



NSPCC 
**Dim mwy o greulondeb i blant. DIM.
Cruelty to children must stop. FULL STOP.**

NSPCC CYMRU/WALES RESPONSE TO:

SAFEGUARDING CHILDREN & YOUNG PEOPLE FROM SEXUAL EXPLOITATION – CONSULTATION QUESTIONS

NSPCC Cymru/Wales
Diane Englehardt House
Treglown Court
Dowlais Road
Cardiff
CF24 5LQ
Tel: 0844 892 0290
Email: Cecile.Gwilym@nspcc.org.uk

August 2010

Safeguarding Children & Young People from Sexual Exploitation – Consultation Questions

Name:	Cecile Gwilym Policy Officer
Organisation/Individual response	NSPCC Cymru/Wales
E mail/telephone number	Cecile.Gwilym@nspcc.org.uk . 020 3188 3617
Address:	Diane Englehardt House Treglown Court Dowlais Road Cardiff CF24 5LQ

The following questions relate to the introductory pages

Does the introduction properly establish the context for the draft guidance?

Insert answer options and comments box....

Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
Comments: The Introduction section is helpful in establishing the context of the guidance. The purpose of the guidance is clearly defined, as are its intended recipients.		

Are there any other principles that should be included?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
<p>Comments:</p> <p>NSPCC Cymru/Wales welcomes the reference to the UNCRC to set out the context of the draft guidance. Child sexual abuse and sexual exploitation is a children's rights issue (UNCRC articles 12, 19, 34, 36, 39)</p> <p>However, given the cross-border nature of sexual exploitation, NSPCC Cymru/Wales feels that there should also be a reference to European guidance and legislation.</p> <p>From our work in the UK, the NSPCC recognises that some aspects of child sexual abuse and exploitation have European or international dimensions, and can no longer only be effectively tackled by individual governments acting alone. For a number of years the NSPCC has highlighted the need for improved EU cooperation to protect children from sexual abuse and exploitation to complement and add value to national actions. In particular, this work has focused on the risks to children resulting from greater movement of people across borders, as well as in the rapidly changing online world and the threats that that poses to children.</p> <p>The European Union Council Framework Decision 'on combating the sexual exploitation of children and child pornography'¹ was adopted at the end of 2003. The Framework Decision commits EU Member States to bringing their national laws in line with the agreed standards it contains, for example on criminalisation of sexual offences against children. The NSPCC supports the European Commission's for a proposal for a revised version of this legislation.</p> <p>The Directive is an important step for child protection policy in Europe and provides a stronger basis for protecting children. The current Framework Decision provides a useful basis for improved cross-border cooperation around protecting children from sexual abuse and exploitation. However it contains a number of gaps and also needs to catch up with developments, in particular in the online environment. In addition, its approach is focused on the punishment of crimes against children, and this needs to be broadened to include measures related to the prevention of sexual crimes against children.</p> <p>The Council of Europe's 2007 Convention on protecting children against sexual abuse and sexual exploitation is also an important reference point and should be signed and ratified by all EU Member States. It has so far been signed by 20 EU Member States.</p>		

¹ Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography

The following questions relate to chapter 1

1a) Does this chapter explain clearly the principles upon which effective practice in tackling sexual exploitation should be founded?

Yes

×

No

Not Sure

Comments:

The key issues should all have clear paragraph headings setting out a list of principles easy to refer to. Possible examples are detailed below:

- 1.3 A multi-agency response
- 1.4 A proactive approach
- 1.5 Early intervention
- 1.6 A Child centred approach
- 1.7 Protecting 16 and 17 year olds
- 1.8 and 1.9 can be combined under the heading “ Working with families”
- 1.10 and 1.11 Children are victims not criminals

NSPCC Cymru/Wales feels that recognising that children who are sexually exploited are victims rather than criminals is a key principle which should drive the way sexual exploitation is dealt with. Consequently, this principle should sit at the top of the list rather than at the end.

1b) Are there any other principles that should be included?

