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Produced by Department of Health

September 2001

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National Plan for Safeguarding Children from Commercial Sexual Exploitation

Prepared by a Steering Group comprising
representatives from Government, relevant
professional organisations and a representative
group of voluntary organisations in the UK



Government Departments

Department for Culture, Media and Sport
Department for Education and Skills
Department for International Development
Department of Health
Department of Trade and Industry
Foreign and Commonwealth Office
Home Office
Lord Chancellor's Department

Devolved Administrations

National Assembly for Wales
Scottish Executive
The Northern Ireland Office
The Northern Ireland Assembly

Government Agencies

Crown Prosecution Service

Professional Organisations

Association of Chief Police Officers
Association of Directors of Social Services

Voluntary Organisations

Barnardo's
Children's Society
ECPAT UK
NCH
NSPCC
Voluntary Organisations Consultancy Service

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1 The Need for a National Plan to Safeguard Children from Commercial Sexual Exploitation

The Government's Commitment to Improving Safeguards for Vulnerable Children

- 1.1 Improving safeguards for vulnerable children is a top priority for the Government.
- 1.2 This *National Plan for Safeguarding Children from Commercial Sexual Exploitation* is an important part of the Government's drive to improve safeguards for children. It focuses on a particularly vulnerable group of children – those who are *induced or coerced into unlawful sexual activities for the commercial advantage of others*.
- 1.3 The causes of children's involvement in commercial sexual exploitation are complex. They cannot easily be disentangled from the wider problems of poverty, family conflict and breakdown, child abuse, domestic violence and homelessness. All commercial sexual exploitation of children is utterly unacceptable. It takes away children's self-respect and dignity. It exposes them to great danger and it takes away their childhood. Tackling this evil trade needs determination, clarity of purpose and an ongoing partnership between a wide variety of organisations in the public, private and voluntary sectors.
- 1.4 This National Plan explains what the Government and its partner agencies are doing to protect this most vulnerable group of children.

How are children commercially sexually exploited?

- 1.5 The term *commercial sexual exploitation* is interpreted widely in this document to include the prostitution of children and young people; the production, sale, marketing and possession of pornographic material involving children; the distribution of pornographic pictures of children over the internet; trafficking in children; and sex tourism involving children.
- 1.6 In the UK, marked distinctions between the sexual exploitation of children for commercial and non-commercial reasons are not normally drawn. Our National Plan therefore **aims to combat UK based and international sexual exploitation of children, with particular emphasis on commercial aspects**. The National Plan does not cover sexual abuse *within the family*, unless linked to commercial exploitation.

Why do we need a National Plan?

- 1.7 The idea for a National Plan has its roots in the First World Congress on the Commercial Sexual Exploitation of Children held in Stockholm in 1996. The UK was a leading participant at this event. In signing the Agenda for Action that resulted from the Congress, the UK Government and other signatories publicly recognised just how serious a problem the commercial sexual exploitation of children is and how damaging it can be to those children caught up in such exploitation. By signing the Agenda for Action, signatories undertook to produce individual National Plans setting out how their countries were dealing with exploitation of this nature.

- 1.8 In October 1998, at the ASEM (Asia-Europe meeting) Child Welfare conference, the UK Government re-affirmed its intention to develop a National Plan, drawing together all the work being done to combat the problem of the commercial sexual exploitation of children in the UK. This document fulfils that commitment.
- 1.9 Creating the National Plan has been a collaborative process at all stages. A Steering Group brought together:
- representatives from the voluntary sector (including the NSPCC, NCH, Voluntary Organisations' Consultancy Service, Barnardo's, ECPAT (End Child Prostitution and Trafficking) and the Children's Society);
 - representatives from interested professional organisations (including the Association of Directors of Social Services and the Association of Chief Police Officers); and
 - policy makers from across Government (including the Department of Health, Home Office, Department for Education and Skills (DfES), the Crown Prosecution Service, the Foreign and Commonwealth Office and the Lord Chancellor's Department) and the devolved administrations.
- 1.10 The Steering Group worked together to map out what had been achieved so far in this area, to note what was in hand, to detail areas of concern and to identify needs and priorities for action in the future.
- 1.11 The National Plan is not a static document but will be developed on a year by year basis to ensure that it remains up-to-date and continues to focus on priorities for action. As in the development of the National Plan itself, an inclusive approach will be pursued, drawing together expertise from across the voluntary sector, relevant professional bodies and government.
- 1.12 We are pleased to report that a considerable amount of work has been undertaken since the Stockholm World Congress. Some of this work has arisen, partly or wholly, as a result of the Congress, for example the ASEM¹ child welfare initiative. Other work is part of the on-going commitment of the Government and other organisations to combat the sexual exploitation of children at home and abroad.
- 1.13 This National Plan forms an important part of our preparations for the Second World Congress on the Commercial Sexual Exploitation of Children which will take place in Yokohama in Japan in December 2001. The Yokohama Congress provides an important opportunity to take stock about what has been achieved globally so far to combat the commercial sexual exploitation of children, to learn from the initiatives undertaken by other countries and to collectively reaffirm our commitment to fighting this problem. As part of our preparations for Yokohama the Government is funding the Centre for Europe's Children at the University of Glasgow to establish and maintain a Yokohama preparation website. Further details about the website are given in Chapter 7 below.

Structure of the Plan

- 1.14 The National Plan is structured in accordance with the subject areas that have been extensively used in National Plans across the world, and which formed the basis for the ASEM Child Welfare Experts' Meeting in October 1998.

¹ ASEM is a forum for the leaders of the 15 Member States of the European Union plus Japan, China, South Korea, Brunei, Thailand, Vietnam, Indonesia, Singapore, the Philippines and Malaysia to discuss a range of issues in the economic, political and cultural fields.

1.15 Chapters 2–6 describe action that has already been taken or is already underway in the UK to improve safeguards for children and to combat commercial sexual exploitation. Action is described under five main headings:

- Co-ordination and co-operation;
- Prevention;
- Protection;
- Recovery and Reintegration; and
- Children’s participation

1.16 Chapter 7 highlights three important areas where the Steering Group agrees further work needs to be done.

Note on the Present Statutory Framework in the UK

1.17 The Children Act 1989 provides the main statutory framework for promoting and safeguarding the welfare of children in England and Wales. Further detail about the Children Act is set out at Appendix A. In Northern Ireland, the Children (NI) Order 1995 provides a broad equivalent to the 1989 Act.

1.18 In Scotland, the Children (Scotland) Act 1995 contains a range of measures for protecting children from abuse. One example in Scotland is the Exclusion Order, the effect of which is to exclude a named person from the family home for up to 6 months. Following the insertion of provisions into the Children Act 1998, an exclusion requirement can be attached to an interim care order and an emergency protection order in England. This can be for the length of the order, or for a shorter period. That period may be extended by the court should the length of the order be altered. The Children’s Hearings system – unique to Scotland – also plays a significant part in protecting children.

1.19 In Northern Ireland, the Children (NI) Order 1995 has been amended so that where an interim care order or an emergency protection order has been made in relation to a child, an exclusion requirement may be added. In broad terms this means that, should such a course be needed to avoid significant harm to the child, a person may be required to leave a house where the child is living. The person may also be excluded from a house where the child is living, or from the general area where the child is living.

2 Co-ordination and Co-operation

A. National Action

i) Government Guidance on inter-agency working to safeguard children

England

- 2.1 In December 1999, the Government published, following extensive consultation, new guidance on inter-agency working to safeguard and promote the welfare of children. ***Working Together to Safeguard Children – A guide to inter-agency working to safeguard and promote the welfare of children*** (Department of Health et al, 1999) replaces previous guidance, published in 1991. It takes account of new research, experience and legislation concerning child abuse. The new guidance includes sections on organised abuse, child pornography and the internet, children involved in prostitution, and acknowledges the particular vulnerabilities to abuse of children living away from home in different settings, children who go missing and children with disabilities.

Wales

- 2.2 *Working Together to Safeguard Children* was published in Wales in March 2000 by the National Assembly for Wales.

Scotland

- 2.3 *Protecting Children: A Shared Responsibility; Guidance on Inter Agency Co-operation* was published in Scotland in November 1998. The guidance deals with co-operation between agencies and professionals concerned with protecting children from all forms of abuse and neglect, including: organised abuse; abuse in institutional settings; child pornography; and recruitment of children for prostitution. Its title *A Shared Responsibility*, reflects the theme of the guidance which is about how agencies should co-operate with each other to protect children who have been abused or neglected or who may be at risk.

Northern Ireland

- 2.4 *Co-operating to Protect Children*, the Northern Ireland guidance on inter-agency arrangements to protect children from abuse was published in 1996 to accompany the introduction of the Children (Northern Ireland) Order 1995. The guidance is currently being revised to take account of developments in child protection and, to some extent, the changes in *Working Together to Safeguard Children*. Consultation on the draft is at a final stage with a planned publication date of Autumn 2001.

ii) Government Guidance on inter-agency working to help safeguard children involved in prostitution

England and Wales

- 2.5 In May 2000, following extensive consultation, the Government published *Safeguarding Children Involved in Prostitution – Supplementary Guidance to Working Together to Safeguard Children* (Department of Health et al, 2000).
- 2.6 *Safeguarding Children Involved in Prostitution* reinforces and expands upon the guidance about children involved in prostitution already included in the inter-agency guidance documents *Working Together to Safeguard Children* and the *Framework for the Assessment of Children in Need and their Families* (Department of Health, 2000).
- 2.7 The purpose of *Safeguarding Children Involved in Prostitution* is to enable all agencies and professionals to work together to:
- recognise the problem;
 - treat the child involved primarily as a victim of abuse;
 - safeguard children and promote their welfare;
 - work together to prevent abuse and provide children with opportunities and strategies to exit from prostitution;
 - investigate and prosecute those who coerce, exploit and abuse children through prostitution.

Scotland

- 2.8 In Scotland, children involved in prostitution are mostly dealt with under the children's hearing system which addresses their welfare needs.

