Dear David

Public Petitions Committee Inquiry into Child Sexual Exploitation

Further to my letter of 9 December I am now writing principally to enclose - for the information of Committee Members - the Report of the Short-life Working Group that has been considering child sexual exploitation on behalf of Scottish Ministers. You will see from that Report, and as I previously mentioned, that the recommendations to Ministers have been grouped under the themes of building capacity in the system, legal and judicial and also prevention. We will now be considering our response to that Report.

As you know, I expect the Group to continue into next year to advise about developments. This includes the outputs from the Committee’s Inquiry into this important issue and I look forward to hearing about its work here in due course.

AILEEN CAMPBELL
Minister for Children and Young People

REPORT OF THE CHILD SEXUAL EXPLOITATION MINISTERIAL SHORT-LIFE WORKING GROUP

I enclose for your consideration the Report of the independent Short-life Ministerial Working Group that has been considering the issue of child sexual exploitation on behalf of Scottish Ministers. I am writing on behalf of our Group in my capacity as Chair.

You recognised that child sexual exploitation is a very important and complex issue and we were pleased to be invited to form the Working Group which was established at your request. Specifically, the Group’s broad remit was to consider the range of provision already in place in Scotland from national guidance through to how the Criminal Justice system addresses child sexual exploitation. It was also to review activity underway elsewhere - again taking account of existing provision in Scotland when doing so. The Group comprised representation from a number of experts in the children and young people sector and membership is noted below.

When reviewing this important issue, and as reflected in the final report, the Group has grouped its considerations and recommendations under the following three broad themes: Capacity in the system, Legal and judicial and also Prevention.

In doing so it also agreed some critical messages relevant to the issue of sexual exploitation. These are that:

- Child protection (including child sexual exploitation) is everyone’s responsibility. The vigilance of frontline workers to potential risks to children is critical but there is a role for everyone in the community to be alert to potential harms.
- Child sexual exploitation is a particularly complex and ever-evolving issue - particularly with the emergence of online concerns.
- The role of children and young people in helping to identify potential risks and offering peer support might be better harnessed to inform future improvements. While there is good practice across Scotland, tackling child sexual exploitation requires sustained efforts by all services at the local level, working with children and families, to review the prevalence of child sexual exploitation; and identify learning and best-practice, to better protect vulnerable children at risk in their area.
- Overall, there is a clear need for a sustained drive for future improvements, and to help secure momentum, the Group has recommended that it should meet a further two times over the coming year to review delivery of its recommendations and also to advise about developments in this important area.

The Group acknowledged and endorsed the range of work already underway in Scotland. Our recommendations are intended to achieve greater alignment and strengthen further our approaches across Scotland. We look forward to receiving your response to our recommendations.

Jackie Brock - Chief Executive, Children in Scotland

Membership - Aberlour, Barnardo’s Scotland, Police Scotland, Crown Office and Procurator Fiscals Service, Care Inspectorate, Association of Directors of Education (ADES), Local Authority.
REPORT OF THE CHILD SEXUAL EXPLOITATION SHORT-LIFE MINISTERIAL WORKING GROUP – DECEMBER 2013

Purpose

1. This Report sets out the findings of the Short-life Ministerial Working Group established in April 2013 to consider child sexual exploitation (CSE) including the programme of activity underway in Scotland to address this.

2. The broad remit of the Group was to advise on the implementation of the Scottish Government's programme of CSE focused work and to consider potential areas where other action might be required going forward.

3. Specifically, the Group was asked to:
   - review work already underway in Scotland and also elsewhere to address CSE;
   - assess the practical steps that might be taken with local partners to improve understanding of CSE, and;
   - consider the particular vulnerability of some children and young people and also the difficulties that services can have in identifying and supporting them.

4. The specific recommendations of the Group are summarised at paragraphs 16-25 and described in full at paragraphs 26-49 below.

