

City of York Safeguarding Children Board

Child Sexual Exploitation Practice Guidance

Acknowledgements: The work of the London, Sheffield and South Tees Safeguarding Children Board is acknowledged throughout this document.

NB. This practice guidance should be read alongside the associated CYSCB Child Sexual Exploitation Procedure

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Principles

- *A child centred approach.* Action should be focussed on the child’s needs and the fact that children do not always acknowledge that they may be in an exploitative or abusive situation
- *A proactive approach.* This should be focussed on prevention, early identification and intervention as well as disrupting activity and prosecuting perpetrators
- *Parenting, family life and services.* Taking account of family circumstances in deciding how best to safeguard and promote the welfare of children and young people

- *The rights of children and young people.* Children and young people are entitled to be safeguarded from sexual exploitation just as agencies have duties in respect of safeguarding and promoting welfare
- *Responsibility for criminal acts.* The responsibility for the sexual exploitation lies with the abuser and the focus of the police investigations should be on those who coerce, exploit and abuse children and young people. The children and young people involved are victims of child sexual abuse.
- *An integrated approach.* Working Together sets out a tiered approach to safeguarding; universal, targeted and responsive. Within this, sexual exploitation requires a three-pronged approach tackling prevention, protection and prosecution.
- *A shared responsibility.* The need for effective joint working between different agencies and professionals underpinned by a strong commitment from managers, a shared understanding of the problem of sexual exploitation and effective coordination by the LSCB.

Definition

The sexual exploitation of children and young people is a form of child sexual abuse:

‘Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, including prostitution, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative (e.g. rape, buggery or oral sex) or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of, sexual online images, watching sexual activities or encouraging children to behave in sexually inappropriate ways.’
(Working Together to Safeguard Children, 2010)

Government guidance uses the following description of child sexual exploitation:

‘Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive ‘something’ (e.g., food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of their performing, and/or another or others performing on them, sexual activities. It can occur through the use of technology without the child’s immediate recognition; e.g., being persuaded to post sexual images on the internet/mobile phones without immediate payment or gain. In all cases, those exploiting the child have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child’s limited availability of choice resulting from their social/economic and /or emotional vulnerability.’
(Safeguarding Children and Young People from Sexual Exploitation, 2009)

Definitions/terminology need to remain flexible to avoid the risk of excluding children and young people who are being sexually exploited.

Whilst the CYSCB is primarily concerned with safeguarding and promoting the welfare of children and young people aged under 18, there is recognition that the issue of sexual exploitation can be present for vulnerable young people in the transition to adult services; and, that some key services within the City of York work with young people beyond the age of 18.

Commercial non-sexual exploitation of children

It is recognised that children are exploited commercially for purposes other than sexual. UK legislation dictates that children under the age of 13 years are not allowed to be employed in any capacity by any person/s and this also includes parents/guardians. Employment includes assistance in any trade or occasion which is carried on for profit, whether or not payment is received for assistance.

If you are concerned about possible commercial non-sexual exploitation of children, you should consult your own agency safeguarding procedures. If in doubt, see advice from City of York [Children's Advice and Assessment Service \(Front Door\)](#) on 01904 551900.

NB. Children are trafficked and exploited for many purposes. Any exploitation of a child or young person is a safeguarding issue, and may indicate that a child or young person is suffering or at risk of suffering significant harm.

Roles and Responsibilities

'[Working Together 2010](#)', Chapter 2, sets out the roles and responsibilities of organisations in relation to safeguarding and promoting the welfare of children and young people. This is supplemented by the government's '[Safeguarding Children and Young People from Sexual Exploitation: supplementary guidance to Working Together to Safeguard Children](#)', Chapter 4, issued in 2009.

Risk Assessment Framework

Professionals in all agencies should be alert to the possibility that a child for whom they have concerns may be sexually exploited. They should discuss their concerns with their agency's designated safeguarding lead, and they should use the risk assessment framework to make a judgement about the risk of harm to the child (APPENDIX 3).

The framework groups indicators of risk of harm into categories:

- **Category 1 (at risk):** a vulnerable child who is at risk of being targeted and groomed for sexual exploitation;
- **Category 2 (medium risk):** a child who is targeted for opportunistic abuse through the exchange of sex for attention, accommodation, food, gifts and drugs. The likelihood of coercion and control is significant;
- **Category 3 (high risk):** a child whose sexual exploitation is habitual, often self defined and where coercion / control is implicit.

These categories also include situations where:

- A child is at immediate risk of significant harm and has other additional vulnerabilities;
- The sexual exploitation may be being facilitated by a child's parent;
- The sexual exploitation may be being facilitated by a child's parent failing to protect;
- A related or unrelated adult in a position of trust or responsibility to a child may be organising or encouraging the sexual exploitation.

Consent to sexual activity

The legal position with regard to consent to sexual activity is that young people over the age of 16 can consent to this with people their age or older, whether they are the opposite or same sex as themselves. However, a person under 18 involved in sexual exploitation cannot give consent to their own abuse, including the provision of sexual services in return for payment or promised payment.

A child under the age of 13 is considered unable to consent to any sexual activity, irrespective of whether the child sees it as abusive or not.

Sexual Exploitation and Young People Missing from Home

Children who go missing or run away regularly are at risk of becoming involved in sexual exploitation. Going missing may also be an indicator that sexual exploitation is occurring.

The entrapment of children and young people in sexual exploitation does not occur overnight. They may become more vulnerable if they are spending a lot of time away from home, from their care placement or from school because they are running away. National research estimates that around 100,000 young people under the age of 16 run away from home or care across the UK each year.

Each time a young person is reported missing the police assess their level of risk. If a young person goes missing regularly there is a danger that professionals can become complacent, believing the young person will return as usual or that they can somehow manage.

Source: [Barnardos Research Report on CSE 2011 – 'Puppet on a String'](#)

Possible Route into Sexual Exploitation - The Grooming Process

Much has been written about the 'Grooming Process' in respect of sexual exploitation of boys/ young men and girls/ young women. Basically, some adults actively seek to prepare young people for being sexually exploited. This process is called 'grooming'.

