

***SEXUAL EXPLOITATION,
OR RISK OF SEXUAL
EXPLOITATION,
THROUGH
PROSTITUTION:
SAFEGUARDING
CHILDREN AND YOUNG
PEOPLE***

**Safeguarding Children and Young People
North East England
Regional Inter-agency Procedures**

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In order to produce the documents, a regional project was initiated and sustained by a multi-agency partnership working across the twelve local authority areas in the North East of England. Extensive inter-agency consultation took place on the draft documents, with the final versions being amended on the basis of the responses.

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PREFACE

NORTH EAST INTER-AGENCY SAFEGUARDING CHILDREN PROCEDURES

Sexual Exploitation

The Area Child Protection Committees (ACPCs) and Local Safeguarding Children Boards (LSCBs) in the North East acknowledge that there are children and young people in the area who are being exploited through prostitution, or are at risk of being exploited.

The purpose of this document is to highlight specific issues for children and young people who are being sexually exploited through prostitution or at risk of such exploitation. It identifies additional responsibilities of agencies involved in working with and protecting young people and children. It also provides anyone working with children and young people with basic information on issues of sexual exploitation.

Status of the Document

The procedures in this document apply to all staff of agencies represented on the ACPCs and LSCBs in the North East of England. Staff of these agencies should:

- Comply with the procedures, unless there are exceptional reasons, which should be recorded.
- Take account of the rest of the contents.

ACPCs and LSCBs and their constituent agencies should ensure that any other inter-agency or internal procedures/guidance/protocols are consistent with this document.

Principles

- All children and young people should be safe and able to develop to their full potential.
- The needs of the child or young person are paramount and should underpin all work to safeguard children.
- All children and young people deserve the opportunity to achieve their full potential.
- All children and young people have the right to be safeguarded from harm and exploitation whatever their:
 - Race, religion, nationality, first language or ethnicity
 - Gender or sexuality
 - Age
 - Health, physical or learning disability
 - Location or placement
 - Criminal behaviour, where this applies
 - Political or immigration status.
- Responsibility for the protection of children and young people must be shared because they are safeguarded only when all relevant agencies and individuals accept responsibility and co-operate with one another.
- Statements or allegations about abuse or neglect, made by children and young people, must always be taken seriously.
- The wishes and feelings of children and young people, which are vital elements in assessing risk and formulating protection plans, must always be sought and given weight, according to the level of understanding of the child or young person.
- No child or young person should be allowed to feel responsible for actions taken by professionals, nor for the outcomes.
- During enquiries, the involvement and support of those who have parental responsibility for, or regular care of a child or young person, should be encouraged

and facilitated, unless doing so compromises that enquiry or the immediate or long term welfare of the child or young person.

“The basic requirement that children are kept safe is universal and cuts across cultural boundaries. Every child living in this country is entitled to be given the protection of the law, regardless of his or her background. Cultural heritage is important to many people, but it cannot take precedence over standards of childcare embodied in law. Every organisation concerned with the welfare and protection of children should have mechanisms in place to ensure equal access to services of the same quality, and that each child, irrespective of colour or background, should be treated as an individual requiring appropriate care.”

