of Response**

Within this response we comment on each chapter individually but have not limited our response to direct answers to the questions set. This is because this consultation outlines proposals for significant changes to policing which will have an impact on children and young people, but no specific questions have been asked about this.

### **Chapter two – Increasing Democratic Accountability**

#### **How might Commissioners best engage with their communities – individuals, businesses and voluntary organisations - at the neighbourhood level?**

The NSPCC is concerned about the proposals in chapter two to abolish police authorities and replace them with locally elected Police Commissioner's accountable directly to the general public. Protective police services form an essential part of the protection that society offers to children. Policing child abuse and interpersonal violence is complex and at times resource intensive and may not be identified as a local priority. While we fully accept the importance of local police priorities reflecting the needs of communities they serve, it is essential that the police should have the operational independence to enable them to make difficult decisions about policing which may not necessarily be regarded as priorities by the communities they serve. It is critical that the Police invest the time and resources necessary to offer protection to the most vulnerable members of our society regardless of whether these are popular police measures.

Domestic Abuse, rape, child abuse investigation, honour based violence, monitoring travelling sex offenders, female genital mutilation and forced marriage are areas of policing that are unlikely to be identified as local policing priorities by the general population. Consideration must be given to how this issue is managed if there is to be greater local determination of police priorities. They are often complex hidden crimes affecting individuals that can be costly to investigate and require staff with specialist skills and experience. Interpersonal violence and sexual assault disproportionately affect women. Certain crimes including honour based violence, forced marriage and female genital mutilation may even be endorsed by some sections of some communities. We welcome the fact that the Government is committed to issuing a new strategy to prevent violence against women, which also affects any children they may have. Ensuring that local police services are proactive in prioritising the needs of victims of these crimes must form a vital element of the protection and prevention offered by the police.

We are also concerned that locally elected Police Commissioners will not necessarily lead to greater accountability to the communities they serve. Communities are not homogeneous groups, they are diverse and any response to their needs must reflect this. In fragmented communities this is even more the case. Policing child protection involves complex and sensitive issues that local communities may not always understand. Over the last three decades, local agencies have built a high level of mutual understanding and co-operation in this area of work that could be damaged if increased public accountability were to result in changes to the approach and focus of policing.

A democratic process for electing Police Commissioners will not guarantee that the protection needs of the most vulnerable are considered. Many of those people, including all children, who rely on the police for protection will not be afforded the right to vote for the Police Commissioner that there will be a move to populist policing. We would like consideration to be given as to how children and young people's concerns will be identified locally and addressed.

The specific needs of children should not be overlooked when identifying policing priorities. Under the Children Act 2004 the Police have a statutory duty to safeguard and promote the welfare of children when exercising their functions<sup>1</sup>. Children should be offered protection both within the home and their community. Challenges faced by the police in delivering Child Protection were identified in the Laming Review<sup>2</sup>. This included concerns about the resourcing of child protection teams within a large number of police forces, particularly since other issues have a greater national priority. Forces identified that child protection work can be afforded a low status and that there have been considerable reduction in posts.

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<sup>1</sup> Her Majesty's Government, (2007) *Every Child Matters: Change for Children, statutory guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004*. (London: Department for Education and Skills), p.10.

<sup>2</sup> Lord Laming, (2009) *The Protection of Children in England: A Progress Report*. London: The Stationary Office. p.6.

In 2009 Laming recommended that the Home Office should take national action to ensure that police child protection teams are well resourced and have specialist training to support them in their important responsibilities<sup>3</sup>.

We welcome the acknowledgment in the consultation document that there are some cross-cutting issues that are of sufficient risk or national importance that there need to be checks and balances in place to ensure they are given sufficient attention. We recommend that child protection is identified as one of these issues. Child protection must be identified as a policing priority nationally and locally to ensure it is addressed in a concerted and co-ordinated way.

### **Chapter Three – Removing Bureaucratic Accountability**

#### **How should forces ensure that information that local people feel is important is made available without creating a burdensome data recording process?**

Chapter three describes a reduction in data collection demands on police forces and greater flexibility for forces to decide what they report upon. It is essential that certain data is collected systematically and consistently across police forces so that it can be collated and compared to inform public policy on child protection.

The NSPCC considers that there is an urgent need for a clear and detailed breakdown of the levels of recorded sexual crime against child victims. This information needs to be collected and analysed centrally and there needs to be a separation of the offences committed against children. We consider that the police should be required to record this information systematically and return it to the Home Office every year. This critical oversight and analysis of the scale of sexual violence committed against children is essential to inform the development of strategies and policies to protect children.