There are a number of 'models' of child sexual exploitation which help to explain and describe the routes into this for different children and young people. The ways in which girls and young women are drawn into child sexual exploitation can differ from those for boys and young men. Practitioners need to be mindful of the models, and of the gender distinctions when working with young people at risk of child sexual exploitation, in order to

understand why young people are not necessarily aware of the exploitation, and to help protect both genders.

Risk Factors and Vulnerabilities

There are certain factors identified through research that may lead children and young people to being more vulnerable to sexual exploitation. These include:

- Experience of previous abuse – sexual, emotional, physical and neglect.
- Experience of, or witness to, domestic violence.
- Desire/need for money.
- Drug or alcohol misuse (by child or young person and/or parent).
- Family history of involvement in prostitution – especially siblings.
- History of being looked after.
- Homelessness.
- Isolation, which may be generated through the child or young person being located in an area away from all support networks (including a different country).
- Lack of awareness of the risks incorporated with sexual exploitation.
- Low self-esteem/self-worth/self-mutilation.
- Poor attachments.
- Poor school attendance/school exclusion.
- Young gay/bisexual male exploring sexuality in an unsupported way.

Behaviours and Indicators

Health:

- Physical symptoms – sexually transmitted infections, bruising or other marks on body suggestive of physical or sexual abuse
- Drug or alcohol misuse
- Self-harming or eating disorders

Education:

- Truanting from school, deterioration of schoolwork or part-time timetable

Emotional and Behavioural Development:

- Secretive
- Young offender behaviour or anti-social behaviour
- Secretive about Internet use or using adult networking sites
- Sexualised language
- Aggressive or violent
- Sexually offending behaviour

Family and Social Relationships:

- Associating with other children at risk of sexual exploitation
- Missing from home or staying out late
- Getting into cars of unknown people
- Contact with unknown adults outside of normal social group via face to face meetings, Internet, text messaging or phone calls

Identity:

- Low self-esteem, poor self-image or lack of confidence

Social Presentation:

- Wearing an unusual amount of clothing

Income:

- Social activities with no explanation of how funded
- Possession of abnormal amounts of money, gifts, new mobile phones, credit on mobile phones, number of SIM cards

Family's Social Integration

- Frequenting known high-risk areas or going to addresses of concern
- Seen at public toilets known for cottaging or adult venues (pubs and clubs)

Alerting Risk Factors/ Vulnerability

- Is any of his family involved in prostitution?
- Does he have a boy/girlfriend 5 or more years his senior?
- Has he suffered physical abuse (or witnessed domestic violence) at home?
- Has he suffered sexual abuse?
- Are friends or associates involved in 'selling sex'?
- Does he have a drug habit?
- Is there a history of self harming?
- Is he separated from family?
- Is he in the looked after system/
- Is he going 'missing' regularly (home or school)?

Other warning signs

- Seen in certain known places
- Bruising, burns or other injuries
- New/different clothing
- Unexplained money
- Drug/alcohol abuse
- Isolated from friends
- Consistently staying out late.

Practitioners who work with children and young people for whom one or more of the above factors apply should always consider the possibility of sexual exploitation. Consideration should also be given to providing awareness raising sessions for the children and young people on the issue of sexual exploitation, using specialist agencies where available, thereby enabling the children and young people to speak up or to gain understanding of the risks involved. Similarly, in situations where children and young people have returned from running away or missing from home, it is essential that the possibility of sexual exploitation through prostitution be considered as a relevant factor.

Research and development is relatively new in this field in the UK. Models identified include: peer to peer (where individual or groups of young people are pressuring other young people into exploitative sexual situations or relationships); gang or group related sexual exploitation; the trafficking of young people (either internally - within the UK, or externally – outside of UK borders) for the purposes of sexual exploitation. [The National Working Group for Sexually Exploited Children and Young People](#) and the [International Centre for the Study of Sexually Exploited and Trafficked Young People](#) have led on the co-ordination and research (respectively) in this field.

Girls and Young Women

Stages of Coercion: ‘The Boyfriend Model’

Adapted from: Swann,S. (1998) In: *Whose Daughter Next?: Children Abused through Prostitution*, Barnados

Stage One. Ensnaring: The young man (pimp) impresses the young woman with his maturity, money and lifestyle. He treats her well and buys her gifts making her feel special, he soon becomes her boyfriend, she falls in love and they begin a sexual relationship. Often parents are aware that their daughter is seeing an older man, but he treats her well and looks after her so they don’t notice there is a problem initially. She will probably boast about him to her friends which will make it difficult at a later stage to admit there is a problem.

Stage Two. Dependency: The boyfriend’s (pimp’s) aim is to make her totally dependent on him, to cut her off from her friends and family making her think that he is the only one she needs. She loves him and believes he loves her, she would do anything for him.

Stage Three. Taking Control: The boyfriend controls everything she does, who she sees, where she goes, when she eats and sleeps. The young woman interprets this as a sign of love for her. Violence begins as a means of control, the young woman blames herself and believes she is at fault and deserves to be hit,. She believes that she must have done something wrong to make him behave so violently towards her. Drugs are often introduced as part of the process to make the young woman dependent.

Stage Four. Total Dominance: Once the young woman is totally dependent on her boyfriend he starts to prostitute her,. She is often led to believe she is helping him out, paying off his debts by having sex with other people (punters), but in reality he is exploiting her and making a lot of money. What she thought of as a ‘one off’ situation becomes the norm. The young woman becomes a willing victim. She will endure sexual humiliation and may be willing to entrap other young women for her boyfriend, some young women will be sent to work on the street, watched by their boyfriends for protection, she is completely dominated. She will feel unable to tell anyone because she boasted about the relationship to her friends and will probably have lost contact with them because she deserted them in favour of her boyfriend.

Perceptions

The Girl's Perception/Triangle - Girl, Boyfriend, Boyfriend's Friend

The term 'boyfriend' is crucial, as it is the girl's perception of the relationship which sustains the control and abuse. For her, the relationship is intense and very special. After a few months the girl may be 'sold on' to another 'boyfriend', although she is often not aware of that and her previous 'boyfriend' will move on to ensnare another vulnerable girl.