Background

5. CSE is an emerging and complex issue and the Minister for Children and Young People announced in January 2013 her intention to establish a Short-life Ministerial Working Group to review the key challenges around this issue and to test with a number of experts the work programme underway to address these. That Group was also asked to consider what other action might be needed to further strengthen that work programme.

6. The Group first met on 25 April 2013. It then met a further four times between April and December 2013.

CSE work already underway

7. As part of its remit the Group initially noted the range of work either underway or completed and which is largely intended to support local delivery around CSE.

8. This work includes research commissioned by the Scottish Government and undertaken in 2012 by the University of Bedfordshire about the scale and nature of CSE in Scotland. It also includes work to update national child protection guidance and to help to develop practical CSE support tools for use by local partners. This includes the ongoing local testing of data monitoring and evaluation tools to help local areas determine how they might prevent and respond to CSE.
9. The Group noted here that the updated national Child Protection Guidance should help to reinforce messages that strong local arrangements to address CSE need to be in place, on the one hand, and that the practical tools described above would help to support this, on the other. The guidance also highlights the challenges faced by practitioners and will set out an updated working definition of ‘child sexual exploitation’ for Scotland.

CSE work underway elsewhere

10. The Group also reviewed work underway elsewhere to address CSE, particularly in the rest of the UK.

11. It noted that this consistently makes clear the importance of ensuring that the needs of sexually exploited children and their families are accounted for locally when:

- planning and commissioning services;
- developing policies and procedures;
- ensuring that appropriate training is in place;
- communicating, raising awareness and monitoring, and;
- evaluating the work that is being done.

12. Work elsewhere also includes a focus on care arrangements for looked after children, care leavers and children at risk of going missing.

13. The themes identified at paragraphs 11-12 above are broadly similar areas to those the Group discussed and also those identified by the University of Bedfordshire in its research into the scale and nature of child sexual exploitation in Scotland. The Group established that there were broadly similar approaches to addressing child sexual exploitation in other parts of the UK, but there were also some areas to be learned from.

14. The Group also noted that much of the work underway in England and Wales has been developed in the wider context of the Munro Review which had broadly concluded that child protection activity should be child centred and based on strengthening professional judgement. The findings of that Review clearly aligned with our national change programme, Getting it right for every child (GIRFEC), already in place in Scotland.

15. The summary findings of the Group are described below.

Summary Findings

16. The Group acknowledged and endorsed the range of CSE work already underway in Scotland from the updating of national child protection guidance through to how the Criminal Justice system currently addresses this important issue. This is because many of the specific themes identified by the Group already fit well with work underway, for example, awareness raising education in schools, or might easily be addressed by it going forward.

17. For example, the local testing of data monitoring and evaluation tools (as described above at paragraph 8) should help improved identification and assessment of the prevalence of CSE which was a theme that the Group considered.
18. Similarly, the Group considered that other themes identified by it (such as the important role that schools and looked after care professionals have in identifying and preventing CSE) are already being or might easily be taken account of by wider work already underway or planned. This includes national work around looked after children and schools. For example, Scotland is the only place in the UK that requires residential staff to be registered with a professional body. Also, Curriculum for Excellence includes awareness raising of CSE in schools, including around sexual coercion and there is Justice focused work to better support child witnesses through the Victims and Witnesses Bill etc. Similarly, the Children and Young People Bill will give a statutory underpinning to key elements of GIRFEC.

19. That said, the Group agreed that the current work programme could be further strengthened and offered a series of recommendations to achieve this.

20. A key finding was a recognition that strong local partnership working was essential to effectively address CSE. This is because of the clear need to ensure local co-ordination as emphasised by the University of Bedfordshire research and also work to address CSE elsewhere. The Group considered that the characteristics of strong partnership working in this context were effective information sharing, joint decision making, and co-ordinated interventions that have a clear line of sight to the young people concerned. The Group agreed that updates to relevant guidance (including that arising from the Children and Young People Bill) and also work to ensure that CSE was appropriately covered by scrutiny, would reinforce local partnership working and improve consistent good practice across the country.

