

Human

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Child Criminal Exploitation and The Need for Consistency



CHILD CRIMINAL EXPLOITATION AND THE NEED FOR CONSISTENCY

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This report was produced following two roundtables in 2021 and could not have been conducted without the time and expertise of the participants in both the strategic and frontline roundtables. The vital contributions given by participants; identifying the gaps, challenges and opportunities for collaboration and progress in the response to child criminal exploitation form the basis of this report.

This research also draws centrally upon expert knowledge from Garden Court Chambers and Duncan Lewis Solicitors. It also incorporates earlier findings including from the Human Trafficking Foundation's Advisory Forum on Child Criminal Exploitation and County Lines in partnership with Stop & Prevent Adolescent Exploitation (SPACE) in March 2021 and a Human Trafficking APPG event on county lines run in 2018.

The Human Trafficking Foundation is particularly grateful to the individual who joined the frontline roundtable and shared their first-hand experience of child criminal exploitation and insights into the support they received.

In addition, the knowledge and expertise of SPACE has been invaluable in developing the author's understanding and shaping the wider sector's conversation on child criminal exploitation. SPACE is a leading specialist organisation responding to County Lines and the national prevalence of (C)CE.

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INTRODUCTION

Since the inception of the Modern Slavery Act in 2015, cases of child trafficking have steadily risen, accounting for 43% of all National Referral Mechanism referrals in 2021.¹ The reason for this is criminal exploitation of, primarily, British children.

While awareness of Child Criminal Exploitation (CCE), and specifically county lines has undeniably increased in recent years, the question of whether this has resulted in better outcomes for criminally exploited young people still remains to be seen. This report provides a summary of two roundtable events entitled ‘County Lines on the Frontline’ and ‘County Lines Through a Strategic Lens’ on the current landscape of CCE, tracing and evaluating the work of key stakeholders and presents recommendations that emerged from these discussions. The purpose of the roundtables was to critically examine what is working and what needs reform in the response, to inform future litigation and produce better outcomes for young people affected by criminal exploitation.

The roundtables identified both the exceptional pockets of good practice and the inertia of some key players that are not fully acting upon their responsibility in addressing CCE. What was clear from the roundtables is a need for a national strategy; a response fit to deal with an exploitation type that encompasses multiple government departments, statutory agencies, and frontline organisations and which mirrors and builds on the response to Child Sexual Exploitation (CSE).

1. EXECUTIVE SUMMARY

From survivors' testimonials to those working in statutory agencies, the system response to child criminal exploitation was categorised by all participants at the roundtables as 'inconsistent.'

Pervading both roundtables was a frustration of the disconnect between different agencies and the discrepant nature of the response to CCE. Participants described how there is successful work being done in pockets around the country, but it is challenging to roll out programs nationally that rely on the dedication of committed individuals leaving children reliant on a 'postcode lottery' for effective support.

Multi-agency collaboration was evident in all examples of good practice raised at the roundtables, however joined up working was not seen as the norm. Working in silos ensures that children get lost between the margins and the boundaries of support, which means exploiters can target them with ease.

Further, an aspect continually raised across the roundtables were how the boundaries of childhood and adulthood are so sharply defined in support provision. The end of support at the age of 18 is described as a '*cliff edge*' for victims, which does not reflect the realities of the experiences of vulnerable young people. This lack of commitment to transitional safeguarding ensures that the response young people receive fragments as they reach the age of 18. To effectively deal with CCE there is a need for a holistic, whole system approach which will be explored throughout this report.

Issues of systemic racism were repeatedly raised within the frontline roundtable along with the need for far greater representation throughout the young person's experience. The issue of race was not raised regularly within statutory agencies' event; although it was acknowledged that there needs to be people on the frontline with whom the young people can identify with.

A BROAD APPROACH

From discussions across both roundtables, it became evident that the term ‘county lines’ is too narrow a focus and does not acknowledge those who are groomed for shooting, knife crime, storing weapons, more localised drug dealing or money laundering. Practitioners noted that this cohort of criminally exploited children who do not fall under the limiting category of county lines are frequently neglected in support provisions and services as a direct result. This narrow approach is reinforced in modern slavery legislation, demonstrable in the scope of Section 45 statutory defence, which excludes all firearm offences from protection. It is essential to move past these categories of exploitation to take a wider lens to observe all children and young people trafficked into criminality.

Further, it was also observed how children exploited by organised crime groups can experience both CSE and CCE violations, but girls and boys are triaged down a particular support route dependent on their gender, without acknowledgement of the fluidity of these crimes. Exploiters capitalise on this narrow, binary understanding of gendered exploitation which was demonstrable during periods of Covid 19 lockdown as the number of girls exploited in county lines increased, as they were detected far less by law enforcement.² This is also observable in the prevalence of young people subject to ‘plugging’ throughout their experience of CCE, an offense SPACE called for to be introduced in the Sexual Offences Act 2003 and as a definable aspect of CSE. This report therefore recommends that child exploitation should be responded to as a whole without restrictive categories such as ‘county lines’ or gendered assumptions of exploitation types.

² <https://www.nottingham.ac.uk/news/county-lines-drug-networks-circumvent-lockdown-restrictions>

2. METHODOLOGY

This report presents findings from two roundtable discussions conducted by The Human Trafficking Foundation, entitled 'County Lines on the Frontline' and 'County Lines Through a Strategic Lens'. The frontline roundtable comprised of ten grassroots NGOs working directly with young people and a survivor of CCE. The strategic roundtables included fifteen representatives from the police, Probation Service, Ministry of Justice, Department of Education, Department of Health and Social Care, Local Authorities and leading NGOs.

Separating those working on the frontline and in statutory agencies encouraged open dialogue and allowed facilitators to explore the disconnect between these two groups who, whilst coming from different angles, had the same goals of strengthening the response for young people vulnerable to criminal exploitation.

Those at the roundtables participated in moderated discussions, distributed into smaller working groups that changed throughout the session. The questions asked were open ended and exploratory, allowing for free-flowing debate to occur. While the questions asked were identical across both sessions - looking at what constitutes best practice, aspects that aren't working in the response to CCE and what recommendations participants had for both prevention and intervention - the responses from the two roundtables differed greatly, which will be explored throughout this report.

This research also draws upon expert knowledge from Garden Court Chambers and Duncan Lewis Solicitors and the findings from the Human Trafficking Foundation's Advisory Forum on Child Criminal Exploitation and County Lines in partnership with SPACE in March 2021.

3. GLOSSARY & ABBREVIATIONS

GLOSSARY

Child Criminal Exploitation

'Child criminal exploitation is when another person or persons manipulate, deceive, coerce or control the person to undertake activity which constitutes a criminal offence where the person is under the age of 18' – Barnardo's definition.³

County Lines

'A term used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of "deal line". They are likely to exploit children and vulnerable adults to move [and store] the drugs and money and they will often use coercion, intimidation, violence (including sexual violence) and weapons' - 2018 Home Office Serious Crime Strategy definition.⁴

Going Country

Referring to the movement out of local area to transport and deliver drugs or money in county lines.

Plugging

Practice where an individual inserts drugs internally in order to move them.