The Prostitution Triangle - Young Prostitute, Pimp, Punter

In this commonly accepted view, the girl is seen as a prostitute, not as an abused child. Language is important as it underpins assumptions, attitudes and perceptions. Referring to a child as a 'prostitute', and to the men as 'pimps' and 'punters' implies that children are making informed choices and decisions.

Boys and Young Men

Sexual exploitation, or the use of children for the sexual satisfaction of adults, is not just an issue for girls and young women, but also a reality for some boys and young men. But with boys, this is much more of a hidden problem due to stigma, prejudice and, sometimes, the assumption that boys involved in selling sex are more in control of their situation and, therefore, they are less likely to be seen as victims. Research suggests that much of this form of sexual exploitation happens 'behind closed doors', so it can be difficult to get a true picture of the extent of this problem. [Sexual Exploitation: Boys and young men resources](#)

Why does the sexual exploitation of boys and young men continue to go unrecognised?

Young men have explained that their sexual exploitation is often overlooked by practitioners. There is some evidence that young men who are being sexually exploited are more likely to be criminalised for their behaviour and viewed as a perpetrator. Young men's victimhood often goes unrecognised and professionals may tend to focus on boys and young men's outward behaviour, such as offending or drug and alcohol use, without questioning the reasons behind it.

Behaviours that may be likely to be recognised as evidence of risk for a girl or young women, may be interpreted as a young man experimenting with their sexuality or demonstrating sexually harmful behaviours to others. In addition boys and young men may be less likely to, or find it more difficult to disclose than young women. Without a disclosure it may be difficult for professionals to justify the time commitment to support a young man at risk of, or suspected of being sexually exploited.

There are many ways that boys and young men may become involved in sexually exploitative relations with adults. Some of the possible routes into sexual exploitation are:

- **Abuse** - Particularly sexual abuse, but physical abuse and neglect can be a major factor in a young person becoming involved in sexual exploitation, including prostitution. 'If I have to have sex with men I may as well get paid for it'

- **Survival** - Selling sex to survive due to homelessness, threats of violence, etc.
- **Drugs** - To support substance misuse. The direct exchange of sex for drugs or cash.
- **Homophobia** - There are very few safe places for young men to explore their sexuality. Negotiating the gay scene can be a difficult place for young men exploring their emerging sexuality.
- **Association** - Contact with other young men who are being sexually exploited or living in residential care that is being 'targeted' by paedophiles.
- **Opportunistic** – Simply being in the wrong place at wrong time. Being approached in public toilets, parks, amusement arcades etc.

Professionals need to see beyond the outwardly displayed behaviour of young men and consider the reasons behind it. Professionals need to consider how and why young men may have become involved with drugs and alcohol or ask how criminal behaviour has formed part of a young man's life. The same questions should be asked of boys and young men as would be asked of girls and young women. Young men need to be reported missing just as readily as young women and the appropriateness of their relationships needs to be considered openly. Professionals need to provide consistent and reliable support without expectation of disclosure. Boys and young men are unlikely to disclose for a long time, if ever, and when other professionals are likely to have tired of 'getting nowhere'

Grooming of Boys and Young Men

Much less is known about 'grooming' in relation to boys than girls. Again the extent to which the sexual exploitation of boys is hidden means that much more research into this issue is needed. Organisations who do have experience of working directly with boys and young men affected by sexual exploitation suggest that 'grooming' may involve the following:

Stage 1.

- It often begins with making friends with the young man
- It then progresses to 'giving' things such as money, gifts, cigarettes, drugs, shelter, food and clothes
- The young man will often be 'treated as an adult' – the exploiter will let him do things that their parents/ carers would not approve of – e.g. drinking, staying out late, watching adult videos
- At this stage, nothing is expected in return from the young person who may believe that the adult can be trusted, cares for them, looks out for them and is a 'good mate'

Stage 2.

- As time goes on, the relationship becomes one that is more obviously about sex in exchange for other things
- As long as the sex continues, then so will the things that were used to draw the young person into the exploitative relationship.

Stage 3.

- Threats are used to maintain silence - What might happen to the young person if others found out he was having sex with men to get 'stuff'

- What will they think of you?
- We could both be in big trouble
- You wouldn't want your friends to find out what you do? etc.

Stage 4.

- This can lead on to more violent threats, actual physical assault
- Other adults may then also become involved in the sexual exploitation of the young man – introduced to friends/ passed round/ or even sold on
- The young person may also then be 'helped' to groom other young people for exploitation - the cycle of exploitation.

Identification

Practitioners may learn that a child or young person is being sexually exploited, or at risk of this, in a variety of ways, as given below.

- A child or young person is found in the actual situation of exploitation. This may be following a tip-off, following investigation, through outreach or by accidental discovery. It may also include the identification of children and young people being exploited over the internet.
- Recorded material or information is found. It may be that a child or young person's sexual exploitation was recorded or photographed for subsequent distribution.
- Being informed, possibly by the child or young person, or people directly involved, or the adult coercing them to have sex, or the child abusers who are rewarding the child or young person for the sexual acts they provide.
- Other people involved may pass on information. If professional relationships are built up with adults involved in prostitution, it may be that they inform workers of children and young people who are being sexually exploited. Adults involved can be and often are as protective of children and young people as any other responsible adult, so their information should not be ignored.
- Children and young people when engaged in services can often realise that other children and young people deserve protection and will inform about them. Their information should not be ignored.
- Members of a child or young person's family, who often have access to more information, may tell. Consultation with them and their involvement throughout the child protection process is vital. However, it must be remembered that family members can lead the sexual exploitation of children and young people.
- Information may be obtained from another service or agency working with a child or young person, who may not understand the implications of the information they have.
- Information may be received from members of the public, including other children and young people, or other services.

Engagement

Children and young people who have or are being sexually exploited may be gaining perceived positives from their exploitation. Engagement of these children and young people into a plan of education, support, advice and care may therefore be extremely difficult. It is

the experience of projects across the country that it can be very difficult to engage children and young people in this situation. It can take six months or longer for a child or young person to become engaged. In some cases it never happens.