Northern Ireland

- 2.9 Guidance on safeguarding children involved in prostitution is included in the revised draft of *Co-operating to Protect Children*, referred to above.

iii) Research

- 2.10 Wide ranging reviews have been/are being funded by the Home Office and the Department of Health with a view to more effectively understanding and combating the sexual abuse and exploitation of children. Examples of recent research and evaluation initiatives include:
- Trafficking in women for the purposes of sexual exploitation in the UK (Home Office Paper; Police Research Series (PRS) 125);
 - A report combining two Association of Chief Police Officers (ACPO) studies, *A Crying Shame*, due to be published in the Autumn;

- Policing pimps and pimping (Home Office Paper: PRS 134);
- Sex Offending against Children: Understanding the risk (Home Office Paper: PRS 99);
- Child Abuse: Training Investigating Officers (Home Office Paper: PRS 94);
- The Child Witness and the Memorandum of Good Practice: A Research Review (Home Office Paper: PRS 115);
- Evaluation of the UK Sex Offender Register (Home Office Paper: PRS126);
- Street business: the links between sex and drugs markets (Home Office Paper: PRS 118);
- Parents who single-out and reject one of their children (Department of Health 370/0443);
- The comparative costs and outcomes of different interventions for sexually abused children (Department of Health 370/0533);
- Meeting the mental health needs of children in the child protection system (Department of Health 370/0537);
- Trial of the costs and effectiveness of home visiting in preventing abuse/maltreatment in high risk families (Department of Health 370/0538);
- Risk factors for development of sexually abusive behaviour in sexually victimised adolescent boys: cross sectional study. *British Medical Journal*, 317, 175–179;
- Child sexual abuse: informing practice from research. Radcliffe Medical Press: Abingdon;
- Child Protection: Messages from Research (1995) HMSO ISBN: 0-11-321781.

Some related research in Scotland includes the following:

- The Attrition of Sexual Offences in the Criminal Justice System (CRU, 1999);
- Child Sex Abusers (CRU, 1994).

iv) Tackling Drug Misuse

UK National Strategy on Drug Misuse

2.11 In April 1998, the UK Government published a ten-year national strategy to tackle drugs misuse, *Tackling Drugs To Build a Better Britain*. It sets out four overarching aims;

- to help young people resist drug misuse in order to achieve their full potential in society;
- to protect our communities from drug-related anti-social and criminal behaviour;
- to enable people with drug problems to overcome them and live healthy and crime-free lives; and
- to stifle the availability of illegal drugs on our streets.

- 2.12 Particular emphasis is given to targeting interventions at younger age groups and vulnerable people most at risk of becoming involved in problematic drug misuse. Vulnerable young people include those who have been abused or are involved in prostitution. The second Annual Report and National Plan, published in July 2000, makes specific reference to a programme of in-depth studies of drug misuse amongst vulnerable groups such as children in care, children of drug or alcohol misusing parents, homeless children, school excludees or truants and children in contact with the criminal justice or mental health systems.
- 2.13 Challenging targets were set in the Anti-Drugs Co-ordinator's first Annual Report and National Plan, published in May 1999. The key performance target in respect of young people is to reduce the proportion of people under 25 reporting use of Class A drugs by 25% by 2005 and by 50% by 2008.
- 2.14 The Prevention Working Group of the Government's Advisory Council on the Misuse of Drugs is midway through an enquiry on the children of problem drug users. It will also cover related issues such as the effects of drug misuse during pregnancy, and an assessment of the relevant child protection legislation. The Group's report is likely to be published early in 2003.

Wales – National Strategy on Substance Misuse

- 2.15 Wales has its own distinctive strategy to combat substance misuse and this has been refocused in the light of the UK National Strategy published in 1998. *Tackling Substance Misuses in Wales: A Partnership Approach* was launched in May 2000.
- 2.16 Within the Welsh strategy, the four key aims of the UK anti-drug strategy are embraced. The aims of the Welsh strategy include helping children, young people and adults resist substance misuse in order to achieve their full potential in society, and to promote sensible drinking in the context of a healthy lifestyle.
- 2.17 In Wales, Drug and Alcohol Action Teams, based on the health authority areas, will remain responsible for the implementation of the strategy at a local level.
- 2.18 During the forthcoming year, medium and long-term key performance targets which are compatible with those of the UK strategy, and short-term targets specific to Wales will be announced. This will be followed by the development of a research and information strategy to support the implementation of the Welsh strategy.

Scotland – Drugs Strategy

- 2.19 Scotland's drugs strategy is set out in *Tackling Drugs in Scotland: Action in Partnership*, published in 1999. It includes a wide-ranging programme of action, and the Scottish Executive is taking this strategy forward alongside action on complementary commitments in *Partnership for Scotland, a Programme for Government* [ISBN 0-7480-8903-9]
- 2.20 The strategy was prepared with assistance and support from a range of interests including the Scottish Advisory Committee on Drug Misuse (SACDM), The Drug Action Team (DAT) Association, the Convention of Scottish Local Authorities, Health Boards, the voluntary sector and the police.
- 2.21 Implementation of the strategy at local level is monitored through a performance management and reporting framework between DATs and the Scottish Executive.

- 2.22 The Scottish strategy is set against the background of the UK National Strategy. It outlines what needs to be done; sets out the structures for delivery; and explains how progress will be monitored. Action is set out under four key aims – young people, communities, treatment, and availability, which address Scottish circumstances and problem areas. Six objectives and nine action priorities are included, which aim to help young people resist drug misuse in order to achieve their full potential in society.
- 2.23 The Scottish Executive's Drugs Action Plan, published in May 2000, sets out what the Executive is doing to support the implementation of the drugs strategy by the DATs, agencies and others in the field. The launch of the Drugs Action Plan marked the move from strategy to action in the fight against drugs, putting emphasis on research, treatment, and rehabilitation as part of a balanced programme.
- 2.24 In September 2000, the Executive announced a £100 million spending package of new money on drug misuse spread over three years from 2001/2. This includes a £21 million extra investment for children, young people and families over the next three years, and some £18 million of this will go into the Changing Children's Services fund announced last November.
- 2.25 The indicative allocation to local authorities takes account of deprivation factors affecting children and young people.
- 2.26 £3 million of this extra funding will support implementation of the recommendations of the School Drug Safety Team. This will include the development of further teacher training to meet the Executive's commitment to ensuring that all children receive effective drug education.

Drugs Strategy for Northern Ireland

- 2.27 The *Drug Strategy for Northern Ireland* was published in August 1999. It reflects the UK strategy, encompassing four over-arching aims:
- To protect young people from the harm resulting from illicit drug use. Priorities for action include the development of targeted programmes of drug education; information and training for parents and those who work with young people; and identifying and meeting the particular treatment needs of young drug users.
 - To protect communities from drug-related anti-social and criminal behaviour by encouraging involvement of local communities in addressing drug misuse and promoting partnership between the statutory, voluntary, community and business sector at local level.
 - To enable people with drug problems to overcome them and lead healthy and crime-free lives. Priorities include ensuring the provision of appropriate treatment services; harm-minimisation initiatives; and advice, counselling and support to users and their families.
 - To reduce the availability of drugs in communities through effective enforcement policies and closer co-operation between the enforcement agencies and other statutory, voluntary and community organisations at regional and local level.
- 2.28 The implementation of the strategy is being taken forward at various levels, with the structures in place reflecting the importance of partnership and inter-agency co-ordination:
- **At Ministerial level**, a strategic steering group has been established under the leadership of the Minister for Health, Social Services and Public Safety.

- **At Departmental level**, a central co-ordinating group meets regularly to review progress on the strategy and ensure a co-ordinated approach to tackling drug misuse.
- **At local level**, four Drug Co-ordination Teams (DCTs) ensure that agencies and community organisations work together to tackle drug misuse in a manner appropriate to local needs and situations.

2.29 Funding of £5.5 million was allocated to support the implementation of the strategy up to March 2002. To encourage local involvement and support the work of the **Drug Co-ordination Teams**, over £4.5m of this funding has been made available in 2000/01 and 2001/02 to support 36 local projects focused on prevention, education and treatment and with the potential to impact significantly on the targets contained in the Drug Strategy.

2.30 In May 2001, the Northern Ireland Executive approved a model for the joint implementation of the Drug Strategy and the Strategy for Reducing Alcohol Related Harm, which will result in the remit and membership of the structures developed to implement the Drug Strategy being widened. The new model will also involve the creation of six working groups to develop specific areas of the two strategies including, Communities, Treatment, Education and Prevention, Research and Information, Social Legislation and Criminal Justice. The structures should be in place by early autumn and, once established, it is expected that work towards the targets in the strategies will progress rapidly.

v) Child Pornography

2.31 There is an absolute prohibition in the UK on all forms of child pornography. Enforcement authorities in the UK have a policy of 'zero tolerance' towards child pornography and vigorously pursue any suspected offenders.

2.32 Under the Protection of Children Act 1978, it is an offence to take or permit to be taken, distribute, show or possess with a view to distribution any indecent photograph of a child under 16. The definition of "photograph" given in section 7(4) of the Act was amended by section 84(4) of the Criminal Justice and Public Order Act 1994 to include photographs in electronic data format. Offences committed before 11 January 2001 carry a sentence of 3 years' imprisonment and/or an unlimited fine. The maximum sentence was increased to 10 years' imprisonment, an unlimited fine, or both under Part II of the Criminal Justice and Court Services Act 2000 which came into force on that date.

2.33 The mere possession of indecent photographs of children is also an offence, under the Criminal Justice Act 1988. From 11 January 2001 under the provisions of Part II of the Criminal Justice and Court Service Act the maximum sentence for this offence has increased from six months' imprisonment to a maximum of five years imprisonment. Action was taken in the Criminal Justice and Public Order Act 1994 to update these controls to include computer-generated pornography and to provide the police with greater powers to investigate these offences.

Child Pornography and the Internet

2.34 The Internet has become a significant tool in the distribution of child pornography. Material passing over the Internet is subject to the same laws as material being distributed by other means (i.e. what is illegal off line is illegal on line).

- 2.35 *Working Together to Safeguard Children* (Department of Health et al, 1999; National Assembly for Wales, 2000) includes a section on Child Pornography and the Internet. The Guidance states that as part of their role in preventing abuse and neglect, Area Child Protection Committees (ACPCs) may wish to consider activities to raise awareness about the safe use of the Internet by children, for example, by distributing information through education staff to parents, in relation to both school and home-based use of computers by children.
- 2.36 When somebody is discovered to have placed child pornography on the Internet, or to have accessed child pornography, the police should normally consider whether that individual might also be involved in the active abuse of children. In particular, the individual's access to children should be established, within family and employment contexts and in other settings (e.g. work with children as a volunteer). Furthermore, an operation co-ordinated by the National Crime Squad in 1998 entitled 'Operation Cathedral' infiltrated one of the world's biggest internet pornography networks. During the operation, some 105 search warrants were executed in 12 countries culminating in the arrest of more than 100 people worldwide who were believed to be involved in an international paedophile ring on the Internet. 750,000 indecent images of physical and sexual abuse against children were recovered. Seven men were committed for trial for these offences in the UK.