Victoria Climbié Inquiry Report 2003

1. LEGISLATION: MAIN ACTS

The Children Act 2004

Children and Adoption Act 2002

Children Act 1989

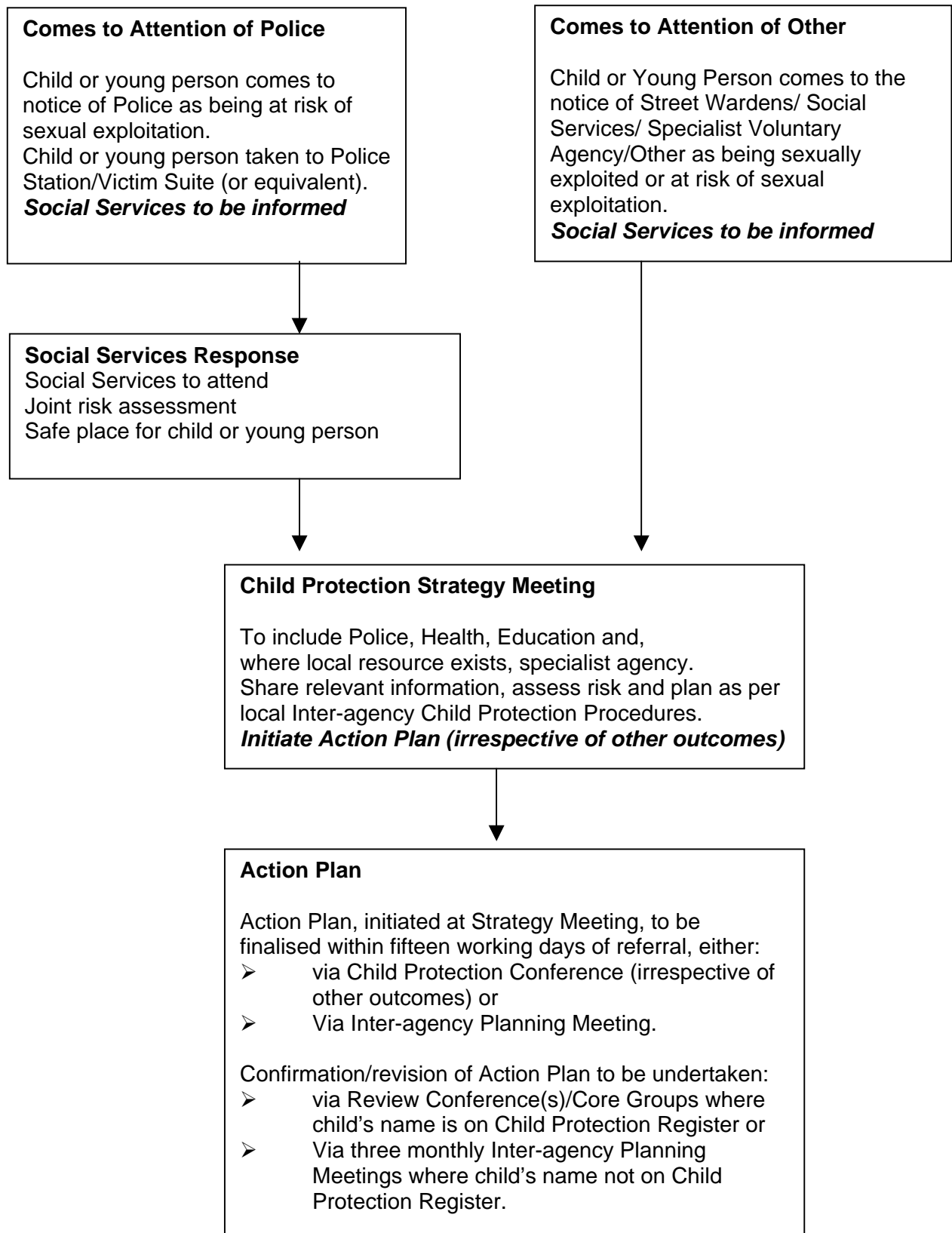
The Sexual Offences Act 2003

Sexual Offences Act 2003 Section 59

(See Appendix 1 for further information).

2. PROCEDURES

2.1 Flowchart Sexual Exploitation



2 INTER-AGENCY PROCEDURES

2.1 Flowchart Sexual Exploitation

See Flowchart on previous page

2.2 Information Sharing

Matters of information sharing, confidentiality and data protection are covered in the Government guidance 'What to do if you're worried a child is being abused' (and in the summary version of the same document).

2.3 Interpreting Services

Interpreting services should be obtained for any child or young person for whom English is not their first language or where communication is by other than spoken language. (See Section 3.10 for further information about Interpreting Services).

2.4 Referral to Social Services

Children and young people, who are being sexually exploited through prostitution, or may be at risk of this, can come to the attention of any practitioner in any agency, including Health, Education, Voluntary Agencies, Housing, Street Wardens, Asylum Seekers Teams etc. (See Section 2.5 below for when the child/young person comes to notice of the Police)

Any child or young person in this situation is to be referred to Social Services. In all instances there is to be a response under child protection procedures and a Strategy Meeting convened.

2.5 Child/Young Person Comes to Notice of Police

Police Officers coming into contact with children and young people who are being exploited through prostitution will take the child or young person to the local police station or victim suite (or equivalent).

Social Services/Emergency Duty Team (or equivalent) will be contacted and asked to attend, within an hour, to undertake a joint risk assessment with the Police Officer and to identify a safe place where the child or young person can be taken. (If resources do not allow Social Services to send a member of staff within an hour; it will at the discretion of the Police to decide if they can wait longer. If not, the Police will attempt to find a safe place for the child or young person to be taken and inform Social Services that this has occurred).

The risk assessment should seek to identify any perpetrator(s) or further risks to the child or young person, in accordance with 'Achieving Best Evidence'. This will help establish whether an offence can be investigated. Any evidence that may assist in proving offences committed against the child or young person (e.g. CCTV, clothing, witnesses, medical, photographs, etc) should be secured. Any further risks to the child or young person also need to be identified.

If the child or young person has been sexually assaulted, a discussion must be held with the child or young person as to whether he or she requires a medical examination. If so, the examination should be undertaken in line with local inter-agency child protection procedures.

In identifying a safe place for the child or young person, consideration should be given to possible provision of accommodation by friends, family, fostering or residential services,

giving also consideration to the possible impact of the child or young person's placement on carers, staff and other children and young people.

The Police Officer will share information with the local project (where these exist) that provides services for children and young people being sexually exploited. The Police Officer will also fax a written report giving details of the child or young person and the incident to the appropriate Child Protection Police Officers/Child Protection Police Unit.

2.6 Child/Young Person Already Known to Social Services

The child or young person concerned may currently have Social Services involvement and be subject to an Action Plan aimed at enabling the child or young person to exit the exploitation. Where information comes to light that the child or young person is continuing to be exploited through prostitution, it is not necessary for Social Services to again trigger child protection procedures or hold a Strategy Meeting. However, an inter-agency meeting of all involved should be convened, within five working days, to share relevant information, review the child or young person's situation and revise the action plan.

2.7 Strategy Meeting

With the exception of a child or young person who is already known to agencies, as described above, Social Services should convene a Strategy Meeting (as opposed to a telephone Strategy Discussion). This applies whether or not the referral was received from the Police.