Efforts should be made to reach out to these children and young people, rather than expecting them to voluntarily come to services. Raising issues then is difficult to do. Many things can get in the way of raising the issue with both boys and girls we are working with. Not least, our own anxiety about how this will affect the client/ worker relationship – particularly if the young person reacts badly to any suggestion of sexual exploitation (whether this is or isn't an issue for them). Workers may also feel that, if disclosure is made, then they do not have the awareness or knowledge about the subject to be able to support a young person after disclosure is made.

For a young person, being asked about possible sexual exploitation can be difficult to accept whether they are being sexually exploited or not. Stigma and prejudice around being gay, for instance with boys, can lead to a hostile response – 'Are you calling me a queer' or other homophobic outbursts. A young person who is experiencing sexual exploitation may not want to disclose this to a worker (or anyone) due to anxieties or fears of not being believed, being rejected, fear of being judged/stereotyped ('Rent boy', Gay, Prostitute), for personal safety reasons or legal issues'. Feelings of shame or embarrassment around issues of sexuality and sexual identity can also get in the way of disclosure. However, if these questions are not asked, if these issues are not talked about, then young people who are being sexually exploited or at risk of sexual exploitation will not receive the support and care they need and deserve.

Some things that can help open up conversations around sexual exploitation with young people you are working with are:

- Consider barriers to effective communication e.g. language, learning disabilities, sight or hearing impairments.
- Is the environment conducive to being safe, comfortable and confidential? (Within Child Protection procedures and confidentiality policies).
- Is there time to talk and time to establish a rapport? - don't go straight in with direct questions about sexual exploitation.
- Talking about sex and sexual health in general may be a positive way into this topic or could the topic of personal safety be a useful way in?
- Are there issues around behaviour, drug use, homelessness, general risk taking behaviour that need to be talked about first?
- When talking about sex, consider the language/ terms used – are they age appropriate and clear?
 - check out our own understandings rather than make assumptions about what we are hearing.
- Our body language can give away any feelings of awkwardness, embarrassment etc. that we may feel. Also, we may believe that we are taking a non-judgemental and supportive stance but our body language can communicate the opposite. Give positive cues that we are interested and listening – good eye contact, nodding etc.

- Questions should be initially simple, general and open the door for further frank discussion. An example is 'Do you have a boyfriend or girlfriend at the moment?' Gradually, questions can then become more specific and direct e.g. 'Some young people start having sex at this age; have you or your friends?'
- Possible questions after initiating conversation around sex/sexual health
 - 'Do you have sex with men, women or both?'
 - 'How old was your oldest partner?'
 - 'Has there ever been a time that someone touched you or hurt you [sexually] that made you feel frightened or sad?'
 - 'People have sex for lots of reasons, sometimes even if we don't want to. Have you ever felt that you are having sex because someone else wants you to but you don't?'
- Clearly communicate that sexual exploitation of boys and young men by adult men is very different to sexual orientation but make sure you are taking a gay affirmative approach.
- Clearly communicate the legal issues: the primary concern of the police and the law is protecting young people from sexual exploitation.
- Reinforce that a young person is in no way to blame for what is or may be happening to them and that it is adults who are responsible and who have done something wrong.
- Be mindful that it may take a long time for a young person to be able to talk openly about this issue and that you may have to see them on more than one occasion before your conversations include issues of sexual exploitation or even about sex.
- If there are real difficulties in engaging with the young person, we should ask ourselves if a colleague in our own or other organisation might be a more appropriate contact. Sometimes referring on is the most appropriate course of action to take.
- Make sure you know where to access support around issues of sexual exploitation of boys/ young men and girls/ young women you are working with. Not only within your team, but within Child Protection processes.
- Any worries or concerns around this issue should be talked through with your colleagues.
- Working with young people who are, or may be, involved in sexual exploitation is a difficult, sensitive and emotive issue. Make sure that you make good use of supervision and peer support.

Criminal aspects

The ethos of working with children and young people who are sexually exploited is that they are the victims of abuse, not the perpetrators of a crime. In no other instance are victims of child sexual abuse subject to prosecution. The exiting and recovery of children and young people from sexual exploitation can take a considerable length of time and indeed may never happen. Reprimands, final warnings, cautions or prosecutions of children and young people for prostitution should only be used as a last resort and only undertaken following consultation between the Police, Children's Social Care, specialist agencies and the Crown Prosecution Service.

If a young person continues to put herself or himself in a situation where they can be commercially sexually exploited, it suggests that services are not meeting the needs of that

child or young person. It is this that should be reviewed rather than an enforcement of the law. Further, the stigma attached to children and young people who have a conviction for prostitution, and/or associated offences, limits their ability to exit and recover from the sexual exploitation and may be a barrier to their entering education and employment.

Whilst legislation clearly exists to protect children and young people from sexual exploitation, prosecution of abusing adults can be difficult. It is unlikely that a complaint will be made by a child or young person when they feel threatened by the abusing adult(s), or when their families are being threatened or where they are dependent on the reward from that adult(s) or where they perceive themselves to be at risk of prosecution. Therefore utilising legislation and police intelligence gathering of third party information is key in taking matters forward. [York LSCBs Procedure for Child Sexual Exploitation](#) outlines actions to take at each of the three levels of sexual exploitation that will support a stronger likelihood of conviction.

Resources and links

There are many resources available to assist practitioners working with children and young people who may be at risk of, or involved in, sexual exploitation. The National Working Group for Sexually Exploited Children and Young People offers [links to useful websites and services](#)

Relevant Legislation & Guidance

The following legislation and guidance should be taken into account when assessing the risk of sexual exploitation to young people; or, the safeguarding implications of young peoples' sexual activity:

- Children Act 1989
 - Education Act 2002
 - Sexual Offences Act 2003
 - Bichard Enquiry 2004
 - Children Act 2004
 - UN Convention
 - WT 2010
 - Safeguarding Children and Young People from Sexual Exploitation 2009
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Sexual Offences Act 2003

(Only those offences related specifically to children have been described, with others listed).