×	Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
<p>Comments:</p> <p>We are of the view that key issues and principles contained in Chapter 1 should contain a reference to the UNCRC and the fact that sexual exploitation is a violation of children's rights.</p> <p>We also recommend including a section about confidentiality and best practice in relation to working with children. We are aware that there is some confusion about these issues on the ground and we would recommend an explanation of 'Gillick competence' in accordance with Fraser Guidelines. We would recommend including something along the following lines:</p> <p><i>'Information Sharing: Competence and consent - Gillick Competence and the Fraser Guidelines</i></p> <p><i>The Fraser Guidelines were developed to establish the principle of the right to confidential medical treatment and advice for young people seeking contraception (Victoria Gillick vs West Norfolk & Wisbech Health Authority and the Department of Health and Social Security, 1985).</i></p> <p><i>The guidelines are now widely applied in the wider context of considering when it is or is not appropriate to share information about a child or young person with or without consent.</i></p> <p><i>In brief, a young person is considered competent if, amongst other things, she or he, in the judgement of the professional, understands the consequences or potential consequences of their actions. Where, in the opinion of the professional, a child or young person's safety or mental or physical health is at risk the principle of 'best interests' as outlined in the Children Act 1989 should supersede the codes of?and conduct applied to issues of confidentiality. Professionals working with young people should be familiar with the application of the Fraser Guidelines in this context.</i></p> <p>We agree that early intervention and identification of children and young people at risk of sexual exploitation is key to successful prevention. However, it is also important to acknowledge the work that should be done with young people who are already entrenched in high-risk lifestyles. It is important to engage with this group and to develop appropriate specialist responses such as intensive therapeutic care (possibly with a secure component if appropriate), trained and specialist foster care, harm minimisation strategies and specialist family support work. We also consider that it is necessary to stress the importance of such services being available for this very vulnerable children and young people. In many areas there is a comprehensive lack of post-abuse treatment services. It would be helpful to recognise here the impact of not providing services for this group of children, specifically how this is likely to affect their adult lives and their own capacity to parent-and thus the number of services they and their children may need in order to cope with the effects of sexual exploitation.</p>			

The following questions relate to chapter 2

2a) Does this chapter adequately identify the vulnerabilities and risk indicators enabling agencies to work within a risk assessment framework?

×	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not Sure
<p>Comments:</p> <p>Yes. NSPCC Cymru/Wales feels that this chapter correctly identifies the different forms of coercion and the different situations in which it can occur.</p> <p>In particular, we welcome the acknowledgement that sexual exploitation can sometimes be carried out by peers. We welcome reference to gang violence. We would like the guidance to explore the overlap between gang behaviour and sexual exploitation. In our experience there are strong links between the two, with young men using girls to recruit new members to the gang and with girls being used as drug mules. We have also worked with children who have been subjected to gang rape as a type of initiation ceremony.</p> <p>Careful consideration should also be given to whether relationships which are presented as consensual by teenagers actually are, or whether exploitation is taking place. Professionals should be alert to the ways in which perpetrators can operate especially where there is a large age-gap between the individuals involved.</p> <p>This chapter contains a helpful checklist of vulnerabilities and risk indicators. This list should not be kept separate from the SERAF though.</p>					

2b) Are there any other organisations or initiatives that should be included here?

<input type="checkbox"/> Yes	×	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
Comments:			

The following questions relate to chapter 3

3a) Are the roles and responsibilities for different agencies accurate and helpful?

×	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
Comments:			
NSPCC Cymru/Wales would like to make the following comments relation to Chapter 3:			
<u>LSCBs</u>			
NSPCC Cymru/Wales agrees that LSCBs have a key role to play in preventing the sexual exploitation of children. However, we would like the guidance to make clear how exactly this role should be discharged. We wish to recommend the appointment of an identified lead on this issue who works with an LSCB sub-group, such as the prevention sub-group.			
The last bullet point states that LSCBs should ensure inter-disciplinary training. This should be clarified. LSCBs do not ensure training, they provide it. However, it is also useful to recognise that LSCBs have no powers of compulsion-attendance at such training is entirely at the discretion of agencies and individuals. We also find the statement “raise awareness” to be rather vague and would prefer if the training included “how to recognise signs and symptoms of sexual exploitation.”			
<u>Police</u>			
We would like to stress that we strongly disagree with the section relating to			

criminal proceedings against children. Perpetrators rather than children should be prosecuted, and this paragraph goes against the key principle stated in the introduction that children are always victims of sexual exploitation.

We agree that there needs to be a named officer who will act as a single point of contact. There also needs to be clearer reference to a proactive police strategy. For example, we feel it is essential that the LSCB prevention sub-group mentioned above has appropriate police representation.

We consider that, overall, the guidance could give greater emphasis to policing as an area of importance. We are well aware that it is difficult to police this issue and obtain prosecutions of perpetrators because the identity of the perpetrator is not always clear and the victims involved may be unwilling to give names. Similarly, when the child victims do give evidence there is a danger that this will be withdrawn at short notice. This is due to the inherent vulnerability of these children and the fact that they have been broken down through a grooming process in which they experience ongoing intimidation and coercion by the perpetrator. However, the value in prevention terms of successful prosecutions should be recognised and highlighted. In our experience, there can be one or two very specific perpetrators in a network that systematically coerces and exploits children, and a small number of successful prosecutions can be highly significant and result in protecting a large number of children. The guidance should highlight the ways in which the police, the Crown Prosecution Service (CPS) and other agencies should seek to support a child through a prosecution as well as how they might effectively gather evidence to build a case.

Crown Prosecution Service

We are aware that the responsibilities of the Crown Prosecution Service are not devolved. However, we feel that given the lack of prosecutions in this area, the guidance needs to clarify the role of the CPS and highlight that achieving prosecutions is absolutely critical to a successful prevention and protection strategy.

Youth Offending Teams

The guidance also lacks any reference to the role of Youth Offending Teams. This is a significant overlook since the Welsh Assembly Government is in charge of implementing the All Wales Youth Offending Strategy.

We are of the view that the guidance should state explicitly that YOTs have a duty to safeguard and promote the welfare of children. We recommend that YOTs think routinely about the risk of sexual exploitation when they are assessing young people.

Housing Services

While the guidance acknowledges in Chapter 2 that homeless children and young people are at increased risk of sexual abuse, the role of housing services is not acknowledged in Chapter 3. We feel this should be addressed.

We find that the current lack of suitable protective and supportive accommodation is a substantial limitation in working with exploited children. We would welcome a more proactive and strategic approach to providing housing for this group of high-risk children, in particular small units with well trained staff.

Health Services

We agree that healthcare professionals have a key role to play in identifying risk and picking up on signs of abuse. However, we consider that the guidance should make clear that “*private healthcare providers and healthcare professionals working in voluntary sector or other settings*” as well as statutory sector organisations also have a statutory duty to safeguard and promote wellbeing.

We also strongly recommend that this section of the guidance should contain a bullet point underlining the importance of links between adult services and child protection issues. This is particularly important in the field of mental health and alcohol and drug services.

Education Services

We agree that schools and education services have a key role to play in preventing and uncovering child sexual exploitation. We feel that preventing child sexual exploitation can be greatly helped by delivering proper sex and relationship education which focuses on safe relationships. This should start at primary school level. We are pleased that the Welsh Assembly Government has acknowledged this in its “*Sex and Relationship Education in Schools*” guidance from March 2010.

Child Exploitation Online Protection Agency

The guidance does not mention this organisation, which deals with sexual exploitation with an online or international dimension. The guidance should detail how the CEOP can assist other organisations in dealing with the sexual exploitation of children.

The United Kingdom Human Trafficking Centre

The guidance should also refer to the role of the UKHTC and how agencies might be able to use it to tackle sexual exploitation.

The NSPCC Child Trafficking Advice and Information Line (CTAIL)

We consider that this guidance should also contain information about the NSPCC’s Child Trafficking Advice and Information Line (CTAIL) as this should be the first point of reference for most practitioners who are concerned that a child may have been trafficked. The line was set up in order to help guide and support frontline practitioners to identify and safeguard trafficked children and it would be helpful to provide an explanation of this role and the helpline number. We recommend including a paragraph with the following information:

'The NSPCC's Child Trafficking Advice and Information Line (CTAIL) has been set up to support all practitioners and professionals working or volunteering with children to identify and protect victims of trafficking. The Child Trafficking Advice and Information Line is a free service that can be reached on 0800 107 7057. Lines are open 9.30-4.30 on weekdays.

The line works in partnership with the Child Exploitation and Online Protection Centre (CEOP) and End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes (ECPAT UK). As well as giving advice and information the line will also refer callers to other agencies, including sources of direct support for trafficked children, and provide training to professions and community organisations working with children.'

3b) If you belong to one of these agencies, do you feel the role set out is achievable? If not, why not?

Yes

No

Not Sure

Comments:

n/a

The following questions relate to chapter 4

4) Does this chapter provide practitioners with adequate information to allow them to manage individual cases of sexual exploitation?

×	Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
Comments:			
<p>While this chapter provides adequate information to allow practitioners to manage individual cases of sexual exploitation, we would like to make the following comments about its structure.</p> <p>The Sexual Exploitation Risk Assessment Framework is helpful but should be located nearer the beginning of the document so that practitioners picking up the guidance for the first time are able to read it in conjunction with the list of vulnerabilities and risk indicators identified in Chapter 2. It does not make sense for these to be in separate sections.</p> <p>The detail about different categories of risk and the way to deal with those should come immediately after the SERAF table for ease of reference.</p>			

The following questions relate to chapter 5

5a) Can you suggest any local measures that have been effective in tackling and preventing criminal behaviour?

×	Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
Comments:			
<p>We strongly agree with the advice that tackling criminal behaviour is most effective when there is a dedicated unit as suggested by the Blackpool Awaken project which was set up in 2004. The project was based on a very close working partnership between Blackpool Council and the Police consisting of an integrated team.</p> <p>The advantage of having a specialist unit is clear and the NSPCC formerly worked closely and successfully with the team in the Metropolitan Police before it was disbanded two years ago. Following this there have been virtually no prosecutions of those exploiting the children we have worked with and cases have been moved around a range of different police teams.</p>			

5b) Are there any other offences that you think are relevant and should be specifically mentioned?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
<p>Comments:</p> <p>NSPCC Cymru/Wales feels that the guidance should refer to offences relation to child sexual exploitation on the Internet. The Internet and social networking sites can potentially be used by perpetrators to approach and groom children. Images of sexual abuse can also be circulated on the Internet.</p>		

5c) Have we included any factors or criminal activities which your experience suggests are not helpful?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Sure
<p>Comments:</p>		

The following question relates to Annex A

6) Is there anything else that you think should be included here?

×	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
Comments:			
<p>We would wish to see details of the law dealing with child sexual exploitation on the Internet added to Annex A.</p>			
<p>Article 34 of the Convention on the Rights of the Child (UNCRC) states:</p>			
<p><i>“States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:</i></p>			
<p><i>(a) The inducement or coercion of a child to engage in any unlawful sexual activity;</i></p>			
<p><i>(b) The exploitative use of children in prostitution or other unlawful sexual practices;</i></p>			
<p><i>(c) The exploitative use of children in pornographic performances and materials”.</i></p>			
<p>The Protection of Children Act 1978 states:</p>			
<p><i>“It is an offence for a person-</i></p>			
<p><i>(a) to take, or permit to be taken or to make, any indecent photograph or pseudo-photograph of a child; or</i></p>			
<p><i>(b) to distribute or show such indecent photographs or pseudophotographs; or</i></p>			
<p><i>(c) to have in his possession such indecent photographs or pseudophotographs, with a view to their being distributed or shown by himself to others; or</i></p>			
<p><i>(d) to publish or cause to be published any advertisement likely to be understood as conveying that the advertiser distributes or shows such indecent photographs or pseudo-photographs or intends to do so.”</i></p>			
<p>The Criminal Justice and Court Services Act 2000 increased the maximum penalties for the taking, making and distributing of indecent photographs under Section 6 of the Protection of Children Act 1978 from three years’ imprisonment or an unlimited fine, or both, to 10 years’ imprisonment or an unlimited fine or both. The Criminal Justice and Court Services Act 2000 also increased the maximum penalty for possessing an indecent photograph of a child.</p>			

