

Victims Bill briefing

Child Criminal Exploitation

Child criminal exploitation is the grooming and exploitation of children into criminal activity. Barnardo's and The Children's Society define Child criminal exploitation as when 'another person or persons manipulate, deceive, coerce or control the person to undertake activity which constitutes a criminal offence where the person is under the age of 18.'¹ The exploitation can take a variety of forms, including children being forced to work in cannabis factories, coerced into moving drugs (often forced to insert drugs in their vagina or anus in a practice known as 'plugging') or money across the country, forced to commit financial fraud, forced to shoplift or pickpocket or forced to take part in county lines.² Despite the harm children experience, the current reality is that children who are coerced into criminal activity are often treated as perpetrators by statutory agencies rather than as victims of exploitation. The Victims Bill presents an opportunity to improve collective understanding of child criminal exploitation as well as the availability of data and support to young victims, but our leading children's sector organisations believe that this opportunity is currently being missed. The draft Bill makes no mention of child criminal exploitation and includes a duty on commissioners to collaborate on victim support services with no new funding to create more specialist services, despite these being sorely needed by children who have experienced criminal exploitation.

Scale of the problem

- The true scale of child criminal exploitation is not known. Many children who are exploited or groomed fall through the cracks of statutory support and therefore are not identified in official statistics.³
- In 2021/22, there were over 16,000 instances in England where child sexual exploitation was identified by local authorities as a factor at the end of an assessment by social workers. There were 11,600 instances where gangs were a factor and 10,140 instances where Child Criminal Exploitation was a factor.⁴
- It has been estimated that there could be as many as 200,000 children in England aged 11 to 17 who are vulnerable to serious violence due to levels of crime and/or income deprivation in their community.⁵
- Research carried out by the Children's Commissioner⁶ found 27,000 children at high risk of gang exploitation who had not been identified by services, and as such were missing out on vital support to keep them safe. The research also found an even higher number of children experiencing broader risk factors linked to exploitation with one in 15 teens or 120,000 young people falling through gaps in education and social care. These are children who are being excluded from school, are persistently absent or go missing from care, many facing a combination of factors that could leave them vulnerable to exploitation.
- The COVID-19 pandemic and resulting lockdowns increased the risk for many children to exploitation. As children spent more time online and perpetrators' traditional methods of recruitment were disrupted, social media apps are increasingly being used to contact and exploit children, and keep them trapped in a cycle of criminal behaviour.⁷
- There are concerns that the cost-of-living crisis will exacerbate the vulnerability actors of some children to child criminal exploitation.

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Issues faced by victims of child criminal exploitation

Need for a definition of child criminal exploitation

There is no definition of child criminal exploitation for criminal law purposes. Perpetrators who are exploiting children criminally, for example through the County Lines model of criminal exploitation, may be prosecuted under the Modern Slavery Act 2015 for slavery, servitude and forced and compulsory labour offences and trafficking for the purposes of exploitation offence.

A statutory definition will help focus attention of law enforcement agencies on those who manipulate, deceive, or use coercion and control children into undertaking criminal activity. A definition would send out a strong message that children who are forced to commit crimes are victims rather than perpetrators. It would enable a shared understanding and a better multi-agency response to this form of exploitation; it could lead to professionals spotting the signs of this exploitation earlier on in the grooming cycle, children being safeguarded and supported earlier as well as a greater focus on disrupting the activity of those who groom children for child criminal exploitation.