Part 1: Sexual Offences

Section 1: Rape makes it an offence for a person (A) intentionally to penetrate with his penis the vagina, anus or mouth of another person (B) without that person's consent if A does not reasonably believe that B consents.

Section 2: Assault by penetration where a person (A) intentionally penetrates the vagina or anus of another person (B). The offence is committed where the penetration is by a part of A's body (for example, a finger) or anything else, (for example, a bottle); where the penetration is sexual, so that it excludes, for example, intimate searches and medical procedures; where B does not consent to the penetration; and where A does not reasonably believe that B consents.

Section 3: Sexual assault makes it an offence for a person (A) intentionally to touch sexually another person (B) without that person's consent, if he does not reasonably believe that B consents.

Section 4: Causing a person to engage in sexual activity without consent makes it an offence for a person (A) intentionally to cause another person (B) to engage in sexual activity without that person's consent, if he does not reasonably believe that B consents.

Section 5: Rape of a child under 13 makes it an offence for a person intentionally to penetrate with his penis the vagina, anus or mouth of a child under the age of 13. Whether or not the child consented to this act is irrelevant.

Section 6: Assault of a child under 13 by penetration makes it an offence for a person intentionally to penetrate sexually the vagina or anus of a child under the age of 13 with a

part of his body, such as a finger, or with anything else, such as bottle or other object. Whether or not the child consented to the act is irrelevant.

Section 7: Sexual assault of a child under 13 makes it an offence for a person to touch sexually a child under the age of 13. The meanings of 'touching' and 'sexual' are the same as for section 3. Whether or not the child consented to the act is irrelevant.

Section 8: Causing or inciting a child under 13 to engage in sexual activity makes it an offence for a person intentionally to cause or incite a child under the age of 13 to engage in sexual activity. This section also covers the situation where incitement takes place but the sexual activity itself does not.

Section 9: Sexual activity with a child makes it an offence for a person (A) aged 18 or over to intentionally engage in sexual touching of a child under 16.. 'Touching' covers all forms of physical contact including penetration. Whether or not the child consented to the activity is irrelevant.

Section 10: Causing or inciting a child to engage in sexual activity makes it an offence for a person (A) aged 18 or over, intentionally to cause or incite a child aged under 16 to engage in sexual activity (as defined at section 78). The sexual activity may be with A (e.g., where A causes or incites the child to have sexual intercourse with him), on the child himself (e.g., where A causes or incites the child to strip for A's sexual gratification) or with a third person (e.g. where A causes or incites the child to have sexual intercourse with A's friend). Incitement constitutes an offence whether or not the activity actually takes place. Whether or not the child consented is irrelevant.

Section 11: Engaging in sexual activity in the presence of a child makes it an offence for a person (A) aged 18 or over intentionally to engage in sexual activity, in order to gain sexual gratification, when a child aged under 16 is present or in a place from which A can be observed. The offence is committed if A knows or believes that the child is aware that he is engaging in the activity or intends that the child should be aware of this, e.g., A masturbating himself in front of a child, or A masturbating himself in the presence of the child to whom he is describing what he is doing. It would also cover the situation where A performs a sexual act in a place where he knows that he can be seen by a child, for example via a webcam.

Section 12: Causing a child to watch a sexual act makes it an offence for a person (A) intentionally to cause a child aged under 16, for the purpose of the sexual gratification of A, to watch a third person engaging in sexual activity or to look at an image of a person engaging in sexual activity

NB. Sections 9 - 12: *Where the child is aged 13 or over but under 16, the prosecution must prove that A did not reasonably believe that he was 16 or over.*

Section 13: Child sex offences committed by children or young persons makes it an offence for a person aged under 18 to do anything that would be an offence under any of sections 9 to 12 if he were aged 18 or over. The purpose of this section is to provide a lower penalty where the offender is aged under 18. In practice on whether persons under 18 should be

charged with child sex offences will be made by Crown Prosecutors in accordance with the principles set out in their Code. In deciding whether it is in the public interest to prosecute these offences, where there is enough evidence to provide a realistic prospect of conviction, they may take into consideration factors such as the ages of the parties; the emotional maturity of the parties; whether they entered into a sexual relationship willingly; any coercion or corruption by a person; and the relationship between the parties and whether there was any duty of care or breach of trust.

Section 14: Arranging or facilitating commission of a child sex offence makes it an offence for a person (A) intentionally to arrange or facilitate any action which he intends to do, intends another person to do or believes that another person will do, in any part of the world, which will involve an offence being committed against a child under any of sections 9 to 13.

Section 15: Meeting a child following sexual grooming etc. makes it an offence for a person (A) aged 18 or over to meet intentionally, or to travel with the intention of meeting, a child aged under 16 in any part of the world, if he has met or communicated with that child on at least two earlier occasions, and intends to commit a 'relevant offence' against that child either at the time of the meeting or on a subsequent occasion. An offence is not committed if A reasonably believes the child to be 16 or over.

Section 16: Abuse of position of trust: sexual activity with a child

Section 17: Abuse of position of trust: causing or inciting a child to engage in sexual activity

Section 18: Abuse of position of trust: sexual activity in the presence of a child

Section 19: Abuse of position of trust: causing a child to watch a sexual act

These sections re-enact and amend the offence of abuse of position of trust under sections 3 and 4 of the Sexual Offences (Amendment) Act 2000. The sections each provide that it is an offence for a person (A) aged 18 or over intentionally to behave in certain sexual ways in relation to a child aged under 18, where A is in a position of trust in respect of the child

Section 25: Sexual activity with a child family member makes it an offence for a person (A) intentionally to touch a family member (as defined in sections 27) aged under 18, where the touching is sexual

Sections 26-29: other sexual offences relating to family membership

Section 30: Sexual activity with a person with a mental disorder impeding choice

Section 31: Causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity

Section 32: Engaging in sexual activity in the presence of a person with a mental disorder impeding choice

Section 33: Causing a person, with a mental disorder impeding choice, to watch a sexual act

Section 45: Indecent photographs of persons aged 16 or 17 means that offences under the Protection of Children Act 1978 of taking, making, permitting to take, distributing, showing,

possessing with intent to distribute, and advertising indecent photographs or pseudo-photographs of children will now apply where they concern children of 16 or 17 years of age. The same applies to the offence of possessing an indecent photograph or pseudo-photograph of a child.