Representatives from Police, Health, Education, and others involved with the child or young person and family, should attend. It is essential that a representative from any local specialist project, providing services to children and young people exploited through prostitution, be involved in the meeting.

In addition to the usual requirements of a Strategy Meeting, as per local Child Protection Procedures, the meeting should consider whether:

- a parent or carer is involved in, or is condoning, the exploitation, or knowingly failing to prevent it.
- the child or young person is living in an abusive environment e.g. a coercer's residence, brothel or place where the child or young person has regular contact with child abusers or coercers.
- the child or young person, or known acquaintance(s), have been moved into the region for the purpose of sexual exploitation, including the trafficking of children and young people.
- any of the information is relevant to agencies outside the local authority area and if so, make arrangements for this to be passed on.

The Strategy Meeting should initiate an Action Plan, irrespective of any other outcomes of the Strategy Meeting.

2.8 Action Plan

(See also Section 3.9 'Action Plan Guidance' and Appendix 2: Action Plan Example)

Social Services are responsible for ensuring that an Action Plan is in place. It should be initiated at the Strategy Meeting and developed on the basis of ongoing enquiry/assessment. At a maximum, an agreed robust inter-agency Action Plan should be place within fifteen working days of referral.

Where the child or young person is subject to an Initial Child Protection Conference, the Action Plan should be confirmed or finalised via the Conference, whether or not the child or young person's name is placed on the Child Protection Register. If registered, the Action Plan should be revised as necessary through Review Conference/Core Group arrangements. If not registered, or when subsequently de-registered, the Action Plan should be confirmed or revised at three monthly Inter-agency Planning Meetings, or more often if necessary.

Where the child or young person is not subject to an Initial Child Protection Conference, the Action Plan should be confirmed or finalised via an Inter-agency Planning Meeting, to be held within fifteen working days of referral. Subsequent confirmation or revision of the Action Plan should take place at further Inter-agency Planning Meetings to review the situation of the child or young person. These should be held on a three month basis or more often if necessary.

The child or young person should be involved as far as possible in planning.

2.9 Parents/Carers

It is essential that the role played by parents/carers be ascertained at an early point. They may be able to provide valuable information about the behaviour of the child or young person and any associated adults. They may be able to provide a key role in assisting the child or young person to exit the sexually exploitative situation and recover from its effects. On the other hand, a parent/carer may be actively involved in the child or young person's exploitation or knowingly failing to prevent it.

In situations where a child or young person has been trafficked into the country, there is a possibility that the presenting parents/family are not, in reality, the family of the young person. Their identities and the nature of their relationship with the child or young person should be examined.

2.10 Child Protection Conference

Following child protection enquiries, a Child Protection Conference should be held if the child or young person is at continuing risk of significant harm. Factors for consideration include:

- A parent or carer is involved in, or is condoning, the exploitation, or is knowingly failing to prevent it.
- The child or young person continues to live within an abusive environment e.g. a coercer's residence, brothel or other environment in which the child or young person has regular contact with child abusers or coercers.
- The child or young person's level of co-operation and engagement with services is nil or low.
- The child or young person has been moved into the region for the purpose of sexual exploitation, including the trafficking of children and young people into the country.
- It is thought by agencies involved that holding a Child Protection Conference is necessary in order to protect the young person.

If a Child Protection Conference is held and the child or young person's name is placed on the Child Protection Register, protection planning should include the Action Plan. If not registered, or when de-registered, planning should take place as described in Section 2.4 above.

2.11 Prosecution of the Child or Young Person

Police powers to prosecute the child or young person should not be invoked unless there is a persistent, voluntary return to prostitution. The Police should consult with the other agencies involved before a decision is made to prosecute, or caution, the child or young person.

2.12 Case Closures and Transfers

Social Services should continue with their involvement until the risk of actual or likely harm to the child or young person has been reduced, support needs have been addressed and recommendations from an inter-agency review (e.g. Child Protection Conference or inter-agency planning meeting) have been considered.

At the point of case closure by Social Services or transfer to another area, Social Services should ensure that other involved professionals are informed, including those who were involved in the Strategy Meeting/Discussion.

If the child or young person moves permanently to another local authority area in the UK, Social Services should make a referral to the Social Services in the new area and make formal arrangements to hand over case responsibility.

If the child or young person leaves the UK, Social Services should provide the Social Services or equivalent in the receiving country with information in relation to the child protection/child in need concerns for that child or young person.

3. INFORMATION TO ASSIST GOOD PRACTICE

“Although not always prominent or visible, children are involved in prostitution across England and Wales. It is important to recognise that a child involved in prostitution cannot be considered to be a miniature adult, capable of making the same informed decisions as an adult can about entering and remaining in prostitution. Increased awareness and research has shown that the vast majority of children do not enter into prostitution willingly and that their involvement is indicative of coercion or desperation rather than choice.” ‘Safeguarding Children Involved in Prostitution’ DOH 2000.

3.1 Key Principles regarding Sexual Exploitation

In order to respond effectively to children and young people who are being sexually exploited through prostitution, or are at risk of this, it is essential that all agencies work together to:

- Actively investigate the problem of children and young people involved in prostitution and at risk of becoming involved.
- Treat the child or young person as a victim of abuse.
- Safeguard the child or young person and promote his or her welfare.
- Provide children and young people with strategies to leave the sexual exploitation and recover from its effects.
- Investigate and prosecute those who coerce, exploit and abuse children and young people.