Internet Watch Foundation (IWF) Hotline for reporting child pornography on the Internet

- 2.37 The UK has led the way in developing measures, in partnership with the internet industry, to address the problem of child pornography on the Internet. Of key importance in this area is the establishment of the Internet Watch Foundation (IWF), a self-regulatory organisation financed by voluntary contributions from the UK Internet industry. The IWF was established in September 1996 by British internet service providers following discussions with the Metropolitan Police and officials from the Home Office and the Department of Trade and Industry.
- 2.38 The IWF enables members of the public, via a hotline, to report child pornography discovered in a newsgroup or website. If the material is considered illegal, the Foundation passes details to the police to initiate action against the originators and asks British Internet Service Providers to close down links to the site. If the originators are located abroad, the Foundation passes the report to the National Criminal Intelligence Service (NCIS) who liaise with the enforcement agencies of the countries concerned.

Policing Initiatives and Response

- 2.39 The Internet poses significant investigative difficulties for law enforcement authorities. Recognising these difficulties, the Government is making £25 million available to the police in England and Wales over the next three years to initiate the implementation of a National Hi-Tech Crime Strategy. This will enhance the capability of the police to investigate crimes conducted over the Internet. One of the aims of the strategy is to ensure that law enforcement officers are better trained and equipped to undertake computer network investigations. The combating of paedophile activity on the Internet will be a priority for the National Hi-Tech Crime Unit. It will have an important role in both the proactive and reactive investigation of serious and organised paedophile activity online, working with local police and with law enforcement agencies abroad.
- 2.40 In order to co-ordinate and provide strategic direction to police forces within the UK, ACPO is developing a law enforcement strategy to tackle abuse on-line. This strategy will interface with other organisations and law enforcement agencies to combat child abuse in this area and provide cohesive direction, co-ordinating operations across forces to ensure maximum impact in protecting children from on-line abuse.

- 2.41 However, there have already been a number of successful operations against child pornography rings operating on the Internet both nationally and internationally. In 1999, police officers from 20 forces in England, Scotland and Wales took part in Operation Queensland which resulted in the homes of 40 people, who were suspected of possessing and distributing child pornography through the Internet being raided. This was the culmination of a six-month investigation by the Greater Manchester Police.

Other Risks to Children posed by the Internet

- 2.42 As well as abusing the Internet to distribute child pornography, a number of adults are also misusing chat rooms on the Internet to try and establish contact with children. Cases have been reported of adults posing as children in an attempt to establish contact with children in Internet chat rooms in order to “groom” them for inappropriate or abusive relationships. Chat rooms create a particular problem because they occur in real time and there is no record of the material held. A sub-group of the Internet Crime Forum (consisting of the police, the industry and the Government) was established in June 1999 to examine this issue in detail, to identify the problems and recommend solutions. The group’s findings were published on 20 March in the *Chat Wise, Street Wise* report and made a number of recommendations for Internet Service Providers, the police, Government and children’s charities to consider. The Government’s response is set out in Chapter 7 – The Way Forward.
- 2.43 The need to educate children to be ‘streetwise’ on the Internet is vital. In 1999, the Department for Education and Skills first published the *Superhighway Safety* guidance, which is available free in hard copy or online at <http://safety.ngfl.gov.uk/>. This includes advice to children – produced by the charity NCH which offers guidelines to children about using the Internet and chatrooms safely.

Regulation of Investigatory Powers Act 2000

- 2.44 The Regulation of Investigatory Powers Act 2000 will also help in the investigation of child pornographers who misuse the Internet to distribute child pornography. The Act provides a statutory basis for the acquisition of communications data (such as subscriber or account holder information, log-in and billing records) from communications service providers by the police, taking into account all of the requirements of the Human Rights Act 1998.
- 2.45 The Act allows law enforcement agencies to require any person to deliver up the plain text of lawfully obtained electronic material which has been protected in some way – or the key to unlock that data – in response to the service of a properly authorised notice. One obvious example would be where police seize a computer from a pornographer or paedophile and their files and images are protected by encryption or a password.

vi) National Serious Sex Offender Intelligence Framework

- 2.46 The National Serious Sex Offender Intelligence Framework is the product of a review of the National Criminal Intelligence Service Paedophile Section and existing arrangements for dealing with intelligence on serious sex offending. The new framework, which was the result of a collaborative review by NCIS and the ACPO Crime Committee was introduced in April 2000 and establishes clear responsibilities for police forces, Customs & Excise, NCIS and other law enforcement agencies working in this field. The Framework will improve the development and co-ordination of criminal intelligence on leaders or members of serious sex offender criminal enterprises which commit repeat offences and those who actively pursue an itinerant lifestyle in order to avoid the legal requirement to register.

vii) National Criminal Intelligence Service

2.47 The National Criminal Intelligence Service (NCIS) plays a pivotal role in the generation and handling of intelligence which helps to protect young people from the activities of sex offenders and organised criminals. NCIS maintains an intelligence watch on paedophiles and other serious sex offenders and helps co-ordinate the efforts of the police and other law enforcement agencies in dealing with them. No less importantly, NCIS' intelligence work on national and international organised crime supports the national drug strategy. The drugs on the streets which ensnare children and young people have been brought there through the industry of organised criminals who search constantly for ways of expanding their markets. Young people with drug habits are intensely vulnerable to other kinds of exploitation. NCIS is a significant contributor to the drugs strategy targets of reducing the availability of hard drugs.

B. International Action

i) ASEM (Asia–Europe Meeting) Child Welfare Initiative

2.48 In August 1997, the Government of the United Kingdom and the Philippines signed a memorandum of understanding to co-operate to combat the sexual exploitation of children. Subsequently, at the second ASEM summit meeting in London in April 1998, the Philippines and the United Kingdom presented a joint initiative to promote international co-operation on child welfare, initially focusing on the different forms of sexual exploitation of children.

2.49 The Lancaster House meeting of child welfare experts from all 25 ASEM member states in October 1998 in London took this initiative forward. The first recommendation of the Lancaster House meeting was to establish a resource centre to provide information about child sexual exploitation based at the Centre for Europe's Children at the University of Glasgow.

2.50 The ASEM Resource Centre was subsequently established in Glasgow as the main tool for information, exchange and research of the ASEM Child Welfare Initiative. A key area of the Resource Centre's work has been the development of a website which aims to:

- provide ready access to the law (criminal justice, child protection legislation etc.) operating in ASEM countries;
- share best practice in the implementation of policies and guidelines on child protection;
- provide contacts in each country for police, prosecution, immigration, health and social welfare services, mutual legal assistance advice (including extradition), and customs; and
- provide a discussion forum for agencies with a concern in child welfare issues and combating commercial sexual exploitation of children.

2.51 The Government recognises the value of the ASEM Resource Centre and has recently provided substantial additional funding to maintain and develop the website.

ii) ASEM Meeting of Law Enforcement Experts

2.52 In May 2000, delegates drawn from law enforcement agencies, prosecution authorities, government bodies and non-governmental organisations in 15 of the countries that form part of the ASEM partnership met in Seoul. The purpose of this meeting was to discuss the role of law enforcement agencies in preventing the sexual exploitation of children, and to develop mechanisms for international co-operation, both formal and informal, in connection with law enforcement processes, including information sharing and mutual legal assistance in investigation.

2.53 The outcomes from the meeting were:

- a launch platform for continuing and developing co-operation in relation to the law enforcement agenda;
- agreement that participating countries should endeavour to establish closer links to share training, good practice and the exchange of information (subject to domestic laws and regulations) on sexual crimes against children committed by foreigners, or foreign child victims who are detected;
- agreement that participating countries should co-operate with relevant Non-Government Organisations (NGOs) and international organisations to research the scale, prevalence and nature of the sexual exploitation of children to enable law enforcement organisations to develop effective operational responses to child exploitation.

iii) United Nations Convention on the Rights of the Child – UK's Second Report

2.54 In 1999, the Government published its second report on the United Nations Convention on the Rights of the Child ('the Convention'). The report was prepared with the help of a wide range of Government Departments and in consultation with NGOs and with representatives of young people. The report is the Government's account of implementation of the Convention since the first UK report was published in 1994. The first report set out a wide range of measures then in force to prevent sexual exploitation. The second report highlighted the additional measures which have since been added to those already in force.

2.55 In 2001, the UK submitted a National Report on children to the UN. The report will inform the UN Secretary General's Report on Children which will feed into the preparation and outcome of the UN Special Session on Children to be held in September 2001. The report, which was produced with the help of a wide range of Government Departments and in consultation with NGOs, sets out the UK's progress in implementing the goals agreed at the 1990 World Summit for Children, and includes specific reference to action taken to prevent children from violence, abuse and exploitation.

iv) United Nations Convention on the Rights of the Child – Optional Protocol on Sexual Exploitation

2.56 The new protocol (OP1: on the sale of children, child prostitution and child pornography) to the United Nations Convention of the Rights of the Child was signed by the UK at the UN Millennium Summit in New York between 6–8 September 2000.

2.57 Optional Protocol 1 is intended to strengthen the protection currently offered by Article 34 of the Convention which deals with the sexual exploitation and sexual abuse of children by focusing on the criminalisation and punishment of such offences.

v) Interpol Specialist Group on Crimes Against Children

2.58 The *Interpol Specialist Group on Crimes Against Children* aims "to achieve good practice focusing on harm reduction with an emphasis on education and awareness to provide better opportunities for the prevention and detection of child exploitation". The five areas addressed by the group are:

- child pornography;
- child sex tourism;
- trafficking in children and missing children;
- child sex offenders; and
- training and legal issues.

3 Prevention

Definition: General universal prevention, through the criminal law, education, Personal, Social and Health Education (PSHE) and other social provision. Targeting at-risk/vulnerable groups with enhanced services, e.g. looked after children.