National Referral Mechanism (NRM)

The NRM is the Government framework for identifying and referring victims of modern slavery. The NRM was introduced in 2009 to meet the UK's obligations under the Council of European Convention on Action against Trafficking in Human Beings. Only First Responders (such as the police, local authority and Home Office) can make referrals to the NRM. Adult victims of modern slavery must give informed consent to enter the NRM. If they do not wish to enter, an anonymous Duty to Notify referral must be made. For adult victims, the NRM provides support through the Modern Slavery Victim Care Contract.

All children who are suspected of being a potential victim of modern slavery must be referred into the NRM. The NRM does not safeguard a child so existing child safeguarding procedure should be followed first and foremost. Children should also be referred to the Government funded Independent Child Trafficking Guardians run by Barnardo's.

Reasonable Grounds Decision

The first decision made by the Single Competent Authority on whether there are 'reasonable grounds to believe the individual had been a victim of human trafficking or modern slavery' once a referral has been made into the National Referral Mechanism.⁵ The evidential threshold is that the decision maker "suspects but cannot prove" that an individual may be a victim of trafficking.

³ <https://www.barnardos.org.uk/sites/default/files/2021-10/Exploited%20and%20Criminalised%20report.pdf> p.6

⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/698009/serious-violence-strategy.pdf

⁵ https://www.antislaverycommissioner.co.uk/media/1059/victims_of_modern_slavery_-_competent_authority_guidance_v3_0.pdf p.51

Conclusive Grounds Decision

A conclusive grounds decision is the second NRM decision made by the Single Competent Authority after the Recovery and Reflection period, which must be a minimum of 45 days. The decision is made ‘on the balance of probabilities’ where there are sufficient grounds to conclusively decide that the individual is a victim of human trafficking or modern slavery.⁶

ABBREVIATIONS

| | |
|------|---|
| APPG | All Party Parliamentary Group |
| CCE | Child Criminal Exploitation |
| CJS | Criminal Justice System |
| CPS | Crown Prosecution Service |
| CSE | Child Sexual Exploitation |
| NCA | National Crime Agency |
| NRM | National Referral Mechanism |
| PRU | Pupil Referral Unit |
| ICTG | Independent Child Trafficking Guardians |
| YOTs | Youth Offending Teams |

A NOTE ON LANGUAGE

This report will use both the term ‘victim’ and ‘survivor’ to refer to children who have experienced criminal exploitation as both terms were used throughout the roundtables. Some find the term ‘victim’ preferable as it clearly indicates that children who have experienced criminal exploitation are victims of a crime, whereas individuals who are no longer being exploited may find the term ‘survivor’ empowering.

⁶ https://www.antislaverycommissioner.co.uk/media/1059/victims_of_modern_slavery_-_competent_authority_guidance_v3_0.pdf p.64

4. THE USE OF LANGUAGE

‘The term Modern Slavery doesn’t acknowledge Britain’s history of slavery that hasn’t been apologised for.’

Throughout the two roundtables, the use of language and its power to shape the response to CCE was a common theme. Given the UK’s history of slavery, the use of the term ‘modern slavery’ was raised by a frontline organisation as concerning and unhelpful, especially when working with black children. Practitioners noted that the language used by professionals often distances young people as they are not terms that they identify with. The use of language was also found to influence the response by agencies. For example, a recent report by STOP THE TRAFFIK, based on 50 interviews with caregivers and support providers found that overall, the term modern slavery was preferred due to a belief that the term resulted in greater attention from law enforcement and government.⁷

Another issue raised in terms of language with specific regard to CCE, was that the conceptualisation of those exploited into criminality as perpetrators will not change if the language of statutory agencies does not change. It was noted that the agencies providing support to those exploited into criminal activity are called Youth Offending Teams (YOTs) characterising children as ‘offenders’ not victims of exploitation and is reflective of victims of CCE’s experiences

in the criminal justice system. As SPACE remarked ‘these children are not offenders so there is something really wrong with exploited children being referred into these services.’⁸ Changing the discourse is an important step in improving the perception of victims of CCE.

A leading NGO identified that the use of language by First Responders in the referral form can have an impact on the National Referral Mechanism (NRM) decision. For example, the use of the word ‘claims’ rather than ‘disclosed’ creates an element of doubt and simple phrases like ‘goes missing’ rather than ‘whereabouts are unknown’ could suggest the child has made a choice, when in reality they may have no agency in their situation of exploitation. There is learning to be taken from historic child sexual exploitation cases, where professionals considered girls as *engaging in risky behaviour*, thus placing the responsibility on the child as opposed to their exploiter.

It was a shared concern across frontline and statutory agencies that the lack of a statutory definition of CCE was leading to confusion and inconsistency throughout identification, support and the criminal justice process. In international human trafficking legislation, the ‘means’ (which includes coercion) does not need to be present for the exploitation of children as there is a recognition that a child cannot consent to their own exploitation.⁹ This means that any child who has been recruited, transported, transferred, harboured or received for the purposes of exploitation must be considered a victim of human trafficking.

⁷ https://mcusercontent.com/3c54676782d780a671a347fe3/files/294aa313-7b27-da03-0667-71c5969b5263/STT_Understanding_Child_Exploitation_Perception_and_Knowledge_Gaps_Between_Children_Caregivers_and_Support_Providers.pdf

⁸ <https://www.cntw.nhs.uk/content/uploads/2021/07/Making-Words-Matter-A-Practice-Knowledge-Briefing.pdf>

⁹ https://www.unodc.org/res/human-trafficking/2021-the-protocol-tip_html/TIP.pdf

Criminal exploitation is not explicitly listed as a category of exploitation in the Palermo Protocol or Council of Europe Convention on Action against Trafficking in Human Beings (ECAT), but is expressly detailed in the EU Directive as “exploitation of criminal activities.”¹⁰ Whilst the Palermo Protocol and European Convention do not limit the scope of what is considered exploitation, it is of assistance that the EU Directive specifically recognises “exploitation of criminal activities” as a type of exploitation in its own right. However, under the Nationality & Borders Bill the EU Directive could be disapplied. Often NRM decision makers view CCE narrowly within a category of forced labour, indeed the Modern Slavery Act Statutory Guidance refers to this. The use of the word ‘force’ leads to confusion in NRM decision making for children as, outlined above, the means does not need to be present for children and they cannot consent to their own exploitation.

There was concerted agreement therefore that including a statutory definition of CCE in Section 3 of the Modern Slavery Act would help to ensure better consistency in the responses to vulnerable young people and lead to better identification of victims.¹¹ Having a clear definition of child criminal exploitation would support the competent authority, the police, local authorities and agencies within the criminal justice process to provide an appropriate and consistent response. This agreed definition could act as the cornerstone of a national strategy to respond to CCE, providing clear guidance to navigate this complex landscape.

RECOMMENDATIONS FOR THE USE OF LANGUAGE:

- Introduce a statutory definition of Child Criminal Exploitation in the Modern Slavery Act 2015.
- A clear national strategy on CCE led by the Home Office and Department for Education, with consultation with frontline organisations and those with lived experience.
- Guidance should be issued to all statutory agencies working with children on the use of appropriate language and stereotyping and the impact this can have on the response to a child.