The absence of a clear definition of child criminal exploitation in statute is playing a role in failures to protect and support children.⁸ The NRM, the Home Office Serious Violence Strategy⁹ and children's social care assessments have recently introduced child criminal exploitation as categories of exploitation in their own right. It is now high time this is reflected in legislation to ensure there is universal understanding and support available for this form of exploitation across the country.¹⁰

Impact of child criminal exploitation

Exploiting a child into committing crimes is abusive. Children who are targeted can also be groomed, physically abused, sexually abused, sexually exploited or trafficked.¹¹ Those involved in gang activity and criminal exploitation are disproportionately young, vulnerable, and unknown to services.¹²

The Children's Society uses a definition of child criminal exploitation from young people who describe it as 'when someone you trusted makes you commit crimes for their benefit'.¹³ This definition conveys the key components of exploitation – a trusted person taking advantage of vulnerability to deceive, control, coerce or manipulate children into criminal activity. In some cases, children are enticed to take part through manipulation and the promise of reward, and in other cases violence and threats of violence play a more direct role in how control is exerted. Coercion and violence go hand in hand in cases of exploitation.¹⁴

Children are being criminalised

The current reality is that children who are coerced into criminal activity are often treated as perpetrators by statutory agencies rather than as victims of exploitation.¹⁵ Many children who are victims of criminal exploitation continue to be prosecuted for crimes committed as a result of exploitation, for example, drug related offences.¹⁶ This is in part because safeguarding partners are working to different understandings of what constitutes criminal exploitation.

In 2021, Barnardo's made a Freedom of Information request to police forces across the UK about child criminal exploitation.¹⁷ 30 police forces responded, but only one police force was able to provide any data on child criminal exploitation. Many police forces asked Barnardo's about how child criminal exploitation is defined.

The lack of a shared understanding about what child criminal exploitation is and the guises it can take means that questions are not consistently asked when children are identified as being associated with criminal activity, either at the time of arrest or during court cases, where possible coercion of a child has taken place. This means that children are often arrested for crimes they are being forced to commit, whereas the adults who exploit them are often not investigated and brought to justice, remaining free to exploit other vulnerable children.

Since the introduction of the Modern Slavery Act 2015, around 22,000 children have been referred to the National Referral Mechanism – a framework for identifying victims of modern slavery, exploitation and trafficking – as suspected victims of all forms of sexual or criminal exploitation. This number includes migrant and British children who were suspected victims of modern slavery including through criminal exploitation. From 2017 to 2021, 5,186 referrals to the NRM. Yet according to the Office for National Statistics, in the period from April 2016 to December 2021 there have only been 186 prosecutions under the Modern Slavery Act 2015 where children were victims – and only half of them were successful.¹⁸

Limited data

There is no comprehensive, national data set establishing the number of children who are victims of criminal exploitation. We have data from multiple sources but, because of different definitions and inconsistencies, they still do not capture the full extent of the problem. This shows how disjointed our understanding is, with different agencies holding separate information, with no overarching national data to accurately reflect the scale of the issue, which is one of the first steps needed to address child criminal exploitation. The Children's Commissioner found that Safeguarding Boards in 'high risk' areas know little about children involved in gangs or in danger of being drawn in, with no estimate at all of levels of gang violence in their area.¹⁹

Safeguarding boards also appear to be failing to investigate deaths or serious injuries to children where gang violence is a factor. The lack of serious case reviews following violent the deaths of children killed in gang violence are being properly investigated to ensure that lessons are learnt in terms of protecting other children. Government must take steps to ensure that data about child sexual exploitation is being collected and disaggregated in a consistent and accurate way at a local, regional, and national level.

Lack of specialist support

Children and young people who are exploited by criminal groups experience a variety of responses. This inconsistency is driven by a lack of consistent national and local safeguarding strategies and procedures.

Commissioning of therapeutic services for child victims of criminal exploitation is not happening. The Children's Society asked whether local authorities have a strategy in place to respond to child criminal exploitation and county lines. Of the 141 upper tier authorities that responded to

us, almost 2 in 3 do not have a strategy. Fifty authorities said that they do have a strategy or are in the process of developing one.

Child victims of criminal exploitation in some cases benefit from support of Independent Child Trafficking Guardians (ICTG)– the service commissioned by the Home Office in two thirds of local authorities in England. Children who do not have anyone with parental responsibility receive 1:2:1 advocacy and support from the service, while those with someone with parental responsibility in their lives benefit from ICTG co-ordinators who support other agencies to advocate for a child.