A. National Action

i) Sex Offenders Act 1997

- 3.1 Part I of the Sex Offenders Act 1997 obliges offenders who have been cautioned, convicted or found not guilty by reason of insanity of sex offences against children and other serious sex offences to notify the police of their name and address and to inform the police when they intend to travel abroad.
- 3.2 This information will enable the police to be aware when a sex offender moves into their area, and can use this information to monitor sex offenders and identify potential suspects in any future offence.
- 3.3 As at 1 March 2001, there were over 14,000 sex offenders registered in England and Wales. A Home Office research paper *Where are they now? An evaluation of sex offender registration in England and Wales* (Home Office paper: PRS 126) was published in July 2000. It showed that 97% of the offenders who should have registered their name and address with the police have done so and can be traced. In Scotland, there are almost 1,500 sex offenders currently registered. In Northern Ireland, there are around 340 sex offenders registered.
- 3.4 A review of the operation of Part 1 of the Act has recently been published for public consultation. However, in response to widespread public concern during the summer of 2000 about sex offenders, following the disappearance and death of a child, Sarah Payne, the Government introduced via the Criminal Justice and Court Services Act 2000 a number of amendments to strengthen the Sex Offenders Act 1997, including: a new requirement on registered offenders to notify the police when intending to travel abroad for eight days or longer; and an increased maximum penalty for failure to comply with the Act's requirements of five years' imprisonment.
- 3.5 The same Act was also used to introduce two new powers: a new power was introduced to allow a court sentencing a serious sex offender to impose a restraining order, which could prohibit him from certain specified behaviour, such as contacting the victim; a statutory duty on the police and probation service to assess and manage the risk posed by sexual and violent offenders; and a new duty on the probation service, to consult and inform victims about the release arrangements of the relevant offender.
- 3.6 The Crime and Disorder Act 1998 introduced Sex Offender Orders which came into effect on 1 December 1998. The orders are civil orders, for which the police may apply to the courts if a sex offender has behaved in such a way as to give reasonable cause to believe that an order is necessary to protect the public from serious harm.

- 3.7 Offenders who have been released from prison on licence in England and Wales are required to comply with a standard condition not to travel abroad without the prior permission of their supervising officer. Offenders are generally prohibited from travelling abroad for the duration of their licence period. In Scotland, offenders on licence, including those serving extended sentences, may travel abroad for short periods only if their supervising officer consents. Offenders subject to the notification requirements of the Sex Offenders Act 1997 are required, following implementation of the amendments in the Criminal Justice and Court Services Act 2000, to notify the police of an intention to travel abroad and when they return from abroad. Prisoners released on license from prison in Northern Ireland who have been convicted of a sex offence would also be required to comply with the standard condition not to travel abroad without permission.
- 3.8 In Northern Ireland, a multi-agency group, comprising the police, social services, probation, prisons and other relevant agencies in the statutory and voluntary sectors, is developing procedures to assess and manage the risk sex offenders pose in the community. It is intended that this work should complement and enhance child protection procedures set down in *Co-operating to Protect Children*.

ii) Preventing unsuitable people from working with children

- 3.9 A report by the Interdepartmental Working Group on Preventing Unsuitable People from Working With Children in January 1999 put forward four key recommendations to:
- identify and ban unsuitable people from working with children;
 - create a new criminal offence which the ‘unsuitable person’ would commit if they worked with children;
 - provide a new definition of ‘working with children’; and
 - create a ‘one stop shop’, to be provided through the Criminal Records Bureau, to provide access to information on people deemed unsuitable to work with children under the new scheme. This formed part of the Protection of Children Act 1999, which also gives the Secretary of State powers to ban unsuitable people from working with children in the health and social care fields.
- 3.10 The Criminal Justice and Court Services Act which received Royal Assent in November 2000 enacts all the remaining Working Group’s recommendations. They came into force on 11 January 2001.

iii) The Protection of Children Act 1999

- 3.11 The Protection of Children Act received Royal Assent in July 1999 and was implemented in October 2000. It places the Department of Health’s Consultancy Index (the list of individuals deemed unsuitable to work with children) on a statutory footing. Regulated child care providers are now required to check the names of anyone they propose to employ in posts involving regular contact with children against the Protection of Children Act List and the Department for Education and Skills’ List 99 (already on a statutory footing) and not to employ them if their names appear on the list. Separate legislation is planned in Scotland and Northern Ireland (see paragraphs 3.12 and 3.14 below.)

iv) Scotland

- 3.12 In July 2000, the Scottish Executive issued a pre-legislative consultation paper *Protecting Children – Securing Their Safety*. The paper makes proposals which would give effect in Scotland to the key recommendations of the Inter-departmental working Group. The proposals envisage:
- the establishment of an Index (a central list) of persons considered unsuitable to work with children either as paid employees or unpaid volunteers;
 - persons on the Index and those convicted of certain offences being banned from working with children;
 - the creation of a new offence which a banned person would commit if he or she applied to work with children or continued to work with children; and
 - the setting up of a ‘one stop shop’ within the Scottish Criminal Record Office as provided for in the Protection of Children Act 1999.
- 3.13 The arrangements would also provide for the sharing of information with the Criminal Records Bureau for England and Wales once established, and the relevant body in Northern Ireland. This will help to ensure that there are no cross-border loopholes.

v) Northern Ireland

- 3.14 In Northern Ireland, the Department of Health, Social Services and Public Safety operates a non-statutory Pre-Employment Consultancy Service under which checks are carried out on those seeking to work with children in a variety of settings. The Northern Ireland Executive intends to consult on new child protection legislation during 2001.

vi) Abuse of trust

- 3.15 Guidance entitled *Caring for Young People and the Vulnerable* was published in September 1999 (Home Office, et al). This will help organisations draw up their own codes of conduct on how to provide safeguards and prevent an abuse of trust involving sexual activity. Corresponding guidance is to be issued in Scotland.
- 3.16 The Sexual Offences (Amendment) Act 2000 contains a new offence of abuse of trust where a person aged 18 or over has sexual intercourse or engages in any other sexual activity with or directed towards a person under that age, if the person aged 18 or over is in a position of trust in relation to the younger person in circumstances specified in the Act. A person convicted of such an offence, unless they are under 20 years old, will be subject to the notification requirements under the Sex Offenders Act 1997. The Act was implemented on 8 January 2001.

vii) The Superhighway Safety pack

- 3.17 DfES and the British Educational Communications and Technology agency (BECTa) have produced a detailed information pack for teachers and parents about pupils’ safe use of the Internet. *The Superhighway Safety pack*, first published in October 1999 and revised in September 2000, is available free in hard copy or online at <http://safety.ngfl.gov.uk/>. It provides guidance on a wide range of safety measures which schools, parents or carers and learners can adopt to use the Internet safely.

- 3.18 The Scottish Executive published *Clickthinking: Personal Safety on the Internet* in October 1999. The pack contains a booklet which includes sections on assessing the value and risks of the Internet, strategies for schools and local authorities as well as suggested ways to bring the issue of Internet safety into the curriculum. An on-line version of the publication is available at: www.scotland.gov.uk/clickthinking

viii) Area Child Protection Committees (ACPCs)

- 3.19 Local authorities are required to ensure that there is an Area Child Protection Committee covering their area. ACPCs bring together relevant statutory and voluntary bodies to consider both strategic planning and co-ordinating services to protect children from abuse. The focus of ACPC thinking has moved from a concentration on abuse within families to consider a much wider definition of protection. The local ACPC has a duty to research local need and provide evidence based practice; consequently it is an appropriate vehicle to focus local services where commercial sexual exploitation is concerned. In Northern Ireland ACPCs are established in each Health and Social Services Board Area.
- 3.20 A local ACPC should, as part of its business planning process, regularly review emerging evidence in relation to the nature and scale of abuse, ascertain the level at which it exists locally, and ensure that both detection and public awareness programmes are in place. Preventing abuse in a community requires at the very least, an awareness in that community that abuse might exist. Local strategies based on evidence from children of how they became involved in exploitative situations are likely to be more effective in local communities with specific characteristics than more broadly based campaigns. Child Protection Committees in Scotland have a broadly similar role. The Scottish Executive has recently initiated a multi-disciplinary review of child protection with the aim of providing better protection for children against abuse or neglect and to improve professional working and public confidence.

ix) Government support of the work of Voluntary Organisations

- 3.21 A key feature of child welfare provision in the UK is the importance of partnership between the statutory and voluntary sectors. Historically, many services – in particular children’s homes – have been provided by leading voluntary organisations, such as Barnardo’s, the Children’s Society, NSPCC, and NCH. Voluntary Organisations are also very active in the field of family support and in running family centres. At a national level, Government provides support to voluntary organisations through programmes of funding administered through the Department of Health, the National Assembly for Wales, the Scottish Executive and the Northern Ireland Executive. At a local level, local authorities support smaller voluntary organisations and contract with others to purchase services.
- 3.22 Voluntary organisations have also begun to undertake wider community education campaigns to alert the community as a whole to the problem of commercial sexual exploitation of children and the need to ensure that children are protected from potential danger.
- 3.23 **Barnardo’s** have developed a range of material for use in schools with children from the age of 9 to raise awareness about abusive and controlling relationships and so reduce both the risk of sexual exploitation and the potential for children being either victim or abuser (Barnardo’s. *Things We Don’t Talk About*. London: Barnardo’s, 2000);
- 3.24 **Kidscape**, a child protection charity, also run abuse awareness training programmes in schools. They have developed a ‘Keepsafe Code’ designed for use with young children to help them protect themselves from abuse.

- 3.25 A number of voluntary organisations have set up refuges or safe houses to provide accommodation and support for children who have run away from home and who are known to be at risk of involvement in prostitution. The NSPCC, Centrepoin and The Children's Society have been active in this field.
- 3.26 Barnardo's have also launched two Missing Young People Schemes in Bradford and Kirklees to look at why young people go missing; to gain a more accurate picture of those who go missing and to enable them to have access to support services. One of these schemes is supported by funding from the Department of Health.
- 3.27 The **Aberlour Child Care Trust** in Scotland is developing proposals for a new service to support children who have run away from home or from their carers.
- 3.28 In Northern Ireland, funding is provided to a wide range of voluntary organisations working with children. These include the Northern Ireland Volunteer Development Agency which provides training and support to voluntary organisations in relation to child protection policies and procedures.

x) Prevention of sexual exploitation in sport

England

- 3.29 A Child Protection in Sport Task Force was established in October 1999, with a remit to develop a National Sports-wide Action Plan for Child Protection in Sport.
- 3.30 The Task Force agreed a series of principles and a number of strategic objectives that need to be achieved to prevent the abuse of children in sport. To co-ordinate and support the implementation of the action plan a **Child Protection in Sport Unit** has been established. This is being jointly funded by Sport England and by the NSPCC. The objectives include the following:
- To enable a system for the reporting of suspicious or abusive behaviour towards children within sport;
 - To establish systems for dealing effectively and efficiently with allegations of child abuse in sport;
 - To minimise opportunities for inappropriate individuals to enter or operate in sport;
 - To raise awareness on all levels of the issues of child protection in sport.

Wales

- 3.31 The South Wales Police have established a Working Group (including the NSPCC, the Sports Council for Wales, the National Coaching Foundation and others) to develop a Child Safe in Sport information pack. Each pack will contain a video, an organiser's handbook, parent handbook, posters, stickers, etc.
- 3.32 The pack will be distributed to sports clubs around Wales and will serve to raise awareness of child protection issues and provide information on basic procedures and safeguards that clubs should have in place to protect children from potential abuse.