¹⁰ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>

¹¹ <https://www.barnardos.org.uk/sites/default/files/2021-10/Exploited%20and%20Criminalised%20report.pdf>

5. MISSING

‘Missing is not being seen as a golden opportunity to reduce CCE escalation’

Missing episodes are a potential indicator of exploitation and a common component of many young people’s experiences in CCE.¹²

ECPAT found that almost one in three trafficked children went missing from local authority care in 2020.¹³ Across the roundtables there was consensus that Missing Persons procedures are often inadequate and are not currently viewed as opportunities to address potential exploitation; instead, intervention is often overlooked and do not ensure a proper safeguarding response.

Frontline workers in the roundtable observed that in their experience if a young person is known to consistently go missing whilst active on social media, ‘it is highly likely they have gone country’. However, in many instances missing cases are closed without an attempt to find out what’s happening beneath the surface in that child’s life and instead, statutory agencies characterise missing episodes as ‘normal’ for that child. This has been well documented by the charity Missing People who have observed the pattern of discrimination Black and Minority Ethnic (BME) families experience when reporting a missing person.¹⁴ Pre-conceived ideas on an individual child’s behaviour, constructed through unhelpful

stereotypes leaves them without support in critical hours and opportunities to identify potential exploitation are missed.

Participants noted a further barrier young people face in receiving support through the Missing procedure; young people who go missing with a pending criminal matter are frequently listed as an absconder rather than a vulnerable missing person, despite the fact it is highly likely that someone who is being criminally exploited has pending criminal matters. As a result, the resources put into looking for the young person are reduced. Similarly with immigration matters, when a young foreign national with insecure status goes missing, they are primarily observed as an immigration absconder rather than a vulnerable missing person.

It is evident from the roundtables that there is a need to reform the response to Missing with a greater focus on intervention in the critical first few hours when the young person is absent, irrespective of immigration status, pending criminal investigations or whether missing episodes are interpreted as ‘normal’ for a certain child. Instead, these characteristics should be interpreted as additional indicators that exploitation may be taking place. These first few hours were identified as possible reachable moments, short windows of time where the child may be open to intervention and accept support from authorities, owing to the trauma they may have experienced while missing.

An example of good practice was identified by one participant of the roundtable as the MOPAC Rescue and Response programme in London, where NGOs provide out of hours rescue service outside of London

¹² <https://www.catch-22.org.uk/news/imcd-what-is-missing/>

¹³ <https://www.ecpat.org.uk/when-harm-remains-an-update-report-on-trafficked-and-unaccompanied-children-going-missing-from-care-in-the-uk>

¹⁴ <https://www.missingpeople.org.uk/discrimination-in-the-response-when-someone-is-reported-missing>

for a young person found in a house linked to criminal exploitation, which provides opportunities to intervene in missing episodes in the critical first hours. A charity compared this to their experience of police procedure; ‘they don’t do this, instead they carry out stop and searches and then leave the person where they are’ exemplifying a cultural shift that needs to take place within the police from prosecuting to safeguarding young people vulnerable to exploitation. However, a limitation of the Rescue and Response programme was that they only intervene in cases where a child has travelled outside of London, when there is still exploitation in drug lines running between boroughs.

Furthermore, the roundtables identified Return Home Interviews as a possible site of bridging the ‘intelligence gap’ between CCE and missing episodes.¹⁵ While the Department for Education’s 2014 statutory guidance on children who run away or go missing from home or care confirms that Return Home Interviews must be offered to individuals after a missing episode, the APPG on Missing Children and Adults inquiry into criminally exploited children in 2017 found that many local authorities do not offer Return Home Interviews and characterised this provision as nationally ‘inconsistent’.¹⁶ The roundtables recommended that these be offered in all missing cases, regardless of the length of the missing episode, utilised to recognise potential exploitation a young person may be experiencing.

RECOMMENDATIONS FOR MISSING:

- Return Home Interviews should be used in every case, regardless of length of missing episode, as a means to identify potential exploitation and intervention.
- Where there are concerns of potential exploitation, children should be listed as ‘high risk’ missing and the first few hours considered critical.

¹⁵ <https://cascadewales.org/wp-content/uploads/sites/3/2020/11/A-systematic-map-and-synthesis-review-of-Child-Criminal-Exploitation-October-2019-1.pdf> p.9

¹⁶ <https://www.oscb.org.uk/wp-content/uploads/2019/04/APPG-Missing-gangs-exploitation.pdf> p.5

6. NATIONAL REFERRAL MECHANISM (NRM)

‘What is the worth of an NRM?’

NRM and Criminal Proceedings

The discontent with the NRM is both procedural and substantive; there was clear consensus across the roundtables that the NRM is not fit for purpose and does not respond to the needs of victims of CCE, particularly British victims. It was identified that the processes are too slow, and decisions are without teeth and they can be often ineffectual in both court and criminal investigations.

Recent case law R VS Breconi stated that an NRM decision is no longer admissible in court, as the prosecution declared that there was ‘no basis upon which the case worker who made the conclusive grounds decision can be regarded as an expert.’¹⁷ Evidently, the civil process of the NRM is siloed from the criminal proceedings that a young person exploited into criminality often undergoes, with one having little bearing on the other. Practitioners at the roundtables experienced similar dismissals of NRM decisions’ legitimacy in the criminal justice system:

‘Recently explained the NRM and the young person agreed. He put a lot of faith in this and believed it would have an impact on his criminal case. His defence firm told him this isn’t enough; you need to name names, give detail.’

Since the roundtables, further guidance for the Crown Prosecution Service (CPS) has been issued in relation to NRM decisions which stipulates that the CPS may not make

their charging decision until the competent authority give their conclusive grounds decision¹⁸. Whilst R v Breconi overturned the decision in DPP v M that a court should admit the competent authority decision as expert evidence; VCL & AN said that a prosecution should not be considered until the competent authority trafficking decision had been made. The case of VCL & AN made it clear that there is a ‘positive obligation’ upon the police to investigate ‘situations of potential trafficking’ and failure to do so would breach article 4 of the anti-trafficking convention. The CPS may disagree with the Conclusive Grounds decision, but they would need to set out clear reasons for this based on why the statutory definition of trafficking does not apply to the individual; and/or why there was no direct link between the trafficking and the offence.

This case (VCL & AN) is likely to have a positive impact with regards to taking exploitation into consideration when sentencing but is also likely to leave individuals in limbo for longer as their court cases are delayed whilst waiting for Conclusive Grounds decisions. It is important to ensure that police, CPS and solicitors are aware of this new guidance and are therefore waiting to take the Conclusive Grounds decision into consideration before a charging decision is made. In tandem it is vital that the competent authority is making Conclusive Grounds decisions in a timely manner, rather than the 448 days it took in 2021.

Support in the NRM

It was evident during the roundtables that for the frontline organisations, it was not only within the criminal justice system that an NRM decision was felt to be without

¹⁷ <https://www.bailii.org/ew/cases/EWCA/Crim/2021/731.html>

¹⁸ <https://www.cps.gov.uk/legal-guidance/modern-slavery-human-trafficking-and-smuggling>

teeth; NGO practitioners also described approaching local authorities asking for a young person to be moved for their safety who were told that an NRM decision was not enough to substantiate their request, and instead they needed evidence from the police.