Children and young people being exploited through prostitution are being abused and are physically, emotionally and sexually at risk and are often suffering neglect.

It is important to listen to children and young people, to be honest about what is likely to happen if they share information and to keep them informed about the process.

Those who are involved in the sexual exploitation of children and young people as engagers (punters) or procurers (pimps) should be regarded as child sex abusers.

Those individuals who are known or suspected to be involved in the sexual exploitation of children and young people should be regarded as potential sexual abusers in relation to any child or young person for whom they may have parental/caring responsibilities, within a family or professional context.

There is to be no labelling and stigmatising of a child or young person because he or she has been sexually exploited through prostitution.

3.2 Definitions/Terminology

Definitions/terminology need to remain flexible to avoid the risk of excluding children and s people who are being sexually exploited. This is to ensure the protection and support of those children and young people for whom the definition of sexual exploitation may not apply.

Sexual exploitation

The term ‘sexual exploitation of children and young people’ is the term used by professionals, as this clearly states what is happening to young people. Children both male and female are the victims of sexual exploitation.

In this document, sexual exploitation of children and young people is defined as:

- Child or young person being used sexually for the gains of an abusing adult and an additional child abuser(s) as organised by the abusing adult (to be prostituted).
- Child or young person being used sexually by a child abuser, with that abuser negotiating and/or providing a reward in return for the sexual act(s), which may include watching or listening to a child or young person have sex, whether in a solo, coupled or group situation (to prostitute).

Consent to sexual activity

The Children Act 3004 defines a child as all those under 18 (and 18, 19 and 30 if he or she has been in care or has learning difficulties). 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 with them, irrespective of whether the child sees it as abusive or not.

Reward

The child or young person may be given rewards by the abusing adult, such as money, goods, drugs, food, accommodation etc. or perceived love and attention, which can tie the child or young person into the exploitation. It is important that such 'gains' are recognised, in order to enable a child or young person to exit and recover from the sexual exploitation.

It can also be that the 'reward' is that the child or young person survives or is spared violence or that his or her family is spared violence.

3.3 Pattern of Control and the Abuse Triangle

This section comes from 'Whose Daughter Next? Children Abused Through Prostitution' Barnardo's 1998.

Girls do not make their own decision to 'sell sex'. They are almost always shown a way into this world by an older person, usually a man. The process often starts when a young man aged between 18 and 25 begins a relationship with a vulnerable girl, usually in the age range 12 to 14. The pattern of control typically goes through the following four stages.

Stage one: ensnaring

A girl meets a young man who impresses her with his maturity, good looks, money, car and lifestyle. He soon becomes her boyfriend. He makes her feel special and important, lavishing attention on her, buying her clothes and jewellery. This often includes a ring, which leads her to believe that he is making a special commitment to her. They begin a sexual relationship and she falls 'head over heels' in love.

At this stage the girl may be living at home, and the relationship may even have the blessing of her parents, who could think of him as a nice young man.

Contact between the girl and her 'boyfriend' will typically be three or four times a week. The presence of an 'older boyfriend' gives the girl special status with her friends. He very quickly becomes the most important person in her life.

Stage two: creating dependency

The 'boyfriend' needs to make the girl completely dependent on him. He becomes very possessive. He tells her that if she loves him she doesn't need anyone or anything else. She interprets this possessive attention as a sign of his passionate love. She thinks he is jealous. She feels flattered, comforted and even protected by his intense interest.

As 'proof of her love' she willingly destroys particular objects of importance or sentimental value that have any significance in her life outside the relationship, such as photos, jewellery and address book, or he might destroy them with her consent. In some cases he will even call the girl by a different name, which further erases her sense of an identity separate to the relationship.

At the beginning she persuades herself that she's only making small sacrifices which are not important. But gradually he destroys her ties to others, making her relinquish friends and even reject her family. The 'boyfriend' may support a girl in accessing the care system, so that his contact with her is made easier. She can also become physically isolated by agreeing to be kept in a room or flat.

Stage three: taking control

He now begins to control all aspects of her life - where she goes, who she sees, what she wears, when and what she eats and even, in extreme cases, when she goes to the toilet.

At this stage, the 'boyfriend' frequently begins to be violent. Whilst there can be physical violence, it is often the threat more than the actual act that maintains the girl in a constant state of fear. The 'boyfriend's' violent outbursts tend to be inconsistent, reinforcing petty rules and are similar to abusive domestic violence situations. During this stage the girl often becomes frightened, but she makes excuses for his behaviour, not only because she cannot face up to what is happening but also because she still loves him. She justifies his behaviour by taking the blame upon herself, believing she deserved it.

She believes that one more sacrifice, one more 'proof of her love', will end the violence, save the relationship and her boyfriend will return to be the loving, caring person he was at the beginning. Similar to other victims of abuse, she feels it is her fault, that she must have done something wrong to change him. How can she tell anyone, especially as she has boasted about the relationship to all her friends? She is alone and isolated and cannot believe that anyone would understand. Above all she still loves him and this emotion often outweighs all the harm.

Granting small indulgences at this point, such as soft drugs and alcohol, reinforces him as 'the good guy' and is another part of the process of undermining her resistance. Sporadic acts of 'generosity' are more effective as a means of control than constant physical harm and abuse.