Scotland

- 3.33 Sportscotland and Children 1st (formerly the Royal Society for the Prevention of Cruelty to Children (RSPCC)) held a seminar on child protection in sport and set up a working group to develop guidance and an action plan.

Northern Ireland

- 3.34 The Sports Council for Northern Ireland and the Irish Sports Council have worked together to produce *The Code of Practice for Children's Sport*. This builds on a number of core principles relating to the importance of childhood and the needs of the child. The document provides comprehensive guidance in a number of areas including principles of good practice and child protection policy and procedures.

B. International Action

i) International Development – ratification of ILO Convention 182

- 3.35 In March 2000, the the UK ratified the International Labour Organisation's (ILO) 1999 Convention 182 – Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The Convention contains a particular prohibition against the sexual exploitation of children as well as any form of work which is likely to harm their health, safety or morals. Countries which ratify it are legally bound to take immediate and effective measures for implementation – making it a potentially powerful tool for fighting the practice.
- 3.36 The Government's responsibility in safeguarding children goes beyond protecting our own children and helping prevent abuse by our nationals abroad. In ratifying the ILO Convention 182 on the Worst Forms of Child Labour in March 2000, the UK committed itself to assisting other members of the ILO through 'enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education'. Through the work of the Department for International Development (DFID) the UK is taking forward this commitment.

ii) Commercial Sexual Exploitation of children in developing countries

- 3.37 The commercial sexual exploitation of children is not new in developing countries. There is however evidence that improvements in transportation and communication technology have led to an increase in numbers and a reduction in the age of children entering sex work. As many as 800,000 children in Thailand, 400,000 in Brazil, 100,000 in the Philippines, and countless thousands elsewhere, have been forced into prostitution. Poverty and marginalisation continue to be the most significant factors in driving children into this means of survival. Children without functional education or alternative means of support are the most vulnerable. Any sustainable solution will have to include alternative income earning opportunities for poor families. Much of DFID's work is of course aimed at promoting economic growth, improving access to education and increasing job opportunities.
- 3.38 The UK was in the forefront of those encouraging the ILO to adopt the new Convention and is committed to achieving implementation. In doing so, it will work within the format of the UN Convention on the Rights of the Child, which draws attention to children whose rights are particularly abused through the circumstances in which they live. Such children cannot realise their rights, and special attention is necessary to ensure that they can be empowered to take their rightful place within their societies and get their needs met. We therefore focus on work which ensures children's survival; meets children's development needs, particularly in health and education; ensures children's protection and allows them to participate ethically in decisions which affect their lives.

iii) DFID Action

- 3.39 DFID has three approaches to contributing to safeguarding children in developing countries from commercial sexual exploitation.
- 3.40 Mainstreaming children's rights strategies into all our programmes – detailed guidance is provided for DFID staff in operational guidelines on (i). the UN Convention on the Rights of the Child (ii). Understanding and Using ILO Convention 182 and (iii). the Sexual Exploitation of working children.
- 3.41 Encouraging the build up of an enabling political, legal and social environment through the generation of knowledge – the development of effective policies and programmes is often undermined by a lack of understanding of the context in which commercial sexual exploitation of children takes place, and lack of information about good practice.
- 3.42 Supporting targeted initiatives – an example of this is the ILO led integrated regional project combating children and women trafficking in the Greater Mekong basin. Trafficking within and between the countries of this region, Burma, Laos, Cambodia, Thailand and China, is a major concern. Sexual exploitation is a significant, but not the only purpose of the trafficking. Britain is supporting local governments, local and international NGOs, and international agencies including UNICEF (as well as ILO) to develop, with the participation of children and women, a co-ordinated programme which prevents trafficking, protects vulnerable children and women, and reintegrates victims into positive and sustainable livelihoods.
- 3.43 Further details of the Government's international development approaches and plans may be found in DFID's Country and Institutional Strategy Papers, in those relating to achieving the International Development Targets (particularly *Human Rights for Poor People* and *Poverty Eradication and the Empowerment of Women*), and in its annual Departmental Report.

iv) European developments

- 3.44 The European Parliament has prioritised the Commercial Sexual Exploitation of women and children and underlined the importance of initiatives being taken at national and international level. Initiatives include:
- the trafficking of victims from the countries of Central and Eastern Europe;
 - measures to combat sex tourism; and
 - child pornography on the internet.
- 3.45 The European Commission's DAPHNE Programme has funded the Save the Children Alliance Europe Group to develop an 'Action Plan for Europe' which will assess the effectiveness of EU and Member State action in these areas.
- 3.46 The European Parliament has emphasised that the Commission's work is intended to complement that of EU member States.

v) Legislation to make illegal the organisation or advertising of child sex tourism

- 3.47 Under the terms of the Criminal Justice (Terrorism and Conspiracy) Act 1998, it is an offence for a person to conspire in this country to commit an offence outside the United Kingdom, provided the substantive offence constitutes an offence both under the law in the UK and under the law in the

country in which the act is to be committed. This enables courts in the UK to deal with conspiracies in this country to commit sexual offences abroad. It also an offence to incite people to commit certain sexual offences against children abroad.

vi) Protecting foreign exchange students from abuse

- 3.48 Avon and Somerset Police have undertaken research into the abuse of foreign exchange students. The research focused on schools, host families and the travel industry in order to ascertain the extent of abuse of these students. A series of eight targeted booklets have been published as a result.

vii) International Preventative Action by Voluntary Organisations

- 3.49 There are numerous projects being carried out internationally by the voluntary sector with the aim of preventing children from being commercially sexually exploited. The programmes undertaken vary widely, from direct work with child prostitutes to preventative work with vulnerable groups such as street children, ethnic minorities, girls, and rural poor, who invariably live below the poverty line and rely on their income from prostitution to support themselves and their families. Voluntary organisations which aim to increase living standards and raise levels of earning can help to prevent children from entering prostitution.
- 3.50 **The Order of St Paul of Charters** (Thailand) is an order of sisters who run preventative lessons in schools teaching children the value of their bodies and the importance of staying out of prostitution. The order operates a number of schools in areas which commonly supply child prostitutes to traffickers and brothel keepers. The sisters also run development projects, such as installing water and electricity and introducing animal husbandry, thereby improving the standard of living for the local people and stopping the need for them to sell their children.
- 3.51 **World Vision (WV)** runs a number of programmes throughout the world. In India, WV has identified the children of commercial sex workers, as a group particularly vulnerable to child prostitution. WV's work includes raising awareness about sexual exploitation, education to improve the chances of children being able to break the cycle of poverty, sex education and awareness raising about safe sex, sexually transmitted diseases and HIV/AIDS, and the provision of alternatives to sex work.
- 3.52 In Africa WV has recognised the vulnerability of orphaned children (either as a result of conflict or HIV/AIDS) to sexual exploitation in order to obtain basic necessities to support their families. WV has worked with communities and built up awareness so communities have themselves developed strategies for protecting the children from sexual exploitation, such as 'community watch' schemes, as well as schemes to meet the basic necessities of child headed households.
- 3.53 In Cambodia, WV works not only with communities but also with NGOs like UNICEF. It seeks to raise awareness within the Cambodian Ministry of Tourism to the issue of sex tourism and through the Ministry of Justice trains the Cambodian police on issues of child sexual exploitation, including issues of sex tourists.
- 3.54 **LEADS** in Sri Lanka runs a project entitled ESCAPE which aims to eradicate sexual abuse, prostitution and exploitation. The project has three strands: prevention through the mobilisation and training of volunteers; eradication by working with the government, police, media and the courts, and rehabilitation for victims of sexual abuse or trauma in a therapeutic care home. LEADS is part-funded by Tearfund.

4 Protection

Definition: Initial responses to protect children (in justice and welfare terms) who have suffered/experienced commercial sexual exploitation.

A. National Action

i) Reviews of Safeguards

- 4.1 During the 1990s, the Government commissioned a number of major pieces of work focusing on safeguards for children. The Warner Report, *Choosing with Care* (1992) considered the selection, development and management of staff in children's homes. Sir William Utting's *Children's Safeguards Review (People Like Us)* (1997) considered the adequacy of safeguards for children living away from home following reports of abuse of children in care, and the Waterhouse Report, *Lost in Care* (2000) inquired into the abuse of children in care in the former County Council areas of Gwynedd and Clwyd since 1974. In Scotland, there was the Kent report, *Safeguards for Children Living Away from Home* (1997).
- 4.2 All of these reports made a number of recommendations to improve safeguards for vulnerable children. The Government has acted on these recommendations and has pursued a vigorous programme of reform that has resulted in the:
- £885m Quality Protects initiative to transform the management and delivery of children's social services;
 - a new cabinet Committee for Children and Young People;
 - a new Minister for Young People;
 - a new cross-Government Children and Young People's Unit to co-ordinate across government the strategic development of policy for children and young people;
 - a new £450m Children's Fund (which will focus on preventative programmes to reduce child poverty);
 - Sure Start;
 - the new Connexions service for young people;
 - and a raft of new protective legislation including:
 - the Protection of Children Act 1999;
 - the Care Standards Act 2000 which will regulate and improve standards in children's care services and creates an independent Children's Rights Director who will have a national overview of the rights of children receiving services regulated by the National Care Standards Commission; and

- the Children (Leaving Care) Act 2000 (which will improve the life chances of young people aged 16 and over in and leaving local authority care).

4.3 The Government's action programme is set out in considerable detail in its responses to the *Children's Safeguards Review* (November 1998), and in its response to the Waterhouse Inquiry (*Learning the Lessons*, June 2000.)

Scotland

- 4.4 In Scotland, there have been a number of initiatives to improve child protection. Through the Children's Services Development Fund, Scottish Ministers have promoted the development of a comprehensive network of advocacy services for looked after young people through local authority Children's Rights Officers and/or field workers from Who Cares? Scotland. The Executive also provides core grant funding under Section 10 of the Social Work (Scotland) Act 1968 to Children 1st (RSSPCC) and ChildLine Scotland. Children 1st aims to prevent the abuse and neglect of children and to protect their rights and interests. ChildLine Scotland offers a free national counselling service for any child or young person anywhere in the country. The Executive has identified £42m over 3 years (1999–2002) to support families with very young children through Sure Start Scotland.
- 4.5 Further proposals include the establishment of an index of persons unsuitable to work with children, banning unsuitable persons from working with children and creating a new offence which people banned would commit if they applied to work with children. The Scottish Parliament's Education Committee is currently considering the case for a Children's Commissioner and the Regulation of Care Bill which is currently progressing through the Parliament will improve the quality of care. The Executive also plans to revise and strengthen the guidance for Child Protection Committees and reform initial training for social workers to ensure that those involved in child protection have the skills and training to provide the basis for good decision making.