‘There is a need for a system that respects opinions of professionals when they recognise the signs and indicators of exploitation without having to put individuals at risk.’

For the frontline roundtable, these experiences call into question what the value of an NRM decision is for a CCE victim and illuminates how the Government’s framework for identifying and protecting victims of modern slavery may not be fit for purpose, particularly in the context of CCE for a cohort of majority British victims. Despite this however, in the context of foreign national victims who are at risk of deportation, an NRM decision is of potentially critically importance which was not discussed at the roundtables.

Delays in NRM Conclusive Grounds decisions were also raised as an area of concern for practitioners. One remarked ‘after delivering brief interventions at a crisis point you cannot wait for months for a Conclusive Grounds response.’ This delay in decision making is currently being addressed through a Home Office funded devolved decision-making pilot for child NRMs, whereby multi-agency panels make Reasonable and Conclusive Grounds decisions for children referred to the NRM in their area. Whilst the evaluation of the pilot will be published later in 2022, early indicators point to quick decision making, more collaborative working across agencies and the opportunity to identify local trends and connections. However, it should be noted that the ten pilot sites had to apply for this funding and therefore may already be councils with a more robust response to modern slavery and exploitation.

Despite the pilot, delays in NRM decisions could be further exasperated by the provisions of the Nationality and Borders

Bill with the introduction of Slavery and Trafficking Information Notices for foreign national victims with protection claims. These notices risk creating another layer of bureaucracy and would likely increase the length of time survivors must wait in the NRM.

The Bill, making its way through Parliament at the time of writing, was referenced continuously when discussing the NRM, and it was clear participants were anxious that this legislation could further weaken the protections to survivors the NRM offers. Part 5 of the Nationality and Borders Bill currently stipulates that all victims of slavery who have committed certain crimes, can be disqualified from protection under the NRM.¹⁹ This would effectively construct a hierarchy of deserving and undeserving victims and may render the NRM useless for those exploited for criminal activity.

Frontline roundtable participants called for reform of the NRM to equip them with an adequate tool at their disposal to support CCE survivors. For foreign national child exploitation survivors, they called for positive Conclusive Grounds decisions to result in Leave to Remain with a tailored support package of care. In recent years there has been some improvements for foreign national children including the Independent Child Trafficking Guardians (ICTG) scheme. The ICTG system provides child victims of trafficking without parental responsibility in the UK referred into the NRM with an independent advisor to assist them in navigating the systems of care available to them and accessing their rights. The ICTG service now covers two thirds of local authorities in England and Wales. The Home Office is currently piloting the removal of the 18-month time limit for support and a continuation of the service after a child turns 18, adopting a transitional safeguarding approach, offering provisions based on needs and not age which are essential amendments when considering delays to both the NRM and asylum processes. However, a timeframe for a national roll out of the ICTG service has not yet been

¹⁹ <https://bills.parliament.uk/publications/44307/documents/1132>

announced, leaving children hamstrung by a postcode lottery of support and many around the country without a specialist guardian. These ICTGs are often not provided to children with parents in the UK, which leaves them and their family with no additional support provision within the NRM.

Data Collection

One potential benefit of the NRM identified was the ability to collect data in order to understand the local and national picture and use this to inform responses. Practitioners at the roundtables observed that interventions that worked well tended to be data driven. However, it was emphasised that there is a need for better data collection which should form an integral element of a national strategy on CCE. Localised data was recommended to understand the true extent of exploitation as it can lead to an intelligence-led response, addressing the particular nature of exploitation in the specific geographical area. Participants noted that high-risk areas were small, concentrated localities usually with high levels of deprivation; for example, in London these locations were on a ward level, not borough. One participant felt that CCE affected certain areas and wards disproportionately and that a more focused spend on prevention in specific wards would make more sense than thinly spread services across large regions such as across all of London.

Further, more accurate data must be captured, in terms of demographics of who is being exploited, in order to implement tangible solutions. This would be a way of holding agencies and authorities accountable for how they deal with the issues. A comparative model is the data collection on child arrests by the Howard League, which identifies areas where training is necessary.²⁰ There was also a call for better data sharing between organisations to eliminate the disconnect between grassroots organisations and statutory agencies, ensure better outcomes for children and prevent re-trafficking. Finally, in response to discussions about

the NRM, there was a concerted agreement that more training for First Responders, both constructed and delivered with survivors' voices, is needed to ensure better consistency in the quality of referrals. At present, whilst making NRM referrals for potential victims of modern slavery is mandatory for First Responders, training on this is not. Participants felt in many instances First Responders 'closed the NRM gateway' to victims due to a lack of understanding in the context of CCE, often compounded by a lack of awareness around the role of the NRM for British victims. This was demonstrated by British survivors in a 2021 report by the Human Trafficking Foundation who described the stigma they faced and the expectation that they can navigate the NRM systems without support.²¹

RECOMMENDATIONS FOR THE NRM:

- All First Responders should receive a high level of mandatory training, ideally by lived experience experts, on exploitation and the NRM before making referrals.
- Positive Conclusive Grounds decisions for foreign national children should result in leave to remain and a tailored package of care.
- Under the Nationality & Borders Bill, victims of modern slavery should be exempt from Trafficking Information Notices and Disqualification from Protection if their exploitation took place when they were under 18.
- Data sharing agreements must be put in place between multi-agency partners and data shared between them regularly to ensure that responses are intelligence led.
- Conclusive Grounds Decisions should be made within the 45-day timeframe set out in the Modern Slavery Act statutory guidance.
- New CPS guidance must be shared with police, CPS and solicitors to ensure charging decisions are not made before conclusive grounds decisions have been received.

²⁰ <https://howardleague.org/wp-content/uploads/2020/03/Victims-not-criminals.pdf>

²¹ <https://static1.squarespace.com/static/599abfb4e6f2e19ff048494f/t/617fb052b75f8164d23fb6f3/1635758164404/HTF+British+Survivors+of+Modern+Slavery+Report+Latest.pdf> p.8

7. CRIMINAL JUSTICE SYSTEM

‘The criminal justice system doesn’t allow us to say every child involved in county lines is a victim’

While participants of the two roundtables remarked that there is increasing understanding that exploited children are victims of crime not perpetrators, the criminalisation of victims of CCE remains pervasive. The strategic roundtable identified a need for the CPS to end the prosecution of CCE victims with a positive Conclusive Grounds decision from the NRM²² and since the roundtables, CPS guidance has been published which moves closer towards this.²³ A 2021 HM Inspectorate of Probation Report on the Youth Justice System found that a third of boys inspected for the report and sentenced to court orders were confirmed victims of criminal exploitation.²⁴ These figures demonstrate how the Section 45 defence is inadequate to protect criminally exploited children and it is interpreted as being a loophole for perpetrators, rather than a protective measure to avoid the prosecution of victims.

Training

Training was raised as a recommendation, for magistrates, probation, duty solicitors and prison staff and the CPS due to the high numbers of cases of criminal exploitation

and people being convicted of crimes they’ve committed under duress.²⁵ In 2019 STOP THE TRAFFIK delivered training to 45 magistrates; 43 of which had never heard of the NRM or section 45 defence, demonstrating the critical need for wider training to ensure victims are not subjected to criminal convictions in court.

Delays

Several participants drew attention to the significant delays in the CPS, as they witnessed young people detained for months while their hearings are postponed. This inevitably results in vulnerable victims of CCE experiencing further trauma as they and their families are suspended from carrying on their lives as they await court decisions. In some instances, delays mean that victims turn eighteen, falling off a ‘cliff edge’ of support and are then subsequently tried as an adult.

Racism

It was observed by roundtable participants that the Youth Justice System is tainted by systemic racism and injustice, demonstratable in the over-representation of black young people. The Lammy Report identified that in the UK a disproportionate 40% of young people in custody are from BAME backgrounds.²⁶ Frontline participants echoed this concern, noting:

‘Often young white young people get support to help them stop offending and prevent incarceration, while with their BAME counterparts - the numbers are increasing but the work done is decreasing.’

²² <https://www.theguardian.com/uk-news/2019/sep/17/child-victims-of-human-trafficking-prosecuted-despite-cps-rules>

²³ <https://www.cps.gov.uk/legal-guidance/modern-slavery-human-trafficking-and-smuggling>

²⁴ <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2021/10/The-experiences-of-black-and-mixed-heritage-boys-in-the-youth-justice-system-thematic-report-v1.0.pdf> p.5

²⁵ <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2021/10/The-experiences-of-black-and-mixed-heritage-boys-in-the-youth-justice-system-thematic-report-v1.0.pdf> p.27

²⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf p.3

The Youth Justice System must take further steps to examine and address these racial disparities and over-representation. There were additional recommendations for more to be done in the context of the CJS and prisons to acknowledge and respond to the neurodiversity of the young people they work with. The prevalence of this concern is also confirmed within the Lammy Report which stipulated that in the youth system ‘young BAME prisoners are less likely to be recorded as having problems, such as mental health, learning difficulties and troubled family relationships, suggesting many may have unmet needs.’²⁷ As cognitive impairments can often increase an individual’s vulnerability to exploitation, this is of considerable concern and the CJS and prison staff must also be trained in recognising additional undiagnosed support needs.

Perpetrators

“People are trafficking children. They might be trafficking drugs as well, but what’s more serious?”

– Dame Sara Thornton, Independent Anti-Slavery Commissioner.²⁸

Reports such as the Lammy Review in 2017 optimistically hailed the then new Modern Slavery Act 2015 for its ability to ‘hold these adults to account for the exploitation of our young people.’²⁹ However, it is now clear the Modern Slavery Act is not ensuring that large numbers of exploiters receive trafficking convictions, and the notable lack of charges for CCE offenses was keenly discussed in the strategic roundtable. There were only 22 prosecutions for modern slavery offences between January 2016 to March 2021 in cases where the victim was under 18.³⁰ Participants were instead witnessing the CPS charging perpetrators for drug dealing with an aggravated offence of using children, as often cases do not have witness statements from the child and

modern slavery charges are considered labour intensive. Participants discussed how an uptake of modern slavery charges could change the narrative of exploitation, deter offenders from exploiting children and increase the confidence of young people that their traffickers would be convicted.

However, it was also raised that drug dealing and other charges serve as a productive disruption tactic for traffickers and ensure a swift conviction unlike modern slavery offenses.

Expansion of the use of Trafficking Prevention and Risk Orders was suggested as a way of better ensuring modern slavery charges and disrupting exploitation. However, further research must be done on the efficacy of risk orders, as a senior police officer disputed this recommendation stating that the police do not have the resources to follow up when breaches are made. Another suggested route for conviction was to introduce plugging into the CSE Sexual Offences Act 2003 so that exploiters are convicted for sexual offences when children are made to carry drugs by inserting them into their rectum or vagina.

Prisons

It was noted by frontline professionals that those working in prisons often do not reflect the communities they are supporting. A more reflective and culturally competent workforce, with similar lived experiences could better engage with young people in prison and lead to better outcomes. The critical need for sustained long-term support offered after leaving prison to help with the transition and rehabilitation with a focus on hope for a brighter future was also identified.

²⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf p.5

²⁸ <https://www.itv.com/news/2021-11-23/how-gangs-lure-and-entrap-children-as-young-as-13-to-transport-drugs>

²⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf p.6

³⁰ <https://www.itv.com/news/2021-11-23/how-gangs-lure-and-entrap-children-as-young-as-13-to-transport-drugs>

RECOMMENDATIONS FOR THE CRIMINAL JUSTICE SYSTEM:

- All First Responders should receive a high level of mandatory training, ideally by lived experience experts, on exploitation and the NRM before making referrals.
- Introduce plugging into the CSE Sexual Offences Act 2003.
- Mandatory training introduced for magistrates, probation and prison staff and the CPS on how to identify the signs of modern slavery and CCE, Section 45 Defence and recognising undiagnosed support needs.
- Research to be carried out on Trafficking Prevention and Risk Orders to see how effective they are and whether police have the capacity to follow up on breaches.
- The Youth Justice System must take further steps to examine and address racial disparities and over-representation.

8. KEY MULTI-AGENCY PLAYERS

The strategic roundtable continually spoke of an absence of coordinated working between agencies that CCE victims were referred to, resulting in a lack of consistency in the response. This is reflected in many Serious Case Reviews, for example, in the case of ‘Jacob’ it was stated that the ‘system was fragmented with some key agencies working together and others missing.’³¹ In many instances children engage with multiple agencies but miss out on consistent relationships and get lost in the disconnect between them.³²

Professionals identified schools, NHS, social services, families, mentors and police as key multi-agency players that provide crucial opportunities for both intervention and support, and offered suggestions to strengthen their ability to consistently support young people exploited into illicit activity.

Schools

While schools offer opportunities for identifying potential exploitation of students and can be sites of both prevention and early intervention, the correlation between school exclusions and child criminal exploitation is well documented.

Outside the mainstream education system, a child’s vulnerability to exploitation is far greater, as a roundtable participant commented ‘once you are excluded you are an easy target.’ This is reflected in multiple Serious Case Reviews of child victims of CCE (‘Jacob’, ‘Chris’ and Child ‘C’) that identify how exclusions escalated the risk and created the environment for exploitation.³³ Pupil Referral Units (PRUs) have far less supervision than mainstream schools, and as a Just for Kids Law report on school exclusions note, children are exposed to ‘violence, drugs and gang associations’ and describes a ‘process of institutionalisation’ that children experience in PRUs.³⁴ Over the two roundtables, most participants identified exclusions as a key root of problems and believed it shouldn’t be possible to use exclusions in cases where children are vulnerable to exploitation, and that the suspension or exclusion of a child must always trigger a vulnerability assessment.³⁵

³¹ <https://www.oscb.org.uk/wp-content/uploads/2021/01/Jacob-Learning-Summary.pdf> p. 1

³² <https://chscp.org.uk/wp-content/uploads/2020/12/CHSCP-SCR-Child-C-Report-PUBLISHED-FINAL.pdf>

³³ <https://www.oscb.org.uk/wp-content/uploads/2021/01/Jacob-Learning-Summary.pdf> p. 2

³⁴ https://justforkidslaw.org/sites/default/files/fields/download/JfKL%20school%20exclusion%20and%20CCE_2.pdf