The Home Office should collect and publish this data annually. It should detail the number and ages of victims, and to clearly link this with the number of convictions, and other penalties, resulting from the recorded offences. We have also called for this kind of strategic mapping to be accompanied by an in-depth investigation of how crimes are dealt with at the level of individual forces through tracking a sample of specific cases from recording through to conviction to ensure that this process is as victim-centred as possible.

We accept that tracking data from recording through to conviction is difficult as the counting systems are different and we can well understand that while tracing this linkage is essential it is also a complex and long-term project. However, we are aware that it can be done and a process like this has been undertaken in relation to rape against adult women through a joint ACPO /Home Office project which investigated of the high level of attrition in rape

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<sup>3</sup> Lord Laming, (2009) *The Protection of Children in England: A Progress Report*. London: The Stationary Office. p.60.

cases<sup>4</sup>. We support the view that police staff can be used to collate this dataset.

### **How can we share knowledge about policing techniques that cut crime without creating endless guidance?**

We understand the view that police officers are burdened with bureaucracy and that this may divert them from direct policing work. It is tenable that the range, breadth and depth of statutory, non-statutory and best practice guidance is overwhelming, creating a significant challenge for police officers to be fully conversant with it. However, police officers need to be sufficiently skilled to work effectively in matters relating to child protection. Therefore, the NSPCC recognises that there is a need for ongoing training supplemented by clear and detailed guidance on areas of policing that encompass child protection. Information needs to be authoritative, current, easily accessible, readily understood and free to the recipient if it is to reach the widest professional audience. Guidance should set out lines of accountability, roles and responsibilities and include examples of best practice.

Guidance does have a particularly important role in providing clarification on process and best practice for issues such as FGM, Forced Marriage and the use of extra-territorial legislation. These are complex issues that officers may not encounter regularly so it is important they are able to access specific guidance and direction.

## **Chapter Four – National Framework for Efficient Local Policing**

### **What policing functions should be delivered between forces acting collaboratively?**

The NSPCC considers that child protection is a function that requires collaboration between forces combined with the expertise and support of specialist units. Issues such as child trafficking, travelling sex offenders and child sexual exploitation are cross boundary and cross border issues. They require a co-ordinated national and international response.

### **Alongside its focus on organised crime and border security, what functions might a new National Crime Agency deliver on behalf of police forces, and how should it be held to account?**

#### **Child Exploitation and Online Protection Centre (CEOP)**

The NSPCC is an active and committed partner of CEOP. We lobbied for its establishment in recognition of the need for a co-ordinated and holistic approach to the risks children face online. Technological developments and increasing globalisation have a well documented impact on child sexual abuse. We are concerned that the proposal to integrate CEOP into the

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<sup>4</sup> See Her Majesty's Crown Prosecution Service Inspectorate, (2007) *Without Consent: A report on the joint review of the investigation and prosecution of rape offences*. London: Central Office of Information.

National Crime Agency (NCA) will have an impact on its ability to sustain its partnerships and retain its core child protection focus and protect children from sexual abuse.

As a partner of CEOP we contribute the child protection expertise that has been developed within the organisation. We do this in a number of ways: through the direct secondment of child protection social workers; through sharing research and good practice and critically as a member of the partnership committee which oversees CEOP's strategic and operational plans. This ensures that child protection is embedded within the management and delivery of all activities and that safeguarding principles underpin all of the agency's activities. We consider that the multi-agency partnership approach has enabled the integration of child protection and law enforcement that has led to CEOP becoming recognised internationally as a centre of excellence for the protection of children from sexual abuse.

CEOP has successfully embedded multi agency principles within its operating model and we are concerned that the proposed changes may jeopardise this. The current model is built on the principles of a partnership approach with multi-agency working being integral to the prevention of harm and enabling children and young people to benefit from the internet in safety. This partnership includes children and young people, the public, law enforcement agencies, the voluntary and community sector, industry and international partners. This has created a response that is genuinely focussed on the needs of children.

NSPCC Child Protection Social Workers are embedded within operational teams at CEOP. Evidence of the positive benefits of this multi- agency approach can be seen in the victim-led response to policing that CEOP has developed. The protection of children from further abuse is fundamental to every operational decision made. This is evidenced in the regularly reviewed child protection plans that are developed for each operation. The NSPCC believes that we have been able to develop this joint approach as a direct result of the clear focus of CEOP in combating child sexual abuse and exploitation online.