Northern Ireland

- 4.6 In addition to Sure Start where funds amounting to £5.8m have been provided (for the period September 2000 to March 2002), funds are also provided to a range of voluntary organisations providing services to children and parents. In 2000–2001, these amounted to £1.4m. Funds have also been provided for children's services on the foot of the Children (NI) Order 1995. These amounted to £10m in 2000–2001.
- 4.7 The Northern Ireland Executive has shown a particular interest in children's issues. New legislation is planned in relation to child protection and services for young people leaving care. In addition, consultation is planned on a strategy for children which will include proposals for a Commissioner for Children.

Wales

- 4.8 In Wales the National Assembly is pursuing a range of programmes and policies to improve children's safeguards:
- £58m Children First programme to transform services for vulnerable children and their families;
 - a National Assembly Cabinet Committee on Children and Young People;
 - a Minister for Children and Young People;

- a Children and Youth Partnership Fund, to lift youngsters' educational achievements, improve health, engage them in creative activities in their communities and encourage them away from crime, drugs, vandalism and truancy. It also includes elements to improve open access play provision in the most deprived communities in Wales and to help disaffected/disengaged 14-17 year-olds, or those at risk of disaffection or disengagement, and ensure that they are in education, training or employment.
- Sure Start;
- the Children's Commissioner for Wales holds a remit covering the rights and welfare of all children in Wales. The Commissioner will be in a position to give an independent view on the effectiveness of all services in Wales that affect children and young people. He will have a clear duty to ensure that the views of children and young people are sought as to how he exercises his functions, including his annual work programme;
- the National Assembly currently supports a range of advocacy schemes across Wales.

ii) Review of sex offences

4.9 The Government commissioned a national review of sex offences in England and Wales in January 1999. The terms of reference were:

'To review the sex offences in the common and statute law of England and Wales, and make recommendations that will:

- provide coherent and clear sex offences which protect individuals, particularly children and the more vulnerable, from abuse and exploitation;
- enable abusers to be appropriately punished; and
- be fair and non-discriminatory in accordance with the European Convention of Human Rights and the Human Rights Act 1998.'

In Northern Ireland, the carrying out of a similar review is being given consideration.

4.10 The recommendations of the Sex Offences Review Team to Government were published in *Setting the Boundaries* in July 2000. This document was the subject of a public consultation exercise with responses requested by 1 March 2001. The responses to the consultation exercise are currently being analysed by the Home Office.

4.11 There are presently no plans for a similar review to be undertaken in Scotland, but the Scottish Executive will be looking with interest at the findings of the Home Office exercise to determine whether there are any lessons for Scotland. In Northern Ireland, the carrying out of a similar review is being considered.

iii) Child evidence/vulnerable witness developments

4.12 The Youth Justice and Criminal Evidence Act 1999 enables the court to make one or more from a range of special measures available to assist child witnesses under 17 years old and adult vulnerable or intimidated witnesses who meet the qualifying criteria, to give their best evidence in criminal proceedings. The measures include:

- screens around the witness box to shield the witness from viewing the defendant;

- giving evidence by TV link from outside the courtroom;
- video-recorded statements admitted as evidence in chief;
- use of communication aids;
- removal of formal court dress; and
- clearing the public gallery in sex offence cases and those involving intimidation.

A range of guidance and training material for the criminal justice agencies is being developed, and the Government is hoping to implement the majority of measures in the Crown Court during the financial year 2001–2002.

Scotland

4.13 Special measures are already available for children and certain other vulnerable people who require to give evidence in criminal trials, in terms of the Criminal Procedure (Scotland) Act 1995, as amended by the Crime and Punishment (Scotland) Act 1997. The statutory measures available are:

- allowing evidence to be given by live television link;
- having evidence taken on commission; and
- the use of screens.

4.14 In addition, at common law, the court can order the public to be excluded. It can also order the removal of wigs and gowns. Proposals have been developed to restrict the right of an accused person in a sexual offence case to cross-examine any victim witness, and to further limit the extent to which questions can be asked about the sexual history or sexual character of a witness. These proposals which were published recently will benefit children as well as other victims of sexual offences. Other proposals being developed in Scotland will widen the definition of ‘vulnerable witness’ and extend the range and availability of special measures for giving evidence in cases where there are vulnerable witnesses.

Northern Ireland

4.15 The Criminal Evidence (Northern Ireland) Order 1999 contains similar provisions to legislation in England and Wales. It is intended to commence the provisions of the Order roughly in line with the Home Office’s commencement of Part II of the Youth Justice and Criminal Evidence Act. The mandatory ban on cross-examination of the complainant by the defendant in person in cases of rape or serious sexual offence, which has been commenced in England, is due to be commenced in Northern Ireland towards the end of 2001. It is also intended to commence at that time the provisions specifying when the previous sexual behaviour of the complainant may be raised in rape cases.

4.16 It is the aim of the Northern Ireland Courts Service to have all Crown Courts equipped to facilitate child and vulnerable witnesses. This will include the use of live link CCTV, screening from the accused and the option of informal dress. The use of live link CCTV is permitted under Article 81 of the Police and Criminal Evidence Order 1989. The other special measures listed are not yet on a statutory basis and are used at the discretion of the Court.

iv) Pre-trial therapy

- 4.17 *Inter-agency Provision of Therapy for Child Witnesses Prior to a Criminal Trial*, guidance on providing therapy to child victims of abuse who will be required to act as witnesses in criminal proceedings was published in February 2001.
- 4.18 Barnardo's Bridgeway project has worked with children in this position for the past five years under an agreed protocol drawn up by the Project, the Cleveland Police and the local Crown Prosecution Service. The outcomes of this work are recorded in a recently published research paper (Webster A, Palmer T, Hughes M. *Children Who Have Been Sexually Abused: Therapy Before Evidence*).

v) Criminal Records Bureau

- 4.19 A Criminal Records Bureau is being established in 2001 which will provide records access, on a 'one stop shop' basis, to those employing people to work with children. Information about relevant past offences and related matters will be provided to employers, to assist them to safeguard children by ensuring that unsuitable people cannot gain employment in particular roles. The Scottish Criminal Record Office will perform this function in Scotland. A decision in relation to Northern Ireland is expected soon.

vi) The Role of ACPCs in Protecting Children from Commercial Sexual Exploitation

- 4.20 ACPCs need to take an active role in co-ordinating the work of local agencies in investigating abuse and exploitation of children. It also falls within their remit to ensure that appropriate protective services exist to support children caught up in such exploitation or who have been abused. Experience in tackling child prostitution indicates that there is a need for the ACPC to raise awareness of the nature and scale of harm with agencies before taking action. Action is then best targeted simultaneously on the investigation and prosecution of abusers and the support of the children involved.
- 4.21 Effective services require that a jointly agreed strategy on both fronts is in place early in the protection process. ACPCs may also consider stimulating the local community and voluntary sector to provide some aspects of the strategy as the statutory sector is not necessarily the most appropriate service provider. Within ACPCs, there is a tradition of effective joint working between the Police and Social Services in investigating large scale organised abuse.

vii) The Role of Voluntary Organisations in Protecting Children from Commercial Sexual Exploitation

- 4.22 Child Refuges or Safe Houses may be established under the Children Act 1989, and in Scotland under the Children (Scotland) Act 1995, for children who have run away from home and who are at risk of harm. The NSPCC with Centrepoint run one such refuge, which provides a base for 14 days where children are cared for while either being helped to return to a situation they have left or, if more appropriate, being helped to find suitable alternative accommodation. The Social Exclusion Unit is currently undertaking a project on young runaways which will address, amongst other things, future provision of emergency accommodation for young people who run away from home.

- 4.23 Refuges strive to provide an arena that allows for meaningful negotiations to take place that will, hopefully, lead to a resolution of the crises/difficulties in the young person's life. Wherever possible, refuges work to re-unite children and young people with their families. Where a Certificate to provide refuge is in place, the child or young person must appear to be at risk of harm before he or she is accepted into the refuge. The police are notified of their admission within 24 hours with a view to the parent or other specified person being notified that the child or young person is in refuge. The parent or specified person will be given a telephone contact number but not the address of the refuge. The police are also notified when the child or young person leaves the refuge.
- 4.24 As noted in Chapter 3, the Aberlour Child Care Trust in Scotland is developing a service to support children who have run away from home or from their carers.

B. International Action

i) Part II of the Sex Offenders Act 1997

- 4.25 Part II of the Sex Offenders Act 1997 (implemented in September 1997), provides courts in the UK with the jurisdiction to deal with British citizens who commit sex offences against children abroad. However, the jurisdiction of the courts will only be extended extra-territorially where the conduct concerned would be a criminal offence both in the UK jurisdiction and in the territory of the State where it was committed.
- 4.26 While there have been prosecutions under Part II of the Act, it has always been recognised that extra-territorial prosecutions are likely to be limited in number because of the difficulties inherent in bringing such prosecutions. The UK has always pressed for prosecutions to be brought in the country where the offence was committed because it is easier for the law enforcement agencies in a country where the crime has been committed to gather the relevant evidence and prosecute the abuser.

5 Recovery and Re-integration

Definition: *Treatment and therapeutic intervention for children who have experienced commercial sexual exploitation.*

A. National Action

i) Counselling and support services

- 5.1 The Government recognises the need for counselling and support services, both for children who have been abused and for the child's family. A wide range of services are available through primary health care, child and adolescent mental health services, local authority social services and the voluntary sector.
- 5.2 The Government has made grants available under the centrally funded child abuse treatment initiative and other schemes to support a number of projects by voluntary organisations providing different types and ranges of treatment. A number of voluntary and charitable organisations, many of which are in receipt of financial support from health and/or local authorities, also do a significant amount of work in this area.
- 5.3 The *Safeguarding Children Involved in Prostitution: Supplementary Guidance to Working Together to Safeguard Children* stresses that children involved in prostitution are likely to benefit from a range of services including advice and counselling, health promotion and advice on sexually transmitted diseases and HIV. It advises that health and other agencies should ensure that services are arranged in a manner which is both appropriate for and acceptable to children involved in prostitution. It also stresses the role of the voluntary sector in attempting to reduce harm to young people involved in prostitution through offering practical assistance with food, clothing and personal requisites as well as providing advice on health care, safer sex, drug misuse, housing, and state benefit issues.
- 5.4 At a local level, ACPCs need to consider the extent to which local services are equipped to help and support young people in escaping and staying safe from abuse and exploitation. For the most damaged individual children, Health, Education and Social Services will need to ensure that specialist services are available. For some of the more prevalent types of sexual exploitation, such as child prostitution, local authorities need to consider whether project based approaches are more likely to be successful.
- 5.5 ACPCs also need to consider working with neighbouring authorities if a relatively low incidence of a particular issue indicates that it might be more effective and efficient to establish a jointly commissioned service. Equally, the statutory agencies should think about services from a child's perspective and consider the evidence of current projects. Local authorities must acknowledge that the voluntary sector will, for many young people, be a more approachable option.
- 5.6 Voluntary organisations have taken a leading role in providing services and support for young people at risk of becoming involved in prostitution.