Section 47: Paying for sexual services of a child makes it an offence for any person (A) intentionally to obtain for himself the sexual services of a child (B) aged under 18, where those services have been paid for or where payment has been promised. The offence covers the situation where A pays for the services or promises payment either directly to B or to a third party (C) (for example where C is B's pimp) or where A knows that another person (D) has paid for the services or promised such payment. It covers not only a payment of money but any financial advantage.

Section 48: Causing or inciting child prostitution or pornography makes it an offence for a person (A) intentionally to cause or incite a child under 18 (B) into prostitution or involvement in pornography anywhere in the world. The offence is aimed at persons who recruit into prostitution or pornography (whether on a one-off basis or longer term) those who are not involved or not currently involved in it. This could be where A makes a living from the prostitution of others and encourages new recruits to work for him or another (whether those recruits do actually then engage in prostitution or not). It could also cover the situation where A and B live together and A compels B to become involved in pornography, for example in order to pay their rent, or for any other reason.

Section 49: Controlling a child prostitute or a child involved in pornography

Section 49 makes it an offence for a person (A) intentionally to control any of the activities of a child (B) that relate to the child's prostitution or involvement in pornography in any part of the world. The offence is committed even if B's activities in relation to prostitution or pornography are controlled for part of the time by another person. An example of the behaviour that might be caught by this offence is where A requires or directs B to charge a certain price or to use a particular hotel for her sexual services or to pose for a certain photographer and B complies with this request or direction.

Section 50: Arranging or facilitating child prostitution or pornography

Section 50 makes it an offence for a person (A) to arrange or facilitate the involvement of a child (B) in prostitution or pornography in any part of the world. This offence would cover for example, delivering B to a place where he will be used to make pornography or making arrangements for B's prostitution to take place in a particular room.

NB. Sections 47-50: *Where B is 13 or over, the offence will not be committed where A reasonably believes that B is 18 or over. (It will be for the prosecution to prove that A does not reasonably believe that B is 18 or over) However, where B is under 13, A will commit the offence regardless of any reasonable belief he may have about B's age.*

Section 57: Trafficking into the UK for sexual exploitation makes it an offence for a person (A) intentionally to arrange or facilitate the arrival into the UK of a person (B), where A intends to do anything that would result in the commission of a relevant offence involving B,

or believes that another person is likely to do something to, or in respect of, B that would result in the commission of a relevant offence involving B.

Section 58: Trafficking within the UK for sexual exploitation makes it an offence for a person (A) intentionally to arrange or facilitate travel within the UK of a person (B) where A intends to do anything to, or in respect of, B that would result in the commission of a relevant offence involving B, or where he believes that another person is likely to do something to, or in respect of, B that would result in the commission of a relevant offence involving B. ***This offence is intended to apply both to UK nationals who are moved from one place to another in the UK to be sexually exploited*** as well as to others, including foreign nationals, who are, for example, trafficked to London from central Europe and then moved from London to another part of the UK to be sexually exploited.

Section 59: Trafficking out of the UK for sexual exploitation makes it an offence for a person (A) intentionally to arrange or facilitate the departure from the UK of a person (B) where A intends to do anything to, or in respect of, B that would result in the commission of a relevant offence involving B or A believes that another person is likely to do something to, or in respect of, B that would result in the commission of a relevant offence involving B.

Section 61: Administering a substance with intent makes it an offence for a person (A) intentionally to administer a substance or to cause any substance to be taken by another person (B) where A knows that B does not consent to taking that substance and where A intends to stupefy or overpower B so that any person can engage in sexual activity involving B (e.g., 'date rape' and other instances where B does not know or consent to taking substances - it does not cover where B knowingly takes a substance)

Section 62: Committing an offence with intent to commit a sexual offence makes it an offence for a person (A) intentionally to commit any criminal offence with intent to commit any relevant sexual offence as defined in *subsection (2)*. This offence is intended to capture the situation where A commits a criminal offence but does so with the intention of committing a subsequent sexual offence, regardless of whether or not the substantive sexual offence is committed. It would apply, for example, where A kidnaps B so that he can rape him but is caught by the police before committing the rape. It would also apply where A detained B in his flat with this intention, or assaulted B to subdue him so that he could more easily rape him. If A does commit the intended offence, he could be charged with the substantive sexual offence in addition to this offence.

The Child Abduction Act 1984

Part 1

Section 2: Offence of Abduction of child by other persons - a person commits an offence if, without lawful authority or reasonable excuse, he takes or detains a child under the age of sixteen

(a) so as to remove him from the lawful control of any person having lawful control of the child; or

(b) so as to keep him out of the lawful control of any person entitled to lawful control of the child.

NB. This offence can be used in instances of 'harbouring', e.g., where a child is missing, and is staying at an alternative address

The Sexual Offences Act 2003 and the Child Abduction Act 1984 can be downloaded in full from: www.opsi.gov.uk

Children Act 1989

Section 17

A Child is defined as 'in need' by Section 17 of the Children Act (1989) if:

- he or she 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/her of services or
- his/her health or development is likely to be significantly impaired, or further impaired, without the provision for him/her of such services or
- s/he is disabled.

Section 47

Where a local authority has reasonable cause to suspect that a child who lives, or is found, in their area is suffering, or is likely to suffer, significant harm, the authority shall make, or cause to be made, such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child's welfare.

'Harm' is defined as ill treatment, which includes sexual abuse, physical abuse and forms of ill treatment which are not physical, for example:

- emotional abuse or
- impairment of health (physical or mental) or
- impairment of development (physical, intellectual, emotional, social or behavioural)

This may include seeing or hearing the ill treatment of another (s120 Adoption and Children Act 2002).