Similarly, the increased sophistication of the technology required for effective law enforcement to identify victims and to help to track illegal traffic requires that industry remain active partners. We understand that companies currently working with CEOP value its independence and it is important that any changes made to CEOP do not impact on the stability of these relationships. CEOP are supported by a network of partners who contribute both direct financial assistance and in kind support. 30% of CEOP's current funding is self generated. There is a risk that corporate partners would not continue to offer this level of funding if CEOP were to be part of a law enforcement agency. This proposal could place at risk CEOP's ability to generate income leading to a reduced budget for the protection of children. The NSPCC is also concerned that the highly specialised skills, knowledge and experience in combating child sexual abuse may be diluted if it were to become a part of a wider agency brief.

Evidence has shown that child protection is so difficult that to be effective it requires strong organisational leadership and accountability. Merging CEOP into a much larger body that does not have a specific child protection mission may place this at risk. The wider organisation will not share CEOP's clear child protection aims and expertise. Lord Laming in his 2009 review of children protection said "Effective leadership sets the direction of an organisation, its culture and value system, and ultimately drives the quality and effectiveness of the services provided. It is essential that there is a sustained commitment to child protection and promoting the welfare of children at every level of government and in every one of the local services."<sup>5</sup> Senior managers and strategic decisions makers need to have an understanding of child protection to ensure that CEOP is equipped to work in this complex area. This would not be the case were CEOP to become part of the NCA.

Operational independence is necessary to enable CEOP to respond flexibly to identified risks and threats identified to children. New technologies and cheap travel have brought enormous opportunities to child sex offenders and as technology evolves and our understanding of the area develops it is essential that CEOP are able to respond to new threats. This will not always require a law enforcement approach. This may be much harder to achieve in an agency whose broad remit is to reduce organised crime. This view is echoed by a review of the Status and Governance of CEOP carried out in 2009. The Stephen Boys Smith Review (SBS) internal review of CEOP stated that the integration of CEOP into a law enforcement agency such as a local force or SOCA " would in the long term be inimical to the work CEOP was set up to achieve."<sup>6</sup> Child sexual abuse is not only committed by those involved with serious organised crime and we are concerned that CEOP would lose the ability to respond to the risks that are posed by individuals.

The NSPCC considers that CEOP should not become part of the NCA. We need greater national co-ordination of child protection work and this proposal would not only undermine what has been achieved but jeopardise our ability to protect children from current and emerging risks.

### **National Border Force**

If a national border police force were to be established the NSPCC would like assurance that they will be bound by a statutory duty to safeguard and promote the welfare of children. Unaccompanied asylum seeking children and trafficked children are some of the most vulnerable children in our society. It is essential that they are afforded the same rights and protection as other children and young people. The NSPCC has identified the need for multi agency teams to be placed at all ports of entry in order to identify concerns

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<sup>5</sup> Lord Laming, (2009) *The Protection of Children in England: A Progress Report*. London: The Stationary Office. p.14.

<sup>2</sup> Review of the Status and Governance of the Child Exploitation and Online Protection Centre, Stephen Boys Smith , June 2009

about trafficking. These teams should be able to identify any child who appears to be vulnerable and implement investigation and protection measures. Training and support should be provided to front line staff to ensure they understand the risks and protection needs of trafficked children.

### **Travelling Sex Offenders**

The NSPCC believes that the UK Government should be fully involved in leading prevention strategies to stop travelling sex offenders. Training and awareness raising programmes should be introduced for the police and immigration officials both in the UK and in countries that are targeted by travelling sex offenders. The NSPCC supports work that has been carried out in this respect by CEOP's international team, whose work includes tracking offenders who have travelled overseas without complying with their notification requirements. We would like to see the work of the overseas tracker team developed to support local forces in ensuring that travelling sex offenders are effectively monitored and held account for crimes committed against children abroad.

### **Chapter Five - Tackling crime together**

The NSPCC would be interested in engaging with the Government in any review of criminal justice or community safety. The NSPCC has a strong interest and expertise in how we respond to children with harmful sexual behaviour and in how we manage risk and protect children from violent and sex offenders.

### **What more can the Government do to support the public to take a more active role in keeping neighbourhoods safe?**

Protecting children is everybody's responsibility. Individuals and communities should work together to keep children safe. To encourage and enable the Big Society it is essential that government shows leadership on behalf of those children most at risk. This involves helping the public to retain a focus on intra familial abuse and abuse by a person known to the child, as well as strangers and users of the internet. For children to be safe at home and in their neighbourhoods we need child protection to be owned as a responsibility held by communities, neighbourhoods, extended families, and individuals. For this to happen we need support from Government in:

- promoting the positive contribution of children and young people to civic life
- a communications strategy to move public responsiveness from awareness, through responsibility, to action
- public information about the nature and scale of abuse
- providing routes for people to check their concerns short of reporting abuse

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