Eligibility for support as a child victim of human trafficking or modern slavery must be universal. The Victims Bill must make independent child trafficking advocates (ICTAs) available to all children who require them, including children with effective parental responsibility. The support should be long-term and cover transition to adulthood to ensure that children are not revictimised as they reach adulthood.

Real life story

15 year old young man “Bobby” (not his real name) was picked up with class A drugs in a trap-house raid by Wales Police. Bobby had been driven back to his home by Police Officers, who had questioned him alone in the car and used that information to submit a National Referral Mechanism (NRM) which did not highlight Bobby’s vulnerability, instead it read like a crime report. Bobby had subsequently been to court in Wales and – because his NRM failed and his barrister did not understand the NRM process – had been advised to plead ‘guilty’, which he did. At this time in June 2019, he was referred to The Children’s Society’s Disrupting Exploitation programme. DEX programme challenged the NRM decision to be changed to a positive outcome. They continued

to attend court sessions with Bobby to ensure his vulnerability is represented and that he is recognised as a victim instead of an offender, enabling him to retract his plea of ‘guilty’ and access support. As the drugs had been confiscated by the Police, there was an element of debt bondage with Bobby’s case as he now owed the groomer money for the drugs that had been lost, which resulted in threats of harm to him/his family. The project worked with the Police to complete intelligence forms and ensure Bobby’s safety by putting markers on his home so the Police were aware of the situation and would respond quickly. They also supported Bobby to identify and engage with education.

What the Victims Bill needs to do

- Create a statutory definition of child criminal exploitation to ensure children are seen and treated as victims
- Ensure better, timely and centralised data collection is in place to understand victims of child criminal exploitation experiences and routes through the criminal justice system
- Ensure access to advocacy through the criminal justice system and therapeutic support to recover

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: Ellie.Pirrie@NSPCC.org.uk

Notes

- 1 Barnardo's, [Exploited and Criminalised](#), 2021
- 2 The Children's Society, [Child Criminal Exploitation: PCSC Bill Briefing](#), 2021
- 3 Commission on Young Lives, [Hidden in Plain Sight: A national plan of action to support vulnerable teenagers to succeed and to protect them from adversity, exploitation and harm](#), 2022
- 4 Department for Education, [Characteristics of children in need in the year 2021 to 2022](#)
- 5 Crest, [Violence and Vulnerability](#), 2021
- 6 Children's Commissioner, [Still not safe: the public health response to youth violence](#), 2021
- 7 APPG on Child Criminal Exploitation and Knife Crime, [Online Safety Bill and Child Criminal Exploitation](#), 2022
- 8 Commission on Young Lives, [Hidden in Plain Sight: A national plan of action to support vulnerable teenagers to succeed and to protect them from adversity, exploitation and harm](#), 2022
- 9 Home Office, [Serious Violence Strategy](#), 2018
- 10 The Children's Society, [Child Criminal Exploitation: PCSC Bill Briefing](#), 2021
- 11 NSPCC Learning, [Criminal exploitation and gangs](#)
- 12 Commission on Young Lives, [Hidden in Plain Sight: A national plan of action to support vulnerable teenagers to succeed and to protect them from adversity, exploitation and harm](#), p.6; 2022
- 13 The Children's Society, [Counting Lives: Responding to Children who are criminally exploited](#), p.4; 2019
- 14 Ibid
- 15 Ibid
- 16 Ibid
- 17 Barnardo's, [Exploited and Criminalised](#), 2021
- 18 [Child victims of modern slavery in the UK - Office for National Statistics \(ons.gov.uk\)](#)
- 19 [www.childrenscommissioner.gov.uk/wp-content/uploads/2019/02/CCO-Gangs.pdf](#)