Working Together 2010

Allegations of harm arising from underage sexual activity

5.25 Cases of underage sexual activity that present cause for concern are likely to raise difficult issues and should be handled particularly sensitively. This includes situations where girls aged under 16 years present at a termination or pregnancy clinic.

5.26 A child under 13 is not legally capable of consenting to sexual activity. Any offence under the Sexual Offences Act 2003 involving a child under 13 is very serious and should be taken to indicate that the child is suffering, or is likely to suffer significant harm.

5.25 Cases involving under-13s should always be discussed with a nominated child protection lead in the organisation. Under the Sexual Offences Act, penetrative sex with a child under 13 is classed as rape. Where the allegation concerns penetrative sex, or other intimate sexual activity occurs, there would always be reasonable cause to suspect that a child, whether girl or boy, is suffering, or is likely to suffer, significant harm. There should be a presumption that the case will be reported to children's social care and that a strategy discussion will be held in accordance with the guidance set out in paragraph 5.56 below. This should involve children's social care, police, health and relevant agencies in discussing appropriate next steps with the professional. All cases involving under-13s should be fully documented, including detailed reasons where a decision is taken not to share information. These decisions should be exceptional and only made with the documented approval of a senior manager.

5.28 Sexual activity with a child under 16 is also an offence. Where it is consensual it may be less serious than if the child were under 13 but may, nevertheless, have serious consequences for the welfare of the young person. Consideration should be given in every case of sexual activity involving a child aged 13–15 as to whether there should be a discussion with other agencies and whether a referral should be made to children's social care. The professional should make this assessment using the considerations below. Within this age range the younger the child the stronger the presumption must be that sexual activity will be a matter of concern. Cases of concern should be discussed with the nominated child protection lead and subsequently with other agencies if required. Where confidentiality needs to be preserved, a discussion can still take place as long as it does not identify the child (directly or indirectly). Where there is reasonable cause to suspect that significant harm to a child has occurred, or is likely to occur, there should be a presumption that the case is reported to children's social care and a strategy discussion should be held to discuss appropriate next steps. Again, all cases should be fully documented including where a decision is taken not to share information.

5.29 The following considerations should be taken into account when assessing the extent to which a child (or other children) is suffering, or is likely to suffer, significant harm and therefore the need to hold a strategy discussion in order to share information:

- the age of the child. Sexual activity at a young age is a very strong indicator that there are risks to the welfare of the child (whether boy or girl) and, possibly, others;
- the level of maturity and understanding of the child;
- what is known about the child's living circumstances or background;
- age imbalance, in particular where there is a significant age difference;
- overt aggression or power imbalance;
- coercion or bribery;
- familial child sex offences;
- behaviour of the child i.e. withdrawn, anxious;
- the misuse of substances as a disinhibitor;
- whether the child's own behaviour because of the misuse of substances places him or her at risk of suffering harm so that he/she is unable to make an informed choice about any activity;

- whether any attempts to secure secrecy have been made by the sexual partner beyond what would be considered usual in a teenage relationship;
- whether the child denies, minimises or accepts concerns;
- whether the methods used are consistent with grooming; and
- whether the sexual partner/s is known by one of the agencies.

NB. Many of the above factors are drawn from the outcome of the Bichard Inquiry into the Soham murders (trainers note)

5.30 In cases of concern when sufficient information is known about the sexual partner/s, the agency concerned should check with other agencies, including the police, to establish what information is known about that person/s. In appropriate cases the police may share the required information without beginning a full investigation if the agency making the check requests this.

5.31 Sexual activity involving a 16- or 17-year-old, even if it does not involve an offence, may still involve harm or the likelihood of harm being suffered. Professionals should still bear in mind the considerations and processes outlined in this guidance in assessing whether harm is being suffered, and should share information as appropriate. It is an offence for a person to have a sexual relationship with a 16- or 17-year-old if that person holds a position of trust or authority in relation to them.

Sexually exploited children

6.2 Children and young people who are sexually exploited are the victims of child sexual 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. This group may include children who have been sexually abused through the misuse of technology, coerced into sexual activity by criminal gangs or victims of human trafficking. Every Local safeguarding Children Board (LSCB) should assume that sexual exploitation occurs within its area unless there clear evidence to the contrary, and should put in place systems to monitor prevalence and responses. The DCSF published guidance in June 2009 on *Safeguarding Children and Young People from Sexual Exploitation*.

6.3 The guidance states that LSCBs should ensure that local procedures are in place covering the sexual exploitation of children and young people. The procedures should be a subset of the LSCB procedures for safeguarding and promoting the welfare of children, and be consistent with local youth offending protocols. The identification of a child who is being sexually exploited, or at risk of being sexually exploited, should always trigger the agreed local procedures to ensure the child's safety and welfare, and to enable the police to gather evidence about abusers and coercers.

6.4 The strong links that have been identified between different forms of sexual exploitation, running away from home, gang activity, child trafficking and substance misuse should be borne in mind in the development of protocols. These should include identifying signs of sexual exploitation, routes for referring concerns, advice on working with other professionals to disrupt sexual exploitation and support victims, gathering and preserving

evidence about perpetrators, as well as how to deal with more complex issues such as those relating to the increased use of the internet in sexual exploitation.

In addition, Chapter 6 of Working Together 2010 offers guidance on related issues, including:

- Children affected by gang activity;
- Investigating complex (organised or multiple) abuse;
- Female genital mutilation;
- Forced marriage and honour-based violence;
- Child victims of trafficking

North Yorkshire Police Child Sexual Exploitation Information Sharing Report

Date/Time of report

Your Ref Code;

Details of Professional submitting:

Name				
Post/Job Title				
Agency				
Contact Details	Tel: Email:			
Witnessed Incident	<input type="checkbox"/>	Member of Public	<input type="checkbox"/>	Professional

If the information was supplied by someone other than yourself, on a scale of 1-5 how reliable do you think they are? (5 = Always Reliable and 1 = Unreliable).....

How accurate is the information on a scale of 1-4?

(4 = Known to be true beyond doubt to 1 = suspected to be false).....

(If you are not able to say re above two questions please state this rather than guess)

If the information is from a 3rd party would they be willing to engage with the Police?