³⁵ <https://static1.squarespace.com/static/599abfb4e6f2e19ff048494f/t/617fb052b75f8164d23fb6f3/1635758164404/HTF+British+Survivors+of+Modern+Slavery+Report+Latest.pdf> p. 15

Practitioners exhibited concern for the disproportionate number of boys from black and ethnic minority backgrounds excluded from school as a result of relatively low-level behavioural issues, stemming often from underlying, undiagnosed conditions such as autism or attention deficit hyperactivity disorder (ADHD). In the 2019 – 2020 academic year, the rates of permanent exclusion from school stood at 0.14 for black Caribbean students and 0.15 for mixed white and black Caribbean students. Comparatively, for their white counterparts this rate of permanent exclusions stood at 0.7.³⁶ This significant disparity continues to impact the way young BME victims are treated by the police, and the criminal justice system, which comes to fore in relation to missing persons procedures and early criminalisation. The recent HM Inspectorate of Probation report on the experiences of black and mixed heritage boys in the youth justice system found that of the cases inspected where black or mixed heritage boys were sentenced, 60% had been excluded from school.³⁷ While criminal exploitation is not only experienced by children from BME backgrounds, within the frontline roundtable there was a particular sense of urgency around this pervasive racial injustice; and participants felt schools should be held accountable where there is a high rate of exclusions amongst a particular cohort of children. As the Department of Education (2019) observes:

‘Schools do not operate in a vacuum. As microcosms of society, some authors suggested that the current patterns of exclusions were perpetuating society-wide stereotyping and discrimination, particularly along the lines of class, race, gender and disadvantage.’³⁸

Prevalent across both roundtables were recommendations for early education in primary schools within the core curriculum

on topics such as healthy relationships, financial exploitation, grooming, knife crime and CCE. A survivor of CCE discussed the role of social media, noting how it is a vehicle for grooming and that involvement in gangs can be falsely presented as an aspirational lifestyle through social media platforms such as Snapchat, Instagram & TikTok. They recommended that early education also include the disparity between social media and reality as a preventative measure for CCE.

Notably, participants in the frontline roundtable expressed the importance of representation in relation to early education and suggested that local people with lived experience of criminal exploitation would be best positioned to deliver effective learnings on these topics.

A CCE survivor at the roundtable relayed that within his experiences at countless organisations, mentoring was ineffective and inconsistent. He spoke of how one NGO provided a mentor for six months, but he needed someone to be there for a substantial period so he could build trust and know they would be there for him. He demonstrated how mentoring is only successful and can lead to important disclosures when unwavering and structured. ‘It is a cultural issue, in music and youth culture it’s an accepted thing to do, so having the right mentor is key’

More widely, teachers were identified as possible role models that young people could trust if representation was prioritised. ‘It is important that children have a teacher they perceive as having been through the same struggles to understand where the young person is coming from.’

Further, training for teachers was raised as an essential preventative measure in schools, to ensure teachers have a clear awareness of possible indicators of

³⁶ <https://explore-education-statistics.service.gov.uk/find-statistics/permanent-and-fixed-period-exclusions-in-england>

³⁷ <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2021/10/The-experiences-of-black-and-mixed-heritage-boys-in-the-youth-justice-system-thematic-report-v1.0.pdf> p.48

³⁸ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800028/Timpson_review_of_school_exclusion_literature_review.pdf p.6

exploitation and consider absence from schools as signal that a child is vulnerable. The 2021 statutory guidance for schools and colleagues on keeping children safe in education identifies aspects of possible criminal exploitation that teachers must be vigilant on.³⁹ It was raised on multiple occasions that while schools can identify victims of criminal exploitation, they are not clear on what to do next, despite the need to respond to children immediately. Training must extend to ensuring teachers and school staff understand not only indicators but also the pathway for escalating their concerns and keeping the child safe.

RECOMMENDATIONS FOR SCHOOLS:

- Early education for students on healthy relationships and CCE, ideally taught by those with lived experience.
- Training for teachers on early identification of CCE and how to respond.
- The Department of Education's Statutory Guidance on exclusions should be updated to include Just for Kids Law amendments to mitigate risks of CCE victims being excluded from school.⁴⁰
- Levels of supervision at PRUs should reflect that of mainstream schools to mitigate risks of exploitation.
- The Department of Education must hold local authorities and academies to account to address the disproportionate rate of permanent exclusions of black children⁴¹.

Health

Health professionals were raised as an important partner in responding to victims of CCE. Emergency Departments in particular were identified as a site of early identification of exploited children entering with serious violence related injuries. This has been documented in Rights Lab research, which presents cases of young people admitted to hospital with injuries sustained from violence and recommend that all emergency hospital departments in the UK have youth workers in place to respond these young people.⁴² Red Thread's Youth Intervention Programme which aims to reduce serious youth violence engages with young people in Emergency Departments in London, Birmingham and Nottingham is an example of good practice which should exist in hospital units across the country.

Child and Adolescent Mental Health Services (CAMHS) and therapeutic services were identified as a crucial aspect of intervention, but there was increasing recognition that while victims are traumatised, services on offer are not always culturally competent and therefore can be ineffective. The participants relayed countless examples of young people dropping out of therapy because they felt they were not understood, instead feeling retraumatised. Moreover, there was a call for a shift away from a generic service for psychological support and instead a consideration of a child on an individual level that addressed the need for representation.

³⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1021914/KCSIE_2021_September_guidance.pdf

⁴⁰ https://justforkidslaw.org/sites/default/files/fields/download/JfKL%20school%20exclusion%20and%20CCE_2.pdf

⁴¹ <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2021/10/The-experiences-of-black-and-mixed-heritage-boys-in-the-youth-justice-system-thematic-report-v1.0.pdf> p.11

⁴² <https://www.nottingham.ac.uk/research/beacons-of-excellence/rights-lab/resources/reports-and-briefings/2020/november/briefing-the-impact-of-covid-19-on-child-criminal-exploitation.pdf> p.1

RECOMMENDATIONS FOR HEALTH:

- Introduce youth workers in Emergency Departments in all major hospitals.
- Ensure that therapeutic services offer a range of tailored support for children from a variety of backgrounds.

Social Services

For organisations working to tackle modern slavery, it is often considered easier for a child victim of modern slavery to access support than an adult victim, as there are automatic duties for social services to safeguard anyone under the age of eighteen. However, the roundtables explored what this support entails and discussed their experiences of the effectiveness of social services' approach.

Attendees at the roundtables welcomed an increased understanding of contextual safeguarding which they felt has improved safeguarding practices. CCE is defined by extra-familial risk, therefore considering the child's community both off and online are vital. Observing Serious Case Reviews in cases of CCE, there are often common recommendations including the need to safeguard children when the danger is outside the family, the importance of cross-agency collaboration and the significance of information sharing.

The main issues identified in the roundtables in relation to social services were a lack of transitional safeguarding, social workers having too high a case load to have time to tailor the response to suit the individual child, missed opportunities in the prevention

of exploitation and a lack of funding negatively impacting the response received by children and their families.