Stage four: total dominance

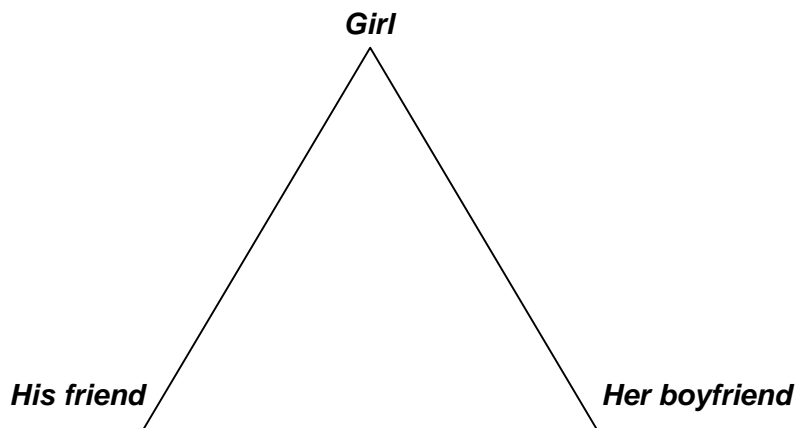
The cumulative effect of the three previous stages is that the 'boyfriend', having become the all important person in the girl's life, has created a 'willing victim'. Simple compliance from her will rarely satisfied him as he also demands respect, gratitude and love.

The final step is when she agrees to have sex with another man, often one of his 'friends'. She does not see any money change hands. In other cases girls are put straight on to the streets, told how to 'earn the money' and are watched. Sometimes the boyfriend will convince her that he desperately needs her help and will demand that she provides sexual favours for other men as further proof of her love for him. The girl will endure extreme

sexual humiliation, and will even entrap other girls for her boyfriend and his friends, as a result of this completely dominating relationship.

The Girl's Triangle

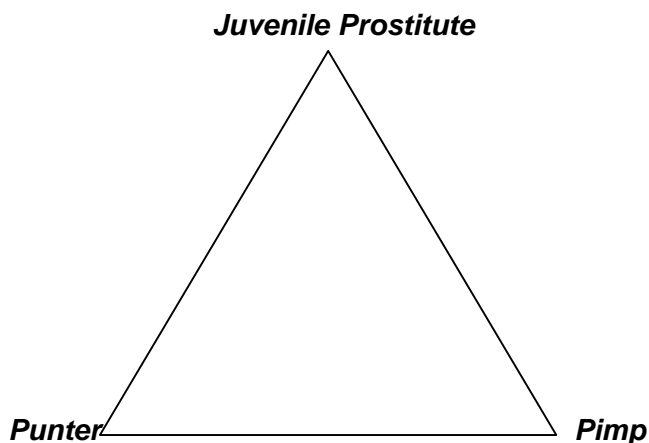
The term 'boyfriend' is crucial, as it is the girl's perception of the relationship which sustains the control and abuse. For her, the relationship is intense and very special.



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

In this commonly accepted view, the girl is seen as a prostitute, not as an abused child.

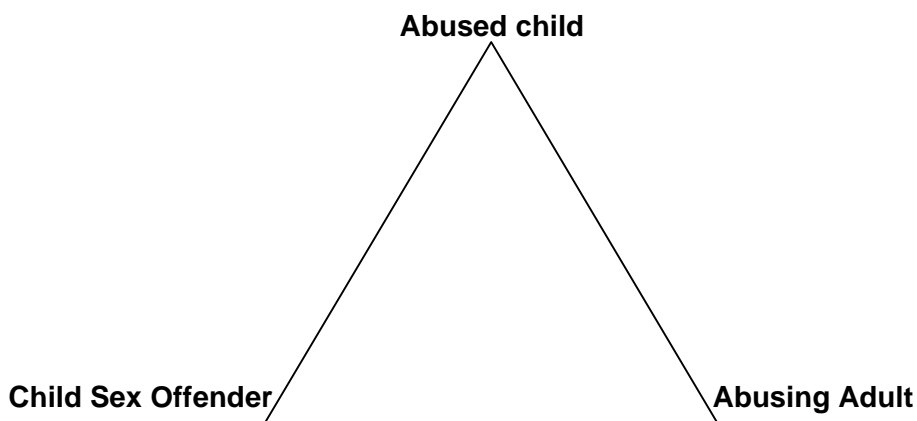


Language is important as it underpins assumptions, attitudes and perceptions.

Referring to a child as 'prostitute' and to the men as 'pimps' and punters' implies that children are making informed choices and decisions.

The Abuse Triangle

In reality the prostitution triangle is the abuse triangle.



The girl is not a juvenile prostitute, she is a child who is being abused. The 'pimp' is an abusing adult, who controls and coerces, assaults and rapes and in extreme cases tortures.

Similarly the 'punter' is a child sexual abuser.

3.4 Prosecution of Victims of Sexual Exploitation

The exiting and recovery of children and young people out of prostitution 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, Social Services, specialist agencies and the Crown Prosecution Service.

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.

If a young person continues to put herself or himself in a situation where they can be sexually exploited through prostitution, 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.

3.5 Prosecution of Abusing Adults

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.