21. The Group agreed that schools and looked after care services have a key role and some of its recommendations are structured with a focus to strengthen existing activity here.

22. It also reviewed how the Criminal Justice system addresses CSE and agreed broadly that there was adequate statutory provision. However, there was also scope to address some issues highlighted around the extra-territorial extent of sexual offences legislation and the application of the preventative orders available to assist with the management of sex offenders and individuals without a relevant conviction who are assessed as posing a risk of sexual harm. The Group considered that there was scope here for Police Scotland to consider whether better use might be made of these orders and other relevant legislation.

23. The Group also considered that CSE is both a complex and developing issue with new issues arising - including online concerns - and that a commitment to some level of ongoing national review would be needed. The purpose of this would be primarily to share intelligence and support learning across children’s services in how to prevent CSE and tackle it appropriately, when it is identified.

24. In light of that, the Group recommends continuing over the next year, meeting twice over that period, with a remit to review the delivery of agreed recommendations and to consider any new issues as these arise. This includes those that are raised as part of the inquiry into CSE led by the Public Petitions Committee of the Scottish Parliament.

25. The specific Recommendations of the Group are described in full below.
Recommendations

26. Moving forward, the Group considered that there were three relevant themes – Building capacity in the system, Legal and Judicial and also Prevention where recommendations could support further progress.

Theme - Building capacity in the system

27. The evidence from the research and literature, which the Group had considered is clear: local knowledge, practice, action and review is the key to preventing harm and risk of CSE. The Group considered that local CSE procedures could be enhanced through initial mapping, then review and dissemination, of best practice. For example, the Glasgow study of child sexual exploitation risk among looked after children was discussed. The Group considered that this - and other examples of good practice - could be adapted and used by local partners across Scotland.

28. The CSE skills, knowledge and competence levels of all practitioners (and others) working with children is vital. The Group questioned specifically whether skills and knowledge might be improved by learning, as appropriate, from a broader range of professionals who engage regularly with young people as well as from young people themselves.

29. Similarly, the Group also considered that Community Safety fora, as part of the wider community planning partnership mechanisms, were well placed to take a lead in pursuing engagement with community groups. This would be with a view to identifying good practice in raising awareness, prevention and improving responses to CSE.

30. Our operational framework in Scotland is based on effective guidance to describe national expectations and testing their application through the effective scrutiny of services. As CSE can have cross-border relevance, there are clear advantages to having a broadly consistent UK understanding of how CSE is defined. To that end, the Group agreed that consideration should be given to keeping any national definition of CSE that is used under review. This would be to ensure that it remains current and broadly consistent with definitions in place elsewhere.

31. The Group also questioned whether the Care Inspectorate might take forward future thematic inspections to ensure consistent practice specifically for CSE across services.

32. The Group agreed to keep under review - in planned future meetings - the need for any additional specific research and also awareness raising issues.

33. The recommendations of the Group under this theme were that:

- The Group noted that while the national child protection guidance already set out clear expectations for all local partners working with children and their families to have strong local child protection arrangements in place (including for CSE), these principles should be further strengthened in the forthcoming updated National Child Protection Guidance.

- In particular, the Group identified the need for all relevant guidance, as part of the Children and Young People Bill to take account of CSE and, in particular, improved information sharing within and between services.
The Group also recommended that every CPC could map and review its current arrangements (including data collection, training etc.) for CSE and the available support for children and young people. There should then be national sharing and learning which helps all CPCs identify good practice for implementation across Scotland, and:

- that, as part of any such review, consideration should be given to the existing CSE skills and knowledge levels of all practitioners (and also others involved with children) and whether these might be enhanced by learning, as appropriate, from a wider range of professionals who engage regularly with young people, as well as from young people themselves;

- that to support generally a better understanding of the nature and scale of CSE across Scotland, the Scottish Government should work with CPCs to identify and endorse any best-practice approaches that might be identified to be included in guidance;

- there should be some exploration of whether Community Safety fora might take a lead in pursuing engagement with community groups (including children and young people as part of that engagement) and identifying good practice in raising the awareness and improving responses to CSE.

