

Ministear airson Òigridh agus Clann
Minister for Children and Young People

Aileen Chaimbeul BPA
Aileen Campbell MSP



F/T: 0845 774 1741
E: scottish.ministers@scotland.gsi.gov.uk

David Stewart MSP
c/o Public Petitions Clerks
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP



Ur faidhle/Your ref:
Ar faidhle/Our ref:

30 April 2014

Dear David,

Scottish Government Response to the Public Petitions Committee Report into Tackling Child Sexual Exploitation in Scotland

Following my letter I am writing further with regards to the Scottish Government's response to respond to its report into Tackling Child Sexual Exploitation in Scotland, published on 14 January 2014.

I attach the formal Scottish Government response to the Committee's report and its recommendations. You will note that I have asked the Ministerial Working Group to prepare a National Action Plan to take account of its own recommendations and the ones that the Committee have made. When that has been finalised over the summer, I will write to the Committee with a copy of the Action Plan and a further update.

I hope that you find this further information helpful.

AILEEN CAMPBELL

SCOTTISH GOVERