

Victims Bill briefing

Child sexual abuse and exploitation

Sexual abuse has a far-reaching impact on society which is estimated to cost more than £3.2bn per year.¹ Last year, calls to the NSPCC helpline about child sexual abuse (CSA) and exploitation (CSE) reached record highs.² FOI figures obtained by the NSPCC found that the police recorded more than 200 child sexual offences, on average, every day in 2019. The Victims Bill presents an opportunity to improve the criminal justice system's treatment of victims of CSA and CSE while enhancing access to supportive recovery services. Leading children's sector organisations believe that this opportunity is currently being missed. CSA victims are not mentioned in the draft Victims Bill. Although the Bill introduces a duty for commissioners to collaborate in providing services, it does not secure additional resourcing for the specialist criminal justice and mental health support CSA and CSE victims need.

Scale of the problem

- 1 in 20 children in the UK have been sexually abused.³
- One in three children sexually abused by an adult did not tell anyone at the time.⁴
- There were 73,518 recorded offences including rape, online grooming and sexual assault against children in the UK in 2019/20 – up 57% in 5 years.⁵
- The court system recorded a total of 6,387 prosecutions and 4,870 convictions for CSA offences in 2019/20. As the number of prosecutions has fallen, the conviction ratio has risen to 76% in 2019/20.⁶

of harm.⁸ This conflation manifests itself in a failure to identify children who have been sexually abused and those who may be at risk of being sexually abused. Making these distinctions effectively enables resources to be targeted where there is an urgent need to remove a child from danger of sexual abuse or introduce a range of protective measures to manage a risk to the child where the harm has not yet occurred. The failure to do so magnifies the risk of further abuse.

For example, in some police forces, CSE has been subsumed into child criminal exploitation (CCE), creating limitations on the understanding of this type of offending.⁹ Young people, particularly those experiencing sexual exploitation, were sometimes arrested by the police and criminalised for offences arising from their exploitation, while the exploiters remained at liberty to continue offending. Some police forces had merged analyses of CSE with CCE, leading to potential failures to distinguish sexual exploitation cases from other crimes.¹⁰

Issues faced by victims of CSA and CSE

Lack of understanding on the nature of abuse

Statutory agencies have not yet demonstrated a comprehensive ability to understand the scale and nature of CSA.⁷ IICSA has found some statutory agencies have conflated the concepts of actual harm and risk

Lack of belief in victims and the justice system

IICSA has found that the experiences of victims of CSA who enter the criminal justice system were often affected by the knowledge, skills and attitudes of the individuals involved.¹¹ Some victims and survivors have

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spoken about their positive experiences with the justice system and working with professionals and officers with specialist training and understanding of CSA as well as being signposted to relevant support services.

For many victims and survivors however, evidence finds that tendencies to disbelieve allegations of CSA remained a constant threat.¹² This leads to a fear among child victims that they would not be believed or taken seriously when they disclose abuse.¹³ Similarly, discussions about consent and ‘lifestyle choices’ continue to detract from an understanding of abuse, exploitation and power dynamics, leaving many victims and survivors actively avoiding the criminal justice system and seeking justice.¹⁴

Increasing waiting times to get to court

Results from a recent FOI submitted by the NSPCC have found that waiting times for CSA cases have increased by 43% in four years,¹⁵ while prosecutions and convictions have more than halved between 2016/17 and 2020/21.¹⁶ The time taken for CSA cases to reach court and be completed has increased by 5 months in the last 3 years.¹⁷ For a child who is already suffering with depression, self-harming, suicidal thoughts, or PTSD, the drawn-out process of waiting for a trial to start, let alone come to completion, can be extremely distressing and compound the significant mental health impact of the abuse.¹⁸

Lack of special measures

Giving evidence in court is a daunting experience for many, all the more so where a witness is vulnerable and/or intimidated. Special measures are a range of provisions designed to help vulnerable and intimidated witnesses give the best evidence they can to the court and mitigate some of the associated stress. Despite their importance, the Victims Commissioner has found vulnerable victims face a post code lottery as to whether they receive special measures¹⁹ despite their entitlements within the Victims Code.²⁰

NSPCC research has found that provision of registered intermediaries bring many benefits but are underused and under-resourced.²¹ The draft Bill does not mention intermediaries despite the government acknowledging that “their work is often the difference between a witness being able to give evidence or not”.²² NSPCC research also found limits on the availability of other special measures such as accompaniment of young witnesses by a neutral supporter and closing the public gallery during young witness evidence in sexual offence cases.²³ Failure to implement commitments inevitably undermines children’s ability to give their ‘best evidence’.

Lack of therapeutic support

Therapeutic services for victims of child sexual abuse are stretched and inconsistent, leaving many with little or no support. Despite research showing the significant increase in victims wellbeing and social investment following therapeutic support,²⁴ there is a lack of clarity or shared understanding of what constitutes pre-trial therapy, resulting in inconsistent support to families, leaving support that is available within the limited specialist sector invisible to families.²⁵

The revised Crown Prosecution Service (CPS) pre-trial therapy guidance now affirms that there is no requirement to delay therapy on account of an ongoing police investigation of prosecution. However, research commissioned by the Home Office²⁶ shows that children and young people are being wrongly advised that they should not access therapy until the criminal justice process has ended. This is despite CPS’s own legal advice²⁷ stating pre-trial therapy is a fundamental aspect of CPS policy and their multi-agency practice guidance²⁸ which clearly states the best interests of the child are paramount when deciding whether, when and in what form, therapeutic help is given’. Set against a backdrop of increasingly long delays and waiting times for victims of CSA,²⁹ the current climate is risking further compounding the trauma young victims and witnesses are facing.

The new CPS guidance also increases the likelihood of victims therapy notes being accessed.³⁰ This will deter many victims from seeking this life-saving support for fear of these notes being accessed to discredit them in courts, something the end-to-end rape review found to be one of the main reasons why many victims disengage with the court process.³¹ In line with calls from across the sector, the newly updated CPS guidance must be revised to afford a greater level of confidentiality to all victims so that they feel they can access this vital form of support freely and know that this will not negatively impact on criminal proceedings. Guidance must not deter victims from entering the criminal justice process.

Lack of specialist support

Young victims and witnesses require a specific response, one that tends to their individual needs and is specialised in nature. Yet victims face limited specialist support in their area.³² A study by IICSA found that across all support services, the most highly rated type of service was counselling provided by a charity or voluntary organisation specialising in CSA. Victims and survivors stressed the importance of speaking with a specialist counsellor with particular knowledge of trauma and child sexual abuse to support with their recovery.³³ However, research shows that mental health services available to CSA Victims tend to be generic rather than specialist

post-sexual abuse services.³⁴ The same study also found nearly three-quarters of survey respondents reported not having accessed any support services, with only just over a quarter having received some form of support, advice or treatment due to their experience of child sexual abuse.³⁵ The average time between first child sexual abuse victimisation and contact with a support service is 19 years.

Specialist support to aid young victims and witnesses who do come into contact with the criminal justice system is also patchy and limited. There are not enough child independent sexual violence advisors (CHISVAs) to support young people through the criminal justice system.³⁶ Despite research finding consistent, one-to-one support from independent specialists are crucial to the promotion of children and young people's wellbeing, and to supporting them onto a pathway of recovery.³⁷ CHISVAs can help guide young victims through the complex criminal justice system, but the MoJ have only provided funding for adult advisors.³⁸ Additionally, research shows that the role of CHISVAs are not always recognised by other agencies and therefore young victims often face navigating the criminal justice system without their vital support and ultimately, less likely to be referred to specialist support services.³⁹

Siloed way of working

CSA victims often face an inconsistent network of agencies and services after experiencing sexual abuse.⁴⁰ When a child or young person discloses sexual abuse, they and their families are often left to navigate the health, police and courts system by themselves. Having to relive traumatic experiences with different professionals both when evidence is gathered and again when a case comes to trial can cause children and young people further distress. A review of the pathway for children and young people who were sexually assaulted in London identified significant gaps in the emotional and health support provided.⁴¹ Children who do receive help may have waited months for the important therapy and support they need.⁴² But we know that experiencing sexual abuse can have significant short- and long-term effects on mental health.⁴³

Child Houses were created in response to systems that aren't working as well as they should for children and young people who have experienced abuse. At the heart of the Child House model is the assumption that the environment and circumstances in which a child discloses, or shares details of their abuse is crucial. How this is handled by professionals and the support available to children during and after can have direct effects on the child's recovery and wellbeing.

At a Child House, a young person does not have to recount their experience numerous times. Therapeutic,

health and social worker support are all available under the same roof and the environment is designed to be child friendly. Support is provided to help navigate the justice system and enable children to give their best evidence about what happened to them. Bringing together a range of organisations under one roof, the Child House intends to be a child friendly, multidisciplinary service for victims of CSA and CSE. Despite the Child House model being recognised within the governments CSA strategy⁴⁴ and IICSA's final report⁴⁵ as best practice when it comes to a multi-agency response to supporting CSA victims, there is currently only one such service in England and no mention of co-location of services within the Draft Victims Bill.