- As CSE can be a cross-border issue consideration should be given to keeping any national definition, and also shared learning and practice, of CSE under review to ensure it remains current and broadly consistent with definitions in place elsewhere in the UK.

- The Group noted that the Care Inspectorate already includes CSE when gathering information as part of its strategic inspections. The Care Inspectorate is doing so with a view to leading possible future thematic inspections of CSE.

**Theme - Legal and judicial**

34. The Group considered carefully how the criminal law operates in this important area and was generally satisfied that there were no significant gaps in the overall scope of the criminal law to pursue CSE as an offence.

35. In doing so, it noted that the general legislative framework is contained in the Sexual Offences (Scotland) Act 2009. That Act maintains the age of consent at 16 and sexual activity between an adult and a child under the age of 16, is therefore, always unlawful. Separately, there are offences intended to protect children, including those aged 16-17 (i.e. over the age of consent) from sexual exploitation. The offence of ‘sexual abuse of trust’ makes it a criminal offence for a person in a recognised position of trust (e.g. a teacher, medical professional or care worker) to engage in sexual activity with a child under the age of 18 who is in their care.

36. In addition, offences contained in the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 criminalise the commercial sexual exploitation of children through
involvement in prostitution, or the provision by a child of sexual services or child pornography. These offences apply irrespective of whether the child has reached the age of consent.

37. The Group did consider that there was a case for looking specifically at how trafficking legislation might be used to prosecute in CSE cases. It noted here that there had been successes with using this to prosecute people who moved children internally within the UK for the purpose of sexual exploitation.

38. There was also an issue concerning the extra-territorial extent of sexual offences legislation which might require further consideration. Under Scots law, sexual offences against children are extra-territorial in their extent. This means that a person residing in Scotland who commits a sexual offence against a child in another country can be prosecuted in Scotland. However, this does not extend to the rest of the UK. This means that where an offender, for example, grooms a child in Scotland then travels to England and sexually abuses that child, it would not be possible to prosecute the sexual abuse in Scotland.

39. The Group reflected on the four Civil Preventative Orders available to assist with the management of sex offenders and individuals without a relevant conviction who are assessed as posing a risk of sexual harm. The Group considered there may be merit in looking at what more could be done to make better use of powers to impose Risk of Sexual Harm Orders (RSHOs), noting that there are only 18 in force across Scotland at present. The Group were advised that consideration is currently being given to whether there is scope to extend the protection offered by RSHOs.

40. Under this theme, the Group considered that further consideration might also be given to the supports available for child victims who report offences to the police. Group members considered that, where these types of support are readily available, children are much more likely to co-operate with the police. The Group considered that some further exploration of the local availability of these supports would be useful. Also, the Group noted that Police Scotland review all relevant legislation to ensure that it remains well positioned to intervene, disrupt perpetrators and to protect children vulnerable to abuse.

41. The Group considered that Management of Concern Hubs were a good model to facilitate the sharing of information across local services when there is a specific CSE concern around an individual. Some consideration should therefore be given to the Scottish context and models that apply or might be applied here.

42. It also noted that Police Scotland has established an interim Vulnerable Persons Database, which will deliver a bespoke solution across the 14 divisions of Police Scotland to record child and adult concerns; child offending; domestic abuse and hate crime. This will allow Police Scotland to record all information in a single database which will capture information, including CSE and trafficking related activity, and in doing so record information on transient individuals crossing divisional boundaries. In the longer term, Police Scotland is working towards a comprehensive IT solution which will integrate many legacy police force databases including information recorded on the interim Vulnerable Persons Database.