Have you made any other referrals or reports to any other agency regarding this or associated matters? (e.g NY Police; CYC Advice and Assessment team; YOT)

YES/NO – If YES, please state which agency.....

Please provide information: Include as much detail as possible re names/dates of birth/descriptions/nicknames/vehicle details/addresses - which should include residence if known, location of incident, school/college/work place attended etc:

If relevant, does the practitioner know that it is illegal to have sex under 16 years? (it is statutory rape for under 13 years) YES/NO

If relevant, has this been discussed with the young person? YES/NO

If yes, does the young person understand the issues and implications? YES/NO

Fax number:

Email address: PVPSOUTH@northyorkshire.pnn.police.uk

NY Police Child Sexual Exploitation Information Sharing Guidance

This form is intended for the sharing of information relating to possible Child Sexual Exploitation.

Government guidance uses the following description of child sexual exploitation:

‘Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive ‘something’ (e.g., food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of their performing, and/or another or others performing on them, sexual activities. It can occur through the use of technology without the child’s immediate recognition; e.g., being persuaded to post sexual images on the internet/mobile phones without immediate payment or gain. In all cases, those exploiting the child have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child’s limited availability of choice resulting from their social/economic and /or emotional vulnerability.’

(Safeguarding Children and Young People from Sexual Exploitation, 2009).

This form, once completed, should be submitted, electronically, to North Yorkshire Police Protecting Vulnerable Persons Unit (South) at PVPSOUTH@northyorkshire.pnn.police.uk where the information will be analysed and held by the intelligence section within strict data protection guidelines.

This form is for sharing information that may assist in the prevention, disruption or prosecution of child sexual exploitation, but that does not alone relate to a child protection issue or a criminal offence.

Submission of this form does not replace the duty to refer child protection concerns, or to report a crime.

The information sharing levers relevant to use of this form are contained in: The Crime and Disorder Act 1989 (prevention and detection of crime); and, The Data Protection Act 1988 (prevention and detection of crime and/or apprehension of offenders; and, protection of personal data). Under the provisions in the above acts, it is not necessary to obtain consent to share relevant information.

Child sexual exploitation is a crime, as set out in the Sexual offences Act 2003; and is a child protection issue as set out in the Children Act 1989. For the purposes of both acts, an individual is a child up to their 18th birthday.

If you have a concern relating to safeguarding children, you should follow your agency safeguarding procedures.

If you want to report a crime, you should contact the police on either 999 (emergency) or 101 (Police national non-emergency number)

If you have information to share:

Discuss the information with your line manager or designated lead for safeguarding or child sexual exploitation (if you have neither of these, discuss with the person identified in your own agency safeguarding procedure). Agree the nature of the information (i.e. is it a safeguarding concern, related to a criminal offence – if either of these, see above) and, if it is information related to possible child sexual exploitation, agree who will complete and submit the form. If there may be a safeguarding concern and/or an issue related to a possible criminal offence, you should seek further advice from the relevant agencies (i.e. CYC Children’s Advice and Assessment service or North Yorkshire Police) and, if agreed make a referral or report as appropriate.

Risk Assessment Framework (London LSCBs)

Category	Education	Running away / Going missing	Sexualised Risk taking	Rewards	Contact with abusive adults and/or risky environments	Coercion/ Control	Sexual Health	Substance Use	Emotional Health
1	Truancing from school.	Regularly coming home late. Absent without permission and returning late.	Overt sexualised dress/attire. Getting into men's cars. Meeting adults through the internet.	Unaccounted for monies and/or goods.	Associating with unknown adults and/or other sexually exploited children.	Reduced contact with family/friends.	Sexually transmitted diseases (STIs.)	Experimenting with alcohol/drugs.	Poor self image. Expressions of despair: Internal <ul style="list-style-type: none"> • Cutting • Overdosing • Eating disorder • Sexualised risk taking
2	Non school attender/ excluded. Regular breakdown of school placements due to behavioural problems.	Frequently staying out overnight without explanation. Episodes of running/going missing. Persistently running/going missing from	Getting into men's cars. Meeting adults through the Internet. Clipping (offering to have sex and then running upon	Unaccounted for monies and/or goods, especially jewellery and mobile phones.	Associating with unknown adults and/or other sexually exploited children/young people. Extensive use of phone, particularly late at night. Having access to premises not known to parent/carer. Reports from reliable sources, suggesting	Limited contact with family/friends. Disclosure of physical/sexual assault followed by withdrawal of allegation. Physical injuries - external/internal.	Multiple STIs. Miscarriages. Terminations.	Regular use of substances. Concerns for drug dependency.	Chronic low self esteem. Expressions of despair: Internal (Self-Harm) <ul style="list-style-type: none"> • Cutting • Overdosing • Eating disorder • Sexualised risk taking

		placement. Looking well cared for despite having no known base. Regular breakdown of placements due to behavioural problems.	payment.) Older boyfriend (5+ years.)		involvement in sexual exploitation. Seen in known red light districts.				External (Intensive Acting out): <ul style="list-style-type: none"> • Bullying/threatening behaviour • Violent outbursts • Offending behaviour
3	Non school attender/ excluded. Regular breakdown of school placements due to behavioural problems.	Persistently running away/going missing from placement. Pattern of street homelessness.	Older boyfriend (5+ years.) Clipping (offering to have sex and then running upon payment.)	Unaccounted for monies and/or goods.	Picked up in red light district. Having access to premises not known to parent/carer.	Disclosure of physical/sexual assault followed by withdrawal of allegation. Abduction and forced imprisonment (described by young people as 'locked in'.) No contact with family/friends. Disappear from system (no contact with support systems.) Physical injuries external/internal.	Multiple STI's. Miscarriages. Terminations.	Chronic drug dependency (particularly crack/heroin.)	Chronic low self esteem. Expressions of despair: Internal (Self-Harm) <ul style="list-style-type: none"> • Cutting • Overdosing • Eating disorder • Sexualised risk taking External (Intensive Acting out): <ul style="list-style-type: none"> • Bullying/threatening behaviour • Violent outbursts • Offending behaviour

