Barnardo’s Scotland introduced a petition to the Scottish Parliament’s Petitions Committee in June 2011 calling on the Scottish Government to do more to tackle child sexual exploitation (CSE) in Scotland. The committee’s current inquiry into CSE is as a direct consequence of that petition and Barnardo’s fully supports the work of the committee and the aim of the inquiry.

We welcome the opportunity to contribute to the second call for evidence, and our response builds on the material submitted in the first call for evidence. We have answered the questions that are most relevant to our work, and sought to highlight training and best practice opportunities within these answers.

**Question 1: What barriers exist to identifying, disrupting or prosecuting child sexual exploitation (CSE) perpetrators? How might these be overcome?**

Barnardo’s Scotland believes that there are key barriers to identifying, disrupting or prosecuting the perpetrators of CSE. Although our work is focussed on the needs of the young people we work with who are victims of, or at risk of CSE, we work in partnership with other bodies which are responsible for identifying, disrupting or prosecuting perpetrators, so therefore we recognise the significant barriers involved.

In our previous response to the committee’s first call for evidence we highlighted five key commitments, the achievement of which we believe would make a significant difference to how Scotland tackles CSE.

These were:

- The Scottish Government should develop a National Strategy for tackling CSE (similar to ‘Tackling Child Sexual Exploitation’ in England).
- That every CPP area should be able to provide an appropriate service response to the victims of CSE. This network of professional services will ensure that all victims of CSE receive appropriate support and treatment.
- There should be a nationwide education programme, with support materials, delivered in all high schools. This would substantially increase the awareness of all children and young people about the dangers of CSE and how to access support.
- The Scottish Government should undertake post-legislative scrutiny of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 and set out proposals for new legislation or guidance, if necessary, to ensure that the intention of this legislation is being delivered and that all perpetrators of CSE crimes are being prosecuted.
- There needs to be a consistently high commitment to disrupting perpetrator activity and identifying those at risk. Police Scotland should work with relevant agencies to develop protocols to achieve this. This will help all agencies to disrupt perpetrator activity and identify those at risk.
Clearly efforts to identify, disrupt or prosecute CSE perpetrators fall within the proposed National Action Plan and consistent Community Planning Partnership (CPP) response, as well as within the proposed post-legislative scrutiny and direct disruption and prosecution of perpetrators.

We would therefore like to identify the following barriers, how they link to our key commitments and how they can be removed.

**Barrier 1 – Lack of understanding and awareness of CSE among those identifying, disrupting or prosecuting CSE perpetrators**

Increasing the understanding and awareness of CSE is crucial to effectively tackling perpetrators. If the police officer, social worker, teacher, parent/carer and friend of the child or young person is unable to identify activity as CSE, then the perpetrator will not be identified and challenged. Equally, as highlighted in our previous evidence, a major barrier to identification of CSE is that the victims are often not aware themselves that they are being sexually exploited which makes it even more important for adults and peers to intervene.

We would therefore encourage all public bodies, including the police and local authorities, to provide information and training on CSE to both frontline and strategic professionals responsible for young people’s welfare. The training should cover the identification of sexual exploitation and tackling the perpetrators, as well as supporting young people who are victims of CSE. There is also a need to ensure that there is a corporate understanding of the need to tackle the perpetrators of CSE, through appropriate support and training for bodies such as licencing boards.

This training should be part of our proposed key commitments (highlighted earlier) of a National Strategy for tackling CSE, and the requirement that every CPP should be able to provide an appropriate service response to the victims of CSE.

Barnardo’s Scotland’s Safer Choices service currently provides multi-agency training courses for all workers who engage with children and young people who may be at risk of sexual exploitation. The training aims to increase understanding of how children and young people become involved in sexual exploitation and the impact of their involvement, as well as how staff can respond to, protect and support children and young people in this situation. It also seeks to increase awareness of vulnerability factors that may be pathways into CSE for those working with children and young people. In addition the training includes guidance on the policy and legislation available in Scotland to prosecute perpetrators of CSE. Those who work with vulnerable young people need to know what does and does not constitute a criminal offence under the definition of CSE. An increased awareness of this may lead to an increase in prosecutions.

Also, as highlighted in our previous evidence, Barnardo’s Scotland works with teachers in Dundee schools to deliver the ‘Nae danger’ pack, which raises awareness among young people of the issues surrounding CSE.

**Barrier 2 – Lack of evidence around CSE perpetrators in Scotland**
CSE/035

Barnardo’s Scotland has consistently highlighted the lack of information about CSE in Scotland as a key barrier to identifying the victims and tackling the perpetrators. Without more comprehensive information, efforts to systematically identify perpetrators will always face difficulties.

There is a clear need for those working at a local level to protect children from CSE and prevent criminal abuse to understand what is going on in their local areas so that localised, evidence-based responses to the problem can be put in place.

We recognise the useful work that has recently been done by the University of Bedfordshire and the Centre for Excellence for Looked After Children in Scotland (CELSIS), amongst others, on CSE in Scotland. Barnardo’s Scotland is also a partner in newly funded research programme in Dundee. However, while this work will increase understanding of existing research and existing service responses, there is a major gap in the research with regards to understanding the profile of the perpetrators of abuse.

Therefore, as part of wider efforts to increase understanding of the nature and scale of CSE in Scotland, more research needs to be carried out into systematically identifying perpetrators. Again, to ensure consistency of approach this reach should also link to the wider National Strategy to tackle CSE that Barnardo’s Scotland is calling for.

Barrier 3 – Lack of a consistent, coordinated strategic response

Effectively identifying, disrupting or prosecuting CSE perpetrators requires a co-ordinated response from all the agencies involved, whether they are primarily concerned with the welfare of the victims or with identifying and tackling perpetrators.

At present there is a lack consistency in the response to CSE across Scotland. While there is a lot of good practice, often to be found within third sector organisations, and some Child Protection Committees (CPCs) have protocols in place, there is all too often a disconnect between the key players, especially when it comes to tackling perpetrators. In particular, there can be a lack of multi-agency information sharing, especially between third sector and statutory organisations.

Tackling this will require both the local commitment at a CPC and CPP level to providing an appropriate service response described in our second commitment, but also the national approach to information sharing and good practice discussed as part of our posed National Strategy.

There is also an opportunity within the Children and Young People (Scotland) Bill to include tackling CSE and joint work with police to disrupt perpetrator activity, as part of the proposals for Children’s Services Plans. The Bill will strengthen the requirement for all Local Authorities and Health Boards to produce Children’s Services Plans, which will explicitly cover any activities of the Police Service for Scotland which are provided wholly or mainly to, or for the benefit of children. Any such plans should therefore include an acknowledgement of CSE and its associated risks, and provide a framework for a consistent and coordinated strategic response.

Barrier 4 – Obstacles to policing and prosecution
We know from our work that police can and do play a key role in preventing, indentifying and addressing CSE. Barnardo’s has good relations with ACPOS and with individual police forces and officers as well as the Lead for Child Protection for Police Scotland. There is existing good practice in Scotland in identifying criminal activities around CSE, in effective police cooperation with other agencies to protect vulnerable young people, in supporting victims in getting justice and in investigating abusers in order to facilitate their prosecution. However, the police, as well as bodies like the Crown Office and Procurator Fiscal Service, need to ensure that they are consistent in how they approach CSE.

There is potential for the newly created single Police Service for Scotland to have a strong Scotland-wide strategy for ensuring victims are at the centre of dealing with CSE. From our experience working with police forces across the UK, this could include more officers with specialist knowledge of the issue, and greater use of police analysts in collating and tracking soft information, and identifying patterns as part of insuring that CSE can be identified on police databases. The single force also gives increased opportunities for force-wide training on the issue, stronger multi-agency relationships and action to ensure there is always a culture of support for victims.

Barnardo’s Scotland recently established a partnership arrangement with Renfrewshire Council and the local police service to better protect children who go missing, with a particular focus on CSE. We understand that Superintendent Ricky Mason, who is involved in the partnership, will submit separate evidence, but the model of joint work between police and other agencies used in Renfrewshire, including the focus on information sharing and service co-ordination, is one that could be replicated elsewhere.

This would link with our suggestion that across Scotland there needs to be a consistently high commitment to disrupting perpetrator activity and identifying those at risk. Police Scotland should work with relevant agencies to develop protocols to achieve this. This will help all agencies to disrupt perpetrator activity and identify those at risk.

As we highlighted in our previous evidence Barnardo’s Scotland and other organisations have concerns about the use of existing legislation to tackle CSE. We have particular concerns about the very low number of charges and convictions under the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 which was explicitly introduced to address crimes relating to child sexual exploitation. In addition, the 2005 Act introduced new legislation in relation to the grooming of children and Risk of Sexual Harm Orders (RSHO). The purpose of this order was to give courts the power to place restrictions on someone who is behaving in such a way which suggests that they pose a risk of sexual harm to a particular child or to children generally. However, the order appears to have been little used in practice, with a series of freedom of information requests in 2012 finding that Lothian and Borders, Strathclyde and Central Police forces had each only ever made two orders, and that the Northern Constabulary had made no orders at all.