3.6 Risk Factors and Indicators

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.
- History of care.
- 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 risk 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.

3.7 Risk Behaviours

It may be that child or young person is demonstrating behaviours that indicate involvement in sexual exploitation, or that he or she are at risk of being involved, for example:

- Association with older adults. This may be in the form of a relationship in which the adult grooms the child or young person into a situation whereby they can then sexually exploit them. It may be that the child or young person has a perception that the adult is their partner or they associate regularly with one or more older adults.
- Running away or frequently missing from home with whereabouts unknown. Missing from home does not have to only be at night as sexual exploitation of children and young people can happen at any time of the day.
- Possession of unexplained gifts or money. This may include a new mobile phone which can be used by an abusing adult to keep track of the child or young person, or may be used by the child or young person to arrange meetings with abusers.
- Association with other children and young people who are being sexually exploited or adults involved in prostitution, escorting or other sexual services.
- Being dropped off or picked up by an unknown adult. This may include being transported by the same taxi driver or company despite the child or young person generally being unable to afford taxi fares.
- Physical symptoms such as sexually transmitted infections, bruising or marks in places that would suggest physical assault, including sexual assault.
- Reports that a child or young person has been seen in locations known or suspected to be associated with the sexual exploitation of children. This may include certain streets, industrial areas, lorry parks, public toilets, flats or houses, or within related chat rooms or on related phone chat services.

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, utilising 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.

3.8 How Practitioners may become Aware

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.

3.9 Action Plan Guidance

Any child or young person involved in sexual exploitation should be subject to an inter-agency Action Plan.

An action plan is aimed at enabling a child or young person to exit and recover from sexual exploitation through prostitution, or to avoid being drawn into it. The approach should be holistic, trying to answer the questions of how and why this child or young person came to be in this position, what their needs are, how they can be helped to exit and recover and who is going to do what to help them.

The action plan should identify the issues for the child or young person involved and state what is to happen in respect of those issues and who is responsible for ensuring this happens. For example, if drug or alcohol misuse is an issue, then a local service should be sought to address this. Similarly if housing is an issue, then the involvement of local housing services will be required. If a perpetrator is involved, there will be a role for the Police in leading on the detection and ensuring the sharing of relevant information.

Depending on the resources available locally, the role of the Social Worker may vary. For example, if a specialist service is available to help children and young people exit sexual exploitation, the worker from the specialist service may undertake much of the direct work with the child or young person or work on their behalf.

The child or young person should be involved in planning for their future, as far as possible.

(See Appendix 2: 'Action Plan Example').

3.10 Interpreting Services

If an interpreter comes from the child's community, or is known to them, it may be difficult for them to speak openly about their experiences and may cause conflict of interest. The child or young person's wishes must be taken into account.

It is important to recognise that people who have only partial understanding of the English language will be unable to express themselves adequately about personal issues or complex matters. This in turn could affect perceptions, relationships, accuracy and the effectiveness of service provision.

3.11 Engaging and Working with Children and Young People

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.

It is vital that professionals and agencies work together to reach children and young people who are being sexually exploited through prostitution, or at risk of this.

Services that provide material benefits, such as accommodation, can often be a key factor in the engagement process.

Efforts should be made to reach out to these children and young people, rather than expecting them to voluntarily come to services.

Many children and young people who want to engage with a service will have a number of reservations, concerns and queries, which can impact upon their ability to become fully involved. Some of these include:

- Boundaries of confidentiality and information sharing.
- Statutory responsibilities.
- Why people are concerned and why a referral to a service has been made.
- The working process within that agency, e.g. number of sessions on offer, reviews, recording, methodology.
- Sexual exploitation, what it means to the child or young person and the effects it may have.
- What will replace the gains from prostitution if they stop.
- Sexual health issues including safer sex.
- Drug health issues including safer drug use.
- Self esteem/self worth.
- Goals/ambitions.
- Mental health.

- Social skills.
- Employment and education.
- Housing / accommodation.
- Relationships and sexual relationships.
- Abuse issues.
- Issues relating to explicit material continuing to be circulated, for example, photographs, videos or other recordings which were circulated as part of the exploitation of the child or young person may continue to be circulated for the rest of their lives.

How these issues are communicated and explored with children and young people is very important and will vary from one child or young person to another.

Some children and young people may respond best to counselling situations, others to more informal one-to-one sessions, whilst others may benefit by being in group situations and outreach work. Others may prefer practical activities, explorative play, art or drama, or a combination of methods. The key point is that their individual needs are considered and responded to.

3.12 Communicating with Children and Young People

For some children and young people there may be additional factors where communication is concerned. Children and young people should be consulted about their needs, services, family and others. If a child or young person finds it difficult to talk to a professional from one of the statutory agencies, consideration should be given to others, for example, voluntary agency workers who can be used to assist.