The NSPCC welcomed the Sexual Offences Act 2003, which extended the Protection of Children Act 1978 to cover indecent photographs of children aged 16 and 17. The Act also introduced a new set of offences specifically dealing with the exploitation of children through child abuse images, providing protection for all children up to age 18. These include causing or inciting child abuse images, controlling a child involved in child abuse images, and arranging or facilitating child abuse images. It also introduced a new offence of meeting a child following sexual grooming (Ost, 2004).

Child abuse images are a global problem. There is the need for a consistent international response to prevent the production and dissemination of child abuse images and to raise awareness about the extent of the problem. Despite increased collaboration, penalties and distribution laws vary in Europe and beyond. This can create loopholes which can be exploited by producers and collectors of child abuse images. National and cross-national efforts to prevent child abuse images can be hindered for example by different interpretations of what constitutes a child abuse image.

The following questions relate to the document as a whole

7a) Do you consider the document to be structured in a way that aids ease of access and reference? If not please suggest alternatives.

Yes

×

No

Not Sure

Comments:

Although the guidance contains very helpful information, it is not structured in a way which is easy to use.

We would like the document to include an executive summary highlighting the specific responsibilities of agencies and realistic steps to be laid out.

We would also like to reiterate that separating the Sexual Exploitation Risk Assessment Framework from the list of vulnerabilities and risk indicators is not helpful and will create confusion. We recommend that they are linked together and placed at the beginning of the document for ease of reference.

7b) We would welcome any further comments/views about this document.

Yes

No

Not Sure

Comments:

NSPCC Cymru/Wales welcomes the work the Welsh Assembly Government is doing to tackle the very important issue of child sexual exploitation. However, this work needs to be joined up in the wider context of what is being done to combat child sexual abuse in Wales.

NSPCC Cymru/Wales regrets that there is currently no All Wales Strategy on child sexual abuse.

Research with young adults in the UK has found that 11% of males and 21% of females reported experiences of sexual abuse before the age of 16.² There are approximately 600,000 young people under the age of 16 in Wales. This means that up to 33,000 boys and 96,000 girls in Wales may be currently affected by child sexual abuse.

At March 31st 2009, just 235 children were on the child protection register in Wales for abuse involving sexual abuse.³ This data is based solely on cases that have been reported, and as such do not represent a true picture of either the incidence or the prevalence of child sexual abuse. Many more children who are sexually abused are not brought to the attention of statutory authorities and are not receiving the support and therapeutic services they are entitled to according to Article 19 of the UNCRC.

Funded by the Welsh Assembly Government's Children and Families Organisations Grant from 2008-2011, the Stop it Now Wales campaign is the only campaign solely dedicated to tackling the issue of child sexual abuse. NSPCC Cymru/Wales works closely with the Stop it Now! campaign.

Stop it Now ran a public consultation from December 2008 to March 2009 and results indicated a concerning lack of understanding around identifying child sexual abuse, preventative action to take and where to go for further information, advice and support among the Welsh public.

There are also gaps in service provision, particularly for post abuse therapeutic services. There is a lack of formal support for family members of children who have been abused.

In view of these findings, NSPCC Cymru/Wales would like to see the development of an All Wales Strategy for the prevention of child sexual abuse.

² Cawson, Pat (2000) Child Maltreatment in the United Kingdom: a study of the prevalence of child abuse and neglect. London: NSPCC

³ NSPCC inform Child Protection Register Statistics-Wales 2005-09

The following question is for LSCBs only

8) Would your Safeguarding Board be prepared to fund 50% of the costs of £1,500 for on-going support for implementation?

Yes

No

Not Sure

Comments:

n/a

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply ×

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential, please tick here:

Cecile Gwilym
Policy Officer
NSPCC Cymru/Wales
August 2010