Funding

Discussions around funding were prevalent within the strategic roundtable. Cuts to youth work has led to missed opportunities and increased vulnerability of young people. Participants found that issues around funding are partially to blame for a lack of long-term planning as social care staff are forced to complete projects within short time frames with no plans in place for sustainability. It was recommended that if Government wants agencies to make meaningful change, funding bids needs to be announced with enough lead in time for full consideration and the funding must last a few years to truly measure impact.

Transitional Safeguarding

Many councils' Children's Services only work with children outside the care system, up to the age of eighteen. At this point, the majority of young people do not meet the high threshold of care and support needs to access support from Adult Social Care and services close to them at this crucial transitional period in their development. The roundtables encouraged more joined up working between adult and child safeguarding boards. The Department for Health & Social Care Report, *Bridging the gap: Transitional Safeguarding and the role of social work with adults* includes examples of good practice and useful recommendations tailored for professionals in a variety of safeguarding roles.⁴³ The attendees of the roundtables welcomed this report and would like to see monitoring of its reach and impact and any change that arises as a result of its recommendations.

⁴³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/990426/dhsc_transitional_safeguarding_report_bridging_the_gap_web.pdf

NRM Referrals

Professionals at the frontline roundtable raised concerns that an NRM referral is not always triggering a safeguarding response. If a social worker is concerned that a child is a victim of exploitation, they are concerned they are being abused. The first response should be safeguarding, with an NRM referral made as one part of the process. Social workers at the roundtable raised that NRM referrals can be a time-consuming exercise that can distract from discussions on the best way to keep the child safe. Guidance for councils on when to do the NRM referral would be helpful for ensuring that safeguarding remains the priority; it also would allow for further information to be collected from all agencies before the referral is made, leading to a clearer picture on which the Competent Authority can base their decision.

Early Intervention

An additional concern raised by both roundtables was the high number of cases that social workers have, impacting on the bespoke response they are able to provide each child. The high volume of cases also means they are often only able to focus on safeguarding once exploitation has happened, as opposed to as a preventative measure. For example, debt bondage can be an early indicator and requires an immediate response before it manifests into exploitation but is often neglected until it's too late. It was agreed that funding is needed for early intervention projects to address the causes of criminal exploitation and alter the outcomes from the offset. Early intervention was spoken about in preference to diversion schemes, which some attendees considered inappropriate for victims of criminal exploitation as the approach of these schemes suggests the child has made a 'lifestyle choice' and therefore has the agency to change their behaviour.

Working with Families

Owing to the extra-familial nature of CCE, there are significant complications in terms of assisting a child to escape from their environment. Not only may the child not recognise themselves as exploited, or their exploiters as anything other than their friends, it is difficult to remove a child from the situation when their exploitation is inextricably entwined throughout their life. From associated peers in their place of education to being contacted online, to being approached in the street or at home, to their siblings also being exploited or in the grooming process; it is not as simple as 'rescuing' a child, and instead involves detangling a complex web. This was acknowledged by both roundtables as a significant challenge for social services.

When approaching extra-familial harm, a contextual safeguarding approach must be taken, with the offer of holistic services that support the whole family, and a recognition that any intervention or decisions must involve the entire family through effective communication for it to be productive. Frontline participants recommended having a single point of contact for families so they know who they can trust throughout the young person's journey. Participants in the strategic roundtable raised that adult mental health services are an important part of the picture for families, and that systemic poverty must be addressed to ensure parents can be equipped to help prevent their child's exploitation. SPACE, conveyed a distinct sense of separation between parents of CCE victims who remain a protective factor and service providers and emphasised the need for co-production of solutions with families with lived experience.

There is often a challenge for local authorities when looking to move whole families out of area, in terms of both housing availability and uplifting families from their community. A report by the University of Bedfordshire found that the overarching perspective on relocation from most sites they studied was one of *'unease'*. They found that relocation was interpreted a short-term solution, but that the inability to bring children back to their home authority 'undermined the effectiveness of relocations' and recommend further research to understand the full extent on keeping children safe.⁴⁴ The survivor of CCE at the roundtable said that he was moved far away from where he was originally being exploited, but because they didn't address the root problems in his life that caused him to fall into exploitation, his circumstances didn't change.

When it is not safe for children to remain in their family homes, the frontline roundtable raised that there is a lack of BME foster families, and more should be done by local authorities to recruit a wide range of foster carers who can provide a culturally relevant safe space for all children.

RECOMMENDATIONS FOR SOCIAL SERVICES:

- Monitoring of the reach and impact of the Bridging the Gap report.
- Clear guidance on at what point in the identification process an NRM should be made to ensure safeguarding remains the priority.
- Funding bids to be announced with enough lead in time for full consideration and last a few years to truly measure impact, with specific funding available for early intervention.
- Local authorities must widen the availability of BME foster carers for criminally exploited children.
- Where families are a protective factor, social services must include them in conversations about the child's future and safeguarding.
- Establish a Single Point of Contact within Children's Services for families to liaise with for consistency.

⁴⁴ https://contextualsafeguarding.org.uk/wp-content/uploads/2020/05/SS-Phase-1-Briefing_FINAL-MAY-2020.pdf

Police

There has been clear progress within police forces in terms of identifying children as victims instead of as ‘drug dealers’, the increased use of slavery and trafficking orders and a deeper understanding on how to utilise legislation to protect victims. Further, in the London Metropolitan Police alone 5,000 officers have been trained on the London Child Exploitation Operating Protocol⁴⁵. This widening of training is critical in ensuring police recognise the vulnerability of criminally exploited children and refer victims to the NRM within their role as First Responders.

However, as there is no agreed legal definition of child criminal exploitation, it is still challenging for the police to know how to respond to a child who may have been groomed but has also committed a serious crime, raising questions around consent and age of accountability. Additionally, there is also further challenges in terms of responding to children groomed for peer recruitment and alpha victims, destabilising the dichotomy between victim and perpetrator for law enforcement.

Trust

The lack of trust young people have in the police was identified as a major barrier to effective CCE intervention throughout the frontline roundtable. The negative experiences of both the use of ‘stop and search’ and holding victims of CCE in police cells can act as a deterrent for young people to trust police and further obscure their status as a victim of a crime. Participants reported that this was a significant challenge for outreach workers who would like to work collaboratively with police but feel that they cannot be seen to be working with them as it would significantly impact their ability to engage with young people. Frontline workers advised that more focus on integrating the police into the communities they support is essential to developing trust. For

example, through youth sporting activities, collaborative work with schools and targeted community work in hotspot regions.

The narrow provisions of the witness protection model in the UK, which means that there is often no real escape option for families trapped in CCE, was also raised as a barrier to trust between communities and the police. There is a need to improve and widen witness protection to ensure that victims of CCE are given these opportunities should they decide to cooperate with the police, to reassure them of their and their families’ safety and establish greater trust.

‘There needs to be more courage in raising racism as an issue.’

However, participants in the frontline roundtable felt trust between police forces and young people exploited into CCE cannot be established while structural racism continues to exist within policing. This is demonstrable in ‘stop and search’ data: between April 2019 to March 2020 ‘there were 6 stop and searches for every 1,000 White people, compared with 54 for every 1,000 Black people’.⁴⁶ Moreover, the roundtables observed that racism within police forces can lead to inconsistent response to victims of CCE, noting that ‘when white children being arrested for drugs no connection to gangs is presumed.’ The disparities and inconsistencies in how law enforcement intervene in the lives of certain groups of children must be addressed to develop trust.