Communicating with children and young people is grounded in trust, which takes time to develop. Using an anti-oppressive approach, staff should ensure good practice and:

- Have a sound knowledge of child development and the cognitive, emotional and social developmental stage of the particular child or young person.
- Create a comfortable, relaxed space in which to work, one where the child or young person feels at ease.
- Have a consistent amount and range of materials/tools available, to facilitate communication.
- Take a holistic view of the child or young person.
- Start conversations by sharing basic information about themselves, say how pleased they are to meet the child or young person and why they are working with them.
- Talk at eye level, allowing eye contact if that is what is needed.
- Be honest with the child or young person in what is conveyed and about the limitations of their involvement and the boundaries of their relationship.
- Allow the child or young person to choose how physically close or distant he or she wishes to be.
- Allow the child or young person to set the pace of the communication and give her or him some control over their approach.
- Learn the preferred methods of communication of the child or young person and encourage her or him to use whatever he or she finds most helpful.
- Learn how the child or young person views herself or himself and the world around.
- Try to understand the world of the child or young person and how he or she has explained to themselves what has happened.
- Receive whatever the child or young person is trying to communicate and regularly check out the understanding.
- Be aware of the presenting behaviour of the child or young person but look behind this to find the hurt that lies beneath, looking for non-verbal cues.

- Attend to the feelings and emotions of the child or young person, as well as the words.
- Not make promises that can't be kept.
- Not ask probing questions, use jargon or clichés.
- Not interrupt or finish the child or young person's sentences, nor be afraid of silences.
- Not follow their own agenda or jump to conclusions.

3.13 Other Relevant Regional Procedures

Reference should be made to the North East Regional Procedures 'Safeguarding Children and Young People from Abroad' (2005) and 'Safeguarding Children and Young People from Forced Marriage (2005)

APPENDIX 1: LEGISLATION – FURTHER INFORMATION

1. 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.

2. Children Act 1989 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).

3. Sexual Offences Act 2003 Section 47: Paying for the sexual services of a child

Section 47 makes it an offence for any person to intentionally obtain for himself the sexual services of a child aged under 18 where, in advance of obtaining those services he has made or promised payment, or knows that another person has made or promised such a payment. This removes the previous notion that a negotiation of payment with a child or young person has meant that the he or she has given their informed consent.

This offence is not committed if the defendant reasonably believes that a child aged 13-17 is aged 18 or over. It will be for the prosecution to prove that the defendant did not reasonably believe that the child was aged 18 or over. Where the child is aged under 13, the defendant will commit the offence regardless of any reasonable belief about the child's age.

Section 47 subsection 3 of the Sexual Offences Act 2003 sets out the circumstances under which the maximum penalty for this offence would be life imprisonment on conviction of indictment. Those circumstances are where the child is under 13 years old, and the sexual activity paid for involved penetration of the child's anus or vagina with any part of the adult's body or any other object, penetration of the child's mouth with the adult's penis, penetration by the child of the adult's anus or vagina, with any part of the child's body or anything else, or penetration of the adult's mouth with the child's penis.

Subsection 4 states that where the offence involved a child under 13 but there was no penetration as set out in subsection 3 (see above), or where the offence involved sexual

activity with a child aged 13, 14 or 15, the maximum penalty for the offence is 14 years imprisonment, and the offence is triable summarily or on indictment.

Subsection 5 explains that where the offence involves a child aged 16 or 17, the offence is triable summarily or on indictment and has a maximum penalty of 7 years imprisonment.

4. Sexual Offences Act 2003 Section 48: Causing or inciting child prostitution or pornography

Additionally the Sexual Offences Act 2003 Section 48 makes it an offence for a person (A) intentionally to cause or incite a child into prostitution or involvement in pornography in any part of the world. The pornography / prostitution do not have to have taken place for the offence to be committed.

The causing or inciting in this instance must take place in the UK. However the prostitution or pornography can take place, or be intended to take place in any part of the world.

There is no requirement that the prostitution or pornography be done for the gain of A in order for an offence to have been committed.

5. Sexual Offences Act 2003 Section 49: Controlling a child prostitute or a child involved in pornography

This section makes it an offence for a person (A) to intentionally control any of the activities of a child (B) that relate to B's prostitution or involvement in pornography in any part of the world. 'Any of the activities' is specified to ensure that it captures situations in which only part of the child's time is controlled. An example of the type of behaviour which the offence targets is where A directs B to charge a certain price for a particular sexual service and B complies with this request or direction. Alternatively, it could be directing a child to pose for an indecent photograph or film.

Again the controlling must take place in the UK but the prostitution or pornography can take place in any part of the world. There is no requirement that the prostitution or pornography be done for the gain of A.

6. Sexual Offences Act 2003 Section 50: Arranging or facilitating child prostitution or pornography

It is 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 would cover for example, A delivering B to a place where he will be used to make pornography, A making practical arrangements for the shooting of indecent photographs of B, or a landlord (A) knowingly allowing his property to be used as a location for child prostitution.

The arranging or facilitating must take place in the UK. However the prostitution or pornography can take place in any part of the world. There is no requirement that the prostitution or pornography must be carried out for the gain of A.

Section 57-59 of the Sexual Offences Act 2003 re-enact with amendments the offences in Section 145 of the Nationality, Immigration and Asylum Act 2002 covering trafficking into, within and out of the UK for the purposes of sexual exploitation.

7. Sexual Offences Act 2003 Section 57: Trafficking into the UK for sexual exploitation

It is an offence for a person (A) intentionally to arrange or facilitate the arrival of another person (B) in the UK where he either intends to commit a relevant offence against them after their arrival but in any part of the world, or intends to facilitate the commission against them by another person (C), after their arrival but in any part of the world, an act which, if done as intended or believed it will be done, would constitute a relevant offence. (A) may intend the relevant offence to be committed, or believe that it is likely to be committed anywhere in the world. This is to ensure that an offence will be committed for example, (A) traffics (B) into the UK as an interim destination but intends to traffic(B) on to another country so he can be subjected to a sexual offence there.

Under this section it is a criminal offence to traffic someone for the purposes of submitting them to a sexual offence. This is different to the National Asylum and Immigration Act offence, which limits the offence to trafficking for the purposes of exploitation through prostitution. The purpose for this is to offer protection against all forms of sexual trafficking, for example those who are trafficked in order to be sexually assaulted by others where there is no financial payment for the sexual services.

8. Sexual Offences Act 2003 Section 58: Trafficking within the UK for sexual exploitation

This section makes it an offence for a person intentionally to arrange or facilitate the movement within the UK of another person where he either intends to commit a relevant offence against them during or after their journey but in any part of the world, or intends to facilitate the commission against them by another, during or after their journey but in any part of the world, an act which, if done, is intended or believed it will be done, would constitute a relevant offence. This offence applies equally to UK nationals trafficked within the UK from place to place, and to foreign nationals brought into the UK and then moved around from place to place within the UK.

9. Sexual Offences Act 2003 Section 59: Trafficking out of the UK for sexual exploitation

In the same as described above it is an offence for a person to intentionally arrange or facilitate the departure of another person from the UK where he either intends to commit a relevant offence against them after their departure in any part of the world, or intends to facilitate the commission against them by another, after the departure in any part of the world, an act which done as intended or believed it will be done, would constitute a relevant offence. Examples may include the movement of a child or young person from the region to America in order for them to be abused. There are other offences that directly relate to prostitution (adults) or can be involved in the prosecution of cases around prostitution:

- Causing or inciting prostitution for gain (Section 52 SOA 2003).
- Controlling prostitution for gain (Section 53 SOA 2003).
- Penalties for keeping a brothel used for prostitution (Section 55 SOA 2003).
- Extension of gender-specific prostitution offences (Section 56 SOA 2003).
- Rape and other sexual offences against children under 13 (Section 5-8 SOA 2003).
- Child sex offences (Section 9-15 SOA 2003).
- Inciting a child family member to engage in sexual activity (Section 26 SOA 2003).
- Child cruelty (S1 Children and Young Persons Act 1933).
- Taking or making indecent or pseudo photographs of a child (Section 160 Criminal Justice Act).

APPENDIX 2: ACTION PLAN EXAMPLE

'Protection not Prosecution'

ACTION PLAN

Name of Young Person _____ a.k.a. _____

Date of birth _____ Gender M F

Home address _____

Present address (if different) _____

Date of meeting _____ Date of 3 month Review _____

| Services identified | Responsibility | Timescale |
|---------------------|----------------|-----------|
| | | |

Signed: Child/Young Person _____
Parents/Carers _____
Other/designation _____

The purpose of the Action Plan is to identify support networks, practical support and options required to aid a young person recovering from exploitation through prostitution.

APPENDIX 3: USEFUL CONTACTS AND WEBSITES

Social Services Referral Points

Barnardo's SECOS Project Phone 01642-819743

Barnardo's SECOS (Sexual Exploitation of Children on the Streets) project works to enable young people to exit and recover from exploitation through prostitution. The project works with young people in the Teesside area with its project base being located in Middlesbrough with outreach work being conducted both in Middlesbrough and Stockton.

| | |
|--|---|
| <p>Barnardo's Regional Office Orchard House Fenwick Terrace Jesmond Newcastle NE2 2JQ Tel: 0191 2815024 Fax: 0191 2819840</p> | <p>Barnardo's SECOS Project (Sexual Exploitation of Children on the Streets) East West Centre Ayresome Green Lane Middlesbrough TS5 5BA Tel: 01642819743 Fax: 01642 820597</p> |
| <p>Barnardo's ACE Project Corner House 98 Dovecot Street Stockton on Tees TS181HA Tel: 01642868384 Fax: 01642 605838</p> | <p>Barnardo's RISE Project Newcastle Independent Network 4th Floor Warwick House Grantham Road Newcastle NE2 1 QX</p> |
| <p>UNICEF Africa House 67/78 Kingsway London WC2B 6NB Tel: 02074055592 Fax: 02074052332 email: info@unicef.org.uk</p> | <p>ECPAT UK Thomas Clarkson House The Stableyard Broomgrove Road London SW9 9TL T el: 0207 5018927 Fax: 0207 7384110</p> |

Barnardo's – information about the work Barnardo's does with children and young people throughout the UK including specific projects working with those abused through prostitution.

www.barnardos.org.uk

Supporting People

www.spkweb.org.uk

Childline - information about childline and online advice for children and young people who are in distress or danger

www.childline.org.uk

The Children's Society – information about the work the Children's Society does with vulnerable children and young people

www.the-childrens-society.org.uk

Connexions - access to information and advice for young people ages 13-19
www.connexions.gov.uk

Sexual health website - information on HIV/AIDS, Hepatitis C and sexual health, including advice, clinical information and where to go for help.
www.dh.gov.uk/PolicyAndGuidance/HealthAndSocialCareTopics/SexualHealth/fs/en

Other useful websites on the Home Office Prostitution Review site

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