Limited data

As highlighted in IICSA's final report, poor data collection has led to an incomplete picture of the nature and scale of CSA and CSE.⁴⁶ The significant gap in understanding the scale of child sexual abuse impacts detrimentally on the ability of statutory agencies and other institutions to respond comprehensively to the level and nature of the threat to children. Different forms of child sexual abuse require different institutional responses.⁴⁷

There is currently no central or consistent data collection concerning a child's journey through the criminal justice system or their experience as victims of CSA. Further, due to the way the data is collected, despite older teenagers being at high risk of sexual offences they are often not included in numbers reported on child sexual abuse. The Government's own CSA strategy acknowledged that: 'Over 83,000 child sexual abuse offences (including obscene publications) were recorded by police in the year ending March 2020, an increase of approximately 267% since 2013. Due to the way this data is collected, and different sexual offences defined, these figures do not capture certain sexual offences committed against 16 and 17-year-olds, such as rape, as well as sexual assault committed against children over the age of 13'.⁴⁸ Therefore, indicating that the true scale of recorded sexual offences against children is much higher.

Placing a duty on local criminal justice bodies to collect data and keep under review the delivery of the Code is welcome, but this must be additional to a duty on *national* criminal justice bodies to collect standardised data to build a clearer picture of the challenges faced by young victims and witnesses of abuse. Local, unstandardised data will not build this systematic picture. Due to the current way in which crime data is published, it is very hard to track a crime committed against children from recorded offence through to prosecution and sentencing. This makes it hard to see why, for example, there is such a significant disparity between the number of child sexual offences reported to police and eventual convictions.⁴⁹

Real life story

Amber* was sexually abused by a close family member a number of times from the age of nine. By the time she was 12, she was so traumatised that she decided to disclose to a teacher after contacting Childline. The case went to trial but collapsed due to a lack of evidence – which was a very distressing experience for her. After suffering anxiety and depression, she was referred to the NSPCC’s Letting the Future In service at the Stoke-on-Trent Service Centre.

Amber explains that “eventually I said enough was enough, and I went to the doctors and was referred to CAMHS counselling. After that I was counselled by another charity, but it didn’t work for me so I was back with CAMHS, who then referred me to the NSPCC’s Letting the Future In service at the Stoke-on-Trent Service Centre. But I just wish they had sent me to the NSPCC straight away. I would have been finished a year earlier, which doesn’t sound like a long time but when you’re trapped in this chaos in your mind, it feels like a lifetime.”

Amber’s criminal justice system experience

The Criminal Justice System is not doing enough for children. It is as simple as that. No one helped me in the aftermath of my disclosure. I remember being given a leaflet about court that said all the ways they’d

make things more ‘child-friendly’. The barristers would take their wigs off if I wanted. I’d be in a separate room speaking via video link. I didn’t need the barristers to take their wigs off, I needed someone to hold my hand. I needed to be able to have support in the lead up to the trial. I needed to be able to sit and give evidence without being made to feel like a criminal myself. I understand barristers have a job to do but I shouldn’t have left feeling like I was spoken to as a guilty adult not a child victim.

Support for victims is vital. The reality of making this work isn’t as simple as writing a set of guidelines and ticking off a list. It’s easy to say ‘yes, tick box, someone’s been heard’. Just because someone’s been heard doesn’t mean they have been listened to and understood. You can look at a case and think ‘they were offered support’; sometimes it isn’t the right support, and they need more than they were offered. It’s great to have the right to appeal or challenge a decision, but not many people want to, and you need to understand why. These kinds of codes and principles are created and set by people who haven’t been through the criminal justice system as a victim. Sometimes it really shows.

* name has been changed

What the Victims Bill needs to do

- Provide CSA and CSE victims, including those who do not make contact with the criminal justice system, with the specialist services they need. This should include support from CHISVAs, registered intermediaries and specialist mental health services.
- Ensure services collaborate in their provision to CSA victims, such as through the Child House model.
- Improve accountability and data collection to better understand CSA and CSE victims’ experience of the criminal justice system.

What you can do

We would be keen to meet with you to discuss these issues in more depth. We can also provide additional materials if helpful.

Contact

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Notes

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