Community Initiative to Reduce Violence

A police-led intervention called Community Initiative to Reduce Violence (CIRV) in Northamptonshire develops trust-based relationships with gang affected and involved children. CIRV actively addresses the problem of the lack of young people consenting to support and this model was discussed in multiple instances throughout the strategic roundtable as exemplary

⁴⁵ <https://cscop.org.uk/wp-content/uploads/2021/03/The-London-Child-Exploitation-Operating-Protocol-2021-MPS.pdf>

⁴⁶ <https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/policing/stop-and-search/latest#by-ethnicity>

policing practice. CIRV operates at all hours of the day, and officers consistently travel across the country to collect children, offering a sequence of interventions to get young people to where they would like to be. It was reported at the roundtable that parents of affected children agreed that CIRV worked well. While CIRV have spoken to a third of police in the country about developing the programme, they found that many teams are not receptive and officers at the event observed how programmes such as CIRV heavily rely on the dedication of individual officers and are hard to replicate across different teams.

Doli Incapax

The legal weight attached to the Misuse of Drugs Act renders the Modern Slavery Act 2015 in many instances incapable of appropriately dealing with children criminally exploited into drug trafficking. The intersection of this legislation means that every child above the age of ten found with drugs is seen as a perpetrator, despite experiencing violence and coercion. The starting point for drug offences is with the person found with drugs, disincentivising the police to look beyond the scope of the arrest and uncover the criminal at the top of the chain. To address this, amendments are needed to the Modern Slavery Act to adapt it to cases of CCE.

A recommendation supported by the All Party Parliamentary Group (APPG) on Human Trafficking in 2018 stated that the Modern Slavery Act should include, for CCE cases, the reinstatement of the common law *doli incapax* which presumes the incapacity of children aged 10 to 14 for CCE cases. This would encourage police to respond to a child immediately with a safeguarding approach and ensure that the investigation focused first on verifying if there were adult perpetrators behind the crime, instead of presuming the immediate guilt of the child found with drugs. This perspective, which considers the wider criminality of cases, could lead to more traffickers being arrested.

RECOMMENDATIONS FOR POLICE:

- Reinstatement of *doli incapax* for under 14s for Modern Slavery CCE cases.
- Implement a national police rollout of Community Initiative to Reduce Violence (CIRV).
- Strengthen the provisions of witness protection available to families in CCE.
- Increase non-enforcement police engagement with at risk local communities and young people.

9. ALL RECOMMENDATIONS

Recommendations for the Use of Language:

1. Introduce a statutory definition of Child Criminal Exploitation in the Modern Slavery Act 2015.
2. A clear national strategy on CCE led by the Home Office and Department for Education, with consultation with frontline organisations and those with lived experience.
3. Guidance should be issued to all statutory agencies working with children on the use of appropriate language and stereotyping and the impact this can have on the response to a child.

Recommendations for Missing:

4. Return Home Interviews should be used in every case, regardless of length of missing episode, as a means to identify potential exploitation and intervention.
5. Where there are concerns of potential exploitation, children should be listed as 'high risk' missing and the first few hours considered critical.

Recommendations for the NRM:

6. All First Responders should receive a high level of mandatory training, ideally by lived experience experts, on exploitation and the NRM before making referrals.
7. Positive Conclusive Grounds decisions for foreign national children should result in leave to remain and a tailored package of care.
8. Under the Nationality & Borders Bill, victims of modern slavery should be exempt from Trafficking Information Notices and Disqualification from Protection if their exploitation took place when they were under 18.
9. Data sharing agreements must be put in place between multi-agency partners and data shared between them regularly to ensure that responses are intelligence led.
10. Conclusive Grounds Decisions should be made within the 45-day timeframe set out in the Modern Slavery Act statutory guidance.
11. New CPS guidance must be shared with police, CPS and solicitors to ensure charging decisions are not made before conclusive grounds decisions have been received.

Recommendations for the Criminal Justice System:

12. Introduce plugging into the CSE Sexual Offences Act 2003.
13. Mandatory training introduced for magistrates, probation and prison staff and the CPS on how to identify the signs of modern slavery and CCE, Section 45 Defence and recognising undiagnosed support needs.

14. Research to be carried out on Trafficking Prevention and Risk Orders to see how effective they are and whether police have the capacity to follow up on breaches.
15. The Youth Justice System must take further steps to examine and address racial disparities and over-representation.

Recommendations for Schools:

16. Early education for students on healthy relationships and CCE, ideally taught by those with lived experience.
17. Training for teachers on early identification of CCE and how to respond.
18. The Department of Education's Statutory Guidance on exclusions should be updated to include Just for Kids Law amendments to mitigate risks of CCE victims being excluded from school.
19. Levels of supervision at PRU's should reflect that of mainstream schools to mitigate risks of exploitation.
20. The Department of Education must hold local authorities and academies to account to address the disproportionate rate of permanent exclusions of black children.

Recommendations for Health:

21. Introduce youth workers in Emergency Departments in all major hospitals.
22. Ensure that therapeutic services offer a range of tailored support for children from a variety of backgrounds.

Recommendations for Social Services:

23. Monitoring of the reach and impact of the Bridging the Gap report.
24. Clear guidance on at what point in the identification process an NRM should be made to ensure safeguarding remains the priority.
25. Funding bids to be announced with enough lead in time for full consideration and last a few years to truly measure impact, with specific funding available for early intervention.
26. Local authorities must widen the availability of BME foster carers for criminally exploited children.
27. Where families are a protective factor, social services must include them in conversations about the child's future and safeguarding.
28. Establish a Single Point of Contact within Children's Services for families to liaise with for consistency.

Recommendations for Police:

29. Reinstate doli incapax for under 14s for Modern Slavery CCE cases.
30. Implement a national police rollout of Community Initiative to Reduce Violence (CIRV).
31. Strengthen the provisions of witness protection available to families in CCE.
32. Increase non-enforcement police engagement with at risk local communities and young people.

10. CONCLUSION

The roundtables identified that the current response to CCE is inconsistent and fragmented. The result is that we are letting criminal groups exploit children, taking them down a violent path, that in some tragic cases is leading to death. The Home Office and Department for Education must create a cross-departmental CCE strategy to coordinate a national response and ensure consistency in the services offered to young people coerced into criminality across the country. This must include a clear, legal definition of child criminal exploitation and be co-produced by the young people with lived experience and their families who have navigated the systems of support available to those exploited in CCE, centring on a contextual safeguarding approach and direct intervention. Given CCE often crosses the borders of local authorities' remits, a national response is critical to dismantle criminal networks which thrive on siloed working. A national strategy would also help eradicate the 'postcode lottery' experienced by CCE victims and would clarify all agencies' roles in both supporting victims and disrupting the activity of perpetrators.

CCE is continuously evolving as perpetrators find new ways to recruit, groom and exploit young people. This leaves practitioners scrambling to keep up, constantly reacting and always several steps behind. With a clear strategy, long-term funding and multi-agency working, the roundtables were optimistic that we can change the narrative around CCE, proactively address the root causes, identify areas for prevention and intervention in advance and ultimately provide a consistent response to keep children safe.



Human

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