43. There was also some discussion under this theme of what can be done to ensure that sentencing decisions in CSE cases are consistent and easily understood. Sentencing decisions in individual cases are a matter for the Sheriff or Judge as they are able to take account of the full facts and circumstances of the particular case. However, the Criminal Justice and Licensing (Scotland) Act 2010 provides for the establishment of a Scottish Sentencing Council, whose role shall be to
promote consistency in sentencing, assist the development of policy in relation to sentencing and promote greater awareness and understanding of sentencing policy and practice. The Scottish Government is committed to establishing a Sentencing Council within the lifetime of this Parliament. When it is established, the Sentencing Council could consider producing sentencing guidelines for people convicted of sexual offences against children, which will help to ensure consistency and transparency in the sentencing of offenders.

44. The recommendations of the Group under this theme were:

- The Crown Office and Procurator Fiscals Service should explore the possibility of using human trafficking legislation to prosecute CSE where children are trafficked internally for sexual exploitation. The position here will be reviewed as this evolves.

- Police Scotland will explore whether better use could be made of the Civil Preventative Orders and all relevant legislation to best intervene, and work to disrupt perpetrators and to protect victims of CSE.

- The Scottish Government should review the terms of existing RSHO legislation, taking account of moves by the Home Office to amend the regime in England and Wales.

- The Group agreed that the Scottish Government should seek to extend the effect of relevant extra-territorial offences to cover the rest of the UK.

- The Scottish Government should consider with local partners the scope for developing multi-agency consistent protocols/good practice across Scotland to ensure support for child victims of CSE.

- The Group agreed that the Sentencing Council - once established - should be asked to consider producing sentencing guidelines for CSE cases in Scotland.

Theme - Prevention

45. Under this theme, the Group recognised the need for broader messages and actions to complement the more targeted and specific approaches suggested above. Those working with children and young people need a consistent and local understanding of the issues and how CSE is being addressed locally. Schools, child protection leads and community safety teams could support this wider capability and secure support from those working at a community level who either offer services to, or work with, children.

46. It was felt strongly that young people should be seen as partners to inform thinking about how to address CSE. For example, the Group agreed that peer support can be a valuable means of delivering key messages and advice to children, including about alerts to any new online safety concerns. Curriculum for Excellence generally provides the main national lever for the effective delivery of education in schools - including around CSE. The Group questioned, whether, as part of this programme, systems of peer support in schools could be more commonplace and also whether a system of young ‘ambassadors’ in individual schools should be explored.
47. Perpetrator profiling was considered a key means to enabling improved identification of potential CSE perpetrators and more targeted, preventative support. The Group agreed that best use should be made of perpetrator profiling to contribute to preventative measures.

48. The Group also highlighted that the experience and views of survivors of historic abuse could be useful to inform future policy and training around CSE.

49. The recommendations of the Group under this theme were:

- Across Scotland, we need to talk and engage with children and young people in a mature way. This will help us all develop a more informed and shared understanding of sexual activity and risk-taking behaviour in a context of children and young people’s rights in Scotland. This will also help us all to better understand the services and supports which are needed, for example when considering children who go missing, or internet safety issues, and to inform children’s services planning.

- In this context, the Group’s view was that consideration should be given to the role of young people in schools. For example, peer support is a crucial but under-valued approach and consideration should be given to the resources available to schools to support peer-education around CSE.

- Consideration should be given to the list of resources associated with the guidance on the conduct of relationships, sexual health and parenthood education in schools and how these might further highlight CSE.

- Police Scotland should develop profiling of perpetrators of CSE to inform the prevention agenda.

- The Scottish Government should ensure that consideration is given to how the experience and views of survivors of historic abuse might be used to inform future policy and training.

Conclusion and Next Steps

50. The Short-life Ministerial Working Group supported work currently underway to address CSE and identified a series of recommendations to further strengthen that work programme.

51. Going forward, the intention is that the Working Group will review progress against its recommendations and advise about further developments in this area. This includes any to be identified as part of the Inquiry into CSE that is being led by the Public Petitions Committee of the Scottish Parliament.

Short-life Ministerial Working Group

December 2013