5.7 Examples include:

- **Barnardo's Streets and Lanes Project** in Bradford which provides a multi-agency approach to offering services to young women who are at risk of, or already involved in, prostitution. The project helps these girls and young women with the practical needs of food, clothes and healthcare and offers information and advice about the risks involved in their life.
- **Bristol BASE** (Barnardo's Against Sexual Exploitation) targets vulnerable children and young women who are being abused through prostitution or are in abusive controlling relationships. The scheme provides one-to-one support, advice, and information on a range of sexual safety, relationship and self-protection issues, as well as helping the children and young women access services.
- **Barnardo's SECOS** (Sexual Exploitation of Children on the Streets) Project in Middlesbrough provides drop in facilities, outreach work and individual work with girls and young women below the age of 18 years who are at risk of, or are already involved in, prostitution.

5.8 The **Faithfull Foundation** provides a range of assessment and intervention facilities for adult male and female perpetrators of sexual abuse; adolescents who abuse; children who have been sexually abused; non-offending parents; other family members; and adult survivors of sexual abuse. It is a child protection agency committed to reducing the risk of children being sexually abused by: preventing known offenders from re-offending; training police officers and specialist profiling of offenders; training child protection workers and colleagues in the criminal justice and penal systems; working therapeutically with the victims of sexual abuse and providing a national consultancy service and resource centre.

6 Children's and Young People's Participation

- 6.1 The Government recognises how vital it is to listen to children and considers this to be a priority area. The important role of children's participation in influencing national policy development (and in contributing wishes and feelings to services received by them) has been acknowledged in a number of ways, (through A National Voice, youth participation on the Ministerial Task Force for the Children's Safeguards Review and the establishment of the Children and Young People's Shadow Reference Group as part of the Quality Protects programme).
- 6.2 Listening to children continues to be a priority area for grant funding under the *Quality Protects* programme with about £5m invested in this area in year 1 of the programme and £7m in year 2.
- 6.3 The Department of Health is working in partnership with the Association of Directors of Social Services, the Local Government Association, other Government departments and a range of children's organisations, including A National Voice, Save the Children, Children's Rights Officers and Advocates, Voice for the Child in Care, Who Cares? Trust, Coram Family, and the National Children's Bureau to deliver a sustainable children and young people's participation programme. The work being taken forward within this programme is set out in more detail in Appendix B.
- 6.4 The Scottish Executive has been working closely with the voluntary and statutory sector organisations to develop more systematic approaches to taking the views of children and young people in Scotland on matters of national policy and to receive their views on issues of interest to young people in general. A consortium of statutory and voluntary interests has been established to work up proposals for formalising consultation arrangements using the most innovative means available. A network of Youth Forums exists across Scotland which enables young people to express their views and concerns to local authorities about services provided within their communities.
- 6.5 **Llais Ifanc – Young Voice** is an initiative of the National Assembly for Wales to establish a clear dialogue with children and young people. The **Biteback Group** has worked closely with Llais Ifanc and the Assembly proposes to integrate the two initiatives to create an effective all-Wales body representative of local level forums and other participation-based organisations, including town and school councils, and voluntary sector projects. This new body aims to link with the Assembly, enabling children and young people to participate in decision-making. These proposals are currently out to consultation.

7 The Way Forward

Taking the UK National Plan forward

7.1 Chapters 2–6 of the National Plan have described the action that is already being taken across the UK to combat the commercial sexual exploitation of children. In this chapter of the National Plan we concentrate on three key areas where further work needs to be undertaken. These are:

i) **Monitoring the Implementation of Guidance to Prevent Children Entering a Life of Sexual Exploitation or to Help Them Leave Such a Life Once Started**

7.2 The Government's first key area for future action is to ensure that the guidance published by the Government in May 2000 on *Safeguarding Children Involved In Prostitution – Supplementary Guidance to Working Together To Safeguard Children* is properly implemented. Now that the guidance has been in existence for one year, the Government is taking the following action to monitor its effectiveness:

7.3 In June 2001, the Department of Health commissioned a study to review how the guidance is being implemented across the country and its impact. The main objectives of this study are to:

- assess how well the guidance has been implemented nationally;
- assess how senior managers and practitioners have responded to the guidance;
- ascertain whether multi-agency protocols on responding to children involved in, or at risk of becoming involved in, prostitution have been created and are working in practice;
- assess the extent to which resources have been targeted and specialist provision has been made;
- provide an analysis of the numbers of children and young people dealt with under the auspices of the guidance;
- identify examples of good practice;
- identify any difficulties with, and obstacles to, its implementation; and
- assess the overall affect that the guidance has had on preventing children from becoming involved in prostitution and in providing those who are involved with opportunities and strategies to leave.

7.4 The study will involve:

- a telephone survey of all ACPCs followed by in-depth follow up of 50 ACPCs to see how local agencies have responded to the guidance locally; to be followed by
- a seminar for ACPC representatives and other key interested parties to highlight the findings of the survey, and to discuss the practical issues arising from the implementation of the guidance; and
- a report summarising the findings of the telephone survey and the follow-up seminar.

7.5 The findings of the study will be presented to a national conference for Area Child Protection Committees to be held in London in November 2001.

ii) Promulgating guidance on the safe use of the internet to parents, schools and children.

- 7.6 The Government's second priority area for action is to raise awareness about safe use of the Internet. The Government announced a Task Force on child protection on the Internet on 28 March 2001. This will include representatives from law enforcement agencies, children's charities, the Data Protection Registrar, and Government departments. It will also include representatives from the Internet Watch Foundation, the Independent Committee for the Supervision of Standards of Telephone Information Services, the Internet Service Providers, and other sections of business and industry connected with Internet services such as major retailers of computers, software manufacturers etc. The Task Force will be looking to make the UK a safe place for children to use the Internet: and to help protect children the world over from abuse fuelled by criminal misuse of new technologies. The Task Force will report on progress so far to the Home Secretary in Summer 2001.
- 7.7 The Department for Trade and Industry and the e-envoy's office based in the Cabinet Office have worked with major children's charities and the Internet industry to agree a set of messages for children and their parents, to improve their safety on the Internet. These messages will be promoted through www.ukonline.gov.uk, the new Government portal.
- 7.8 DfES and the British Educational Communications and Technology agency (BECTa) have produced a detailed information pack for teachers and parents about pupils' safe use of the Internet. The *Superhighway Safety pack*, first published in October 1999 and revised in September 2000, is available free in hard copy and is also online at <http://safety.ngfl.gov.uk/>. It provides guidance on a wide range of measures which schools, parents or carers and learners can adopt to use the Internet safely.

Scotland

- 7.9 A new working group in Scotland has been set up to update the guidance on assessing the value and risks of the Internet; the strategies for schools and local authorities; and introducing Internet safety into the curriculum. The group will be headed by BECTa's Director of Schools and will contain representation from police services and education authorities. All published guidance emerging from the group will be made available on the Scottish Executive website: www.scotland.gov.uk/clickthinking.

iii) International issues

- 7.10 The Government recognises the importance of international co-operation in combating the commercial sexual exploitation of children and is keen to encourage continuing and developing co-operation on this issue particularly amongst the ASEM member states.
- 7.11 The Government recognises the value of establishing closer links internationally to share training, good practice and the exchange of information (subject to domestic laws and regulations) on sexual crimes against children committed by foreigners, or foreign child victims who are detected. There is a corresponding need for close co-operation with relevant NGOs and international organisations to research the scale, prevalence and nature of the sexual exploitation of children to enable law enforcement organisations and welfare agencies to develop effective operational responses to child exploitation.
- 7.12 In order to move this work on over the next 18 months the Government has invested an additional £90,000 in the ASEM Resource Centre at the Centre for Europe's Children, University of Glasgow in order to maintain and develop the ASEM website. The Government is also investing an additional £20,000 in

order to help the UK to prepare for the second World Congress on Child Sexual Exploitation which is to be held in Yokohama in December 2001. These additional funds are being used to develop a Yokohama preparation website. The new site is being developed by the Centre for Europe's Children and, as a minimum, will provide information on the following:

- the UK's preparation for the second World Congress including our National Plan with links to other key UK sites;
- Information about the Congress including its purpose and history and links to the agenda for action which emerged from the Stockholm Congress;
- Information about the six themes for the Congress linked to the official theme papers;
- News and updates about the Congress itself with links to the official websites; and
- information about developments and preparations in other countries and regions with links to actions plans and other relevant information.

7.13 The new website is expected to be launched in September 2001.

7.14 The Government considers that this is the most rapid and effective way of sharing vital information about combating the commercial sexual exploitation of children across a wide international network. The Department of Health and the Home Office will keep the development of the ASEM website under review in order to monitor its effectiveness.

iv) Future Planning

7.15 The specific initiatives described above represent the current priorities in combating the sexual exploitation of children. They were identified in the context of a much wider debate about developing a strategic response to the issue. This debate will now be taken forward through a collaborative process involving Government, children's organisations and relevant professional associations. The National Plan will be reviewed annually and updated regularly. New priorities for action will be identified as appropriate.

7.16 This process will need to be responsive both to emerging knowledge about patterns of sexual exploitation and the lessons to be learned from current practice. However the work undertaken by members of the original steering group, particularly the children's organisations, already provides a comprehensive agenda for future debate. Key areas for early review include:

- identifying appropriate responses to the needs of particularly vulnerable groups:
 - children in public care;
 - children who go missing;
 - refugee and asylum-seeking children; and
 - children involved in the entertainment and sports industries;
- increasing our knowledge of the profile and offending patterns of the adults who are involved in the sexual exploitation of children;
- identifying what types of interventions are effective in supporting children and young people at risk of, or involved in, sexual exploitation and ensuring that such interventions are available;
- identifying appropriate action to address the problem of the trafficking of children for the purpose of sexual exploitation.