We recognise that the barriers to conviction may be because perpetrators of such crimes are being charged under different legislation for different crimes, or simultaneously charged with more serious offences. The result, however, is that the legislation is clearly not having the desired effect. It also makes it difficult to ascertain the size of the problem in Scotland. The ability to identify and tackle gangs and
organised child sexual exploitation is also diminished if the police are charging under other offences and not under the 2005 Act.

We suspect that post-legislative scrutiny may reveal that there is sometimes only partial understanding of child sexual exploitation within the criminal justice system, and that the police are not always aware of the legislation and what they can do under the 2005 Act, especially around the use of RSHOs. This may be an opportunity for the new single police force to look at how it can inform and support officers and those working on such cases with the powers of the Act, as well as the Sexual Offenses (Scotland) Act 2009.

We recognise other barriers to successful policing and prosecution may include the fact that many children who are victims of CSE do not see themselves as victims. This can have an impact when cases are brought to trial as those children and young people are not seen as credible witnesses. In addition, there can be a lack of understanding among legal professionals and police officers about the kinds of relationships that CSE perpetrator can have with their victims.

Another barrier may be that for some victims the experience of going to court sharing their experiences and facing their abusers can be very traumatic. Many young people as a result avoid giving evidence. There is a particular need to minimise the difficulties faced by vulnerable witnesses within the criminal justice system. We do recognise however, the efforts that are being made by sheriffs and judges to understand how to deal with vulnerable witnesses more effectively.

We would therefore support post-legislative scrutiny designed to identify and address barriers to successful policing and prosecution of CSE, as well as ascertain if any amendments to existing legislation is needed. In addition, such scrutiny could establish if there is a need for additional specific offences covering CSE.

Question 2: What difficulties exist around keeping looked-after children and young people (accommodated or at home) safe from CSE perpetrators? How might these be overcome?

Looked after children and especially those in residential care appear to be at high risk of becoming victims of CSE. Workers in residential units need to be made more aware of the need to protect children from CSE, and be supported to become more confident in their approach.

We fully recognise the difficult boundaries and balances that exist around the role and responsibilities of corporate parents with regard to the sexual activities of children in their care. However, there is a danger that behaviour that could be part of CSE is sometimes not checked and challenged quickly enough in residential units.

In the experience of our staff, there are steps that residential staff with a greater understanding of CSE, and confidence in addressing it, could be taking. For example they could more systematically monitor certain behaviours, for example logging the registration number when a child in their care gets into a car with an adult, or making a note when a child is in frequent mobile contact with an adult. Sometimes this information is recorded but this information is rarely passed on to any other statutory agency such as the police.
Our experience is that some aspects of this work were previously carried out by residential units and police officers we have worked with, but only because individual staff made it a priority. When the staff moved on the work was discontinued. Training could ensure that residential workers recognise the tell-tale signs and have a clear understanding of what to look for; such as going missing for periods of time, disengagement with education, appearing with unexplained gifts, changes in temperament and depression.

We would also highlight the measures to strengthen corporate parenting in the Children and Young People (Scotland) Bill. These proposals will provide greater clarity about the roles and responsibilities of those who fall under the category of corporate parent and could be used to more effectively address issues surrounding protection of young people in the care system from CSE.

**Question 3: What barriers exist to combating perpetrators’ use of online/social media? How might these be overcome?**

There has been an exponential rise in the use of online social media over the last decade. The introduction of smart phones, tablet and other devices mean the internet is now at the fingertips of every child in Scotland at any time of the day. In our experience, even though young people may not go looking for trouble, trouble may well find them. The anonymity of cyberspace can be especially worrying. Young people may not recognise that they are talking to a perpetrator, if they are masquerading as a child of the same age. Age inappropriate material, such as pornography, may be very easy to access.

Part of the task of combating perpetrators’ use of online/social media for CSE is therefore through effective work to inform and protect young people, parents and carers. A wealth of material is already in existence detailing how to stay safe online, including those produced by the Child Exploitation and Online Protection Centre (CEOP). Barnardo’s Scotland uses the material aimed at parents to provide practical support. For example, the guidance on Facebook for parents is used by Barnardo’s workers as a practical tool while parents are logged on. This kind of good practice needs to be commonplace in order for parents to feel more in control.

The CEOP ambassador status, which all Barnardo’s Scotland Safer Choices staff have, gives access to the relevant information and materials and allows the delivery of training to school aged children. These ambassadors are not being used to best effect. Local authorities need to be made aware that these resources are available and trained professionals are on hand to undertake training in schools to raise awareness of CSE.

However, there is clearly a balance between on the one hand, working with potential victims of abuse to make their use of social media safer and active policing of the internet, in all its many forms. The committee has already raised issues with internet service providers about their role, and clearly the police also have a role. However we are mindful of the question of resources, and the limitations of the technological solutions available to the police.