7.17 Finally, future work on the Plan will also need to respond to the challenge of facilitating the meaningful participation of children and young people within the planning and consultation process.

A The Children Act 1989

A.1 In England and Wales, the statutory care of children is governed primarily by the Children Act 1989 and its associated volumes of guidance. It provides a comprehensive framework of powers and responsibilities to ensure children receive the care and protection they deserve. It promotes co-operation between statutory agencies and professionals to safeguard and promote the welfare of the child. In Scotland, the Children (Scotland) Act 1995 contains broadly similar provisions to those contained in the Children Act 1989. Broadly similar provisions for Northern Ireland are also contained in the Children (Northern Ireland) Order 1995.

A.2 The 1989 Act requires that:

- the child's welfare is safeguarded and promoted;
- the child's wishes and feelings are ascertained and taken account of;
- the child's race, culture, language, religion and any disability are taken account of;
- the child's contact with the family is supported; wherever possible;
- the child is reunited with their family; wherever possible;
- the child's family is supported and provided with (appropriate) services; and
- that work with parents takes place on the basis of partnership.

A.3 The emphasis on inter-agency co-operation is set out in the Inter-Departmental policy guidance *Working Together to Safeguard Children* which is firmly set within the context of the Act. It places emphasis on the importance of co-operation by all agencies involved in protecting children. Area Child Protection Committees (ACPCs) provide the local inter-agency forum for developing, monitoring and reviewing child protection policies and procedures. *Working Together* is issued under Section 7 of the Local Authority Social Services Act 1970, which requires local authorities in their social services functions to act under the general guidance of the Secretary of State. As such, it does not have the full force of statute but should be complied with unless local circumstances indicate good reasons which justify a variation.

A.4 *Working Together*, emphasises that everyone shares responsibility for promoting the welfare of children, as a parent or family member, a concerned friend or neighbour, an employer, staff member or volunteer. Any person who knows or suspects that a child is suffering, or is at risk of significant harm, should refer their concern to one or more of the agencies with statutory duties and/or powers to investigate and intervene, i.e. the social services department, the police or the NSPCC.

A.5 The Children Act 1989 imposes a range of responsibilities on local authorities for the care and protection of young people under the age of 18. These include:

Section 17 Requires the local authority to safeguard and promote the welfare of children within their area who are in need and, so far as is consistent with that duty, promote their upbringing within their families.

- Section 17(10)** A child is defined as being in need if:
- (a) he 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 of services by a local authority;
 - (b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or
 - (c) he is disabled.
- Section 20** Requires local authorities to provide accommodation for any child in need within their area who appears to require it or who has no other suitable accommodation.
- Section 31** A court may make a care order or supervision order if satisfied a child is suffering or is likely to suffer significant harm and the likelihood of harm is attributable to the care being given to the child not being what would be expected from a reasonable parent.
- Section 38** The Court may make an interim care order or supervision order either where proceedings for a care order or supervision order are adjourned or where the court orders that an investigation must be conducted under section 37(1). The threshold test in section 31 has to be satisfied before such an order can be made.
- Section 38A** This section enables the court to make an exclusion requirement attached to the interim care order so that a suspected abuser can be removed from the home or kept away from the home and the area. The court may attach a power of arrest to the exclusion requirement.
- Section 44** The Court may make a child the subject of an Emergency Protection Order if it is satisfied there is reasonable cause to believe that the child is likely to suffer significant harm, if the child is not moved to a safe place or does not remain in one.
- Section 44A** The court may make an exclusion requirement attached to an emergency protection order in same way as for an interim care order with the same power of arrest attached.
- Section 46** The police may take a child into protective custody for up to 72 hours if they have reasonable cause to believe s/he would otherwise be likely to suffer significant harm.
- Section 47** Requires that the local authority make enquiries where they have reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm, to enable them to decide what action they should take to safeguard or promote the child's welfare.
- Section 48** Enables courts to provide local authorities with powers to locate a child in need of protection when making an emergency protection order for a child whose whereabouts are not known.
- Section 49** Makes it an offence to abduct or induce, assist or incite a child to runaway whilst in care, the subject of an emergency protection order or in police custody.

Section 50 A court can make a recovery order for children who are abducted or who run away or go missing whilst in care, the subject of an emergency protection order or in police protection. A recovery order instructs anyone who knows where a child is to reveal this information or to produce the child if they are in a position to do so. The order also authorises a police officer to search a particular house and authorises a particular person (usually a police officer or social worker) to remove the child.

- A.6 Once a child becomes the subject of a statutory order, for example an Emergency Protection or Care Order, parental responsibility for the child is acquired by the Social Services Department and shared with those who already have it – mothers, fathers and in some cases, grandparents or other family members. The Social Services Department is then expected to act as if it were the child's parent and ensure the child's safety and promote his/her welfare. This includes ensuring the child receives appropriate therapeutic help, maintains appropriate family contact and intervening in the family system to try and enable the child to be reunited with their family. In a minority of cases reuniting may not be possible and the child may need to be placed long-term with a substitute family or adopted.
- A.7 Within the framework of the Children Act 1989, social services have a responsibility to protect children and young people from abuse, including sexual exploitation, and to provide services to children in need.
- A.8 *Working Together* recommends that each Social Services Department maintains a child protection register which lists all the children in the area who are considered to be suffering, or likely to suffer, significant harm and for whom there is a child protection plan. It is not a register of children who have been abused but of children for whom there are unresolved child protection issues and who are currently the subject of an inter-agency protection plan. A child's name would be placed on the register following the discussion of the child's needs, including for protection, and a decision being made at a inter-disciplinary child protection conference that the criteria for registration are met.

B Children and Young People's Participation

- B.1 Children's participation is one of the key themes of the Quality Protects programme and is one of the priority areas for special grant funding.
- B.2 A number of projects have been taken forward by the Children's Participation project team to ensure the continued and sustainable improvements in listening to children and young people in the planning, assessment and review of services for looked after children and children in need.

'Make it Happen events/report'

- B.3 Six events were held across the country in April 2000 in partnership with A National Voice, National Children's Bureau and the Department for Culture, Media and Sport. 750 children and young people came together to tell the Department of Health how Quality Protects was working for them on the day-to-day issues such as reviews, sleepovers, education, health, travel and leisure. Following the events, a newsletter was published for children and young people, containing the powerful messages and comments that were made at the events. A report, directed at adults, was also published and provides examples of good practice on children's participation for local councils.

Young People's Reference Group

- B.4 One of the key outputs for the participation project, and following the Make it Happen events, has been the establishment of a Young People's Reference Group to 'mainstream' children and young people's issues into the Quality Protects programme. 18 young people (including disabled children) from seven councils across England are actively working with the Department of Health in the development of policy.
- B.5 The purpose of the group is to also ensure a two-way communication between young people and the development of the programme by linking the young people's work at central government level to local practice improvement. The Department of Health is determined to see real improvements in the day to day lives of children and young people in Years 3, 4 and 5 of the programme.

'Total Respect'

- B.6 The Department of Health, with the assistance of the Children's Rights Officers and Advocates, has developed training materials called 'Total Respect' for all front line staff and councillors. The pack highlights the continued shared responsibility that we all have to ensure that children and young people participate in:
- individual care planning;
 - local policy development and children's services planning; and
 - complaints or allegations of abuse and that they are taken seriously.

- B.7 Local councils with social services responsibilities are required to demonstrate that this training material has been incorporated within the Council's training strategy. A unique element of this pack is a requirement that children and young people be actively involved in delivering key parts of the training material. The training material went out to all Directors of Social Services and lead training officers within each of the councils.

Advocacy

- B.8 According to local council's 2000/01 Quality Protects Management Action Plans, by the end of Year 2 of Quality Protects two thirds of local authorities will have made arrangements for advocates to be available. Of the remaining one third, some have Children's Rights Officers who are likely to perform some of the main function.
- B.9 The Department has been working with the National Youth Advocacy Service and the Advocacy Consortium to develop advocacy standards (for England). Although there is no statutory right to independent specialist advocacy services for looked after children, these standards will ensure more effective advocacy work around the country. The standards will be produced next year.

Teenagers to Work programme

- B.10 Last year a three-stage programme offering a one-day, one week and one-month work experience to young people looked after was completed. Over 350 young people took part in the programme across England. As this programme was highly successful a further one-month programme, with the support of LGA and ADSS, is being planned for next year. The focus of this scheme is to develop and encourage young people's potential for future careers and to also link with other government initiatives about employment and training.

Increasing the life chances of children through leisure, culture and sport

- B.11 Year 3 of Quality Protects is very much about 'delivery' and the Government wants to see the programme delivering individual achievements of young people in artistic expression. The objectives on improved life chances will set out clear signals not only for leisure and sport but also for promoting access to art galleries, museums and other cultural activities. All local authorities in England will be invited to take part in this innovative project and 200 young people took part from all over the country in the school summer holidays of 2001.
- B.12 The main outcomes of the project will be:
- to improve access by young people to galleries and museums;
 - develop the talents, ambitions and skills of young people;
 - provide young people in care with the opportunity to work alongside high profile artists and in interesting venues; and
 - ensure improved life chances for looked after young people and promote artistic expression and achievement.

- B.13 A project team on sport and leisure has been established to find ways of increasing young people's participation in sport and leisure. Seminars with the sports governing bodies and Sport England are part of this project.

Increasing the knowledge of awareness of front line staff

- B.14 In light of work undertaken by Regional Development Workers, findings from the Mori poll and a 'scoping' seminar held with British Association of Social Workers (BASW) on 7 April 2000, the Department of Health is finding more effective ways of communicating with groups of multi-agency front line staff. The Mori poll in particular identified teachers and foster carers who especially showed very limited awareness of Quality Protects. In November 2000, a special Quality Protects supplement for front-line staff appeared in *Community Care* and went out to 60,000 social workers across the country. The supplement covered six feature articles focusing on the key challenges of making Quality Protects work and the join-up with other agencies. This covered:

- Education (attainment, exclusion, Further Education and university funding);
- Health (joining up – Healthy schools, Teenage Pregnancy, Drugs, Healthy lifestyles – self-worth);
- Councillors (corporate parent, districts' responsibilities – Leisure, Housing – achievement through corporate parenting);
- Human Resources (staff retention and recruitment, NFCA Recruitment campaign);
- Participation (in daily decisions and service plans and development);
- Care Planning (bring it all together to make a difference).

It is also proposed that early in 2002 a further supplement will appear in *Nursing Times* and *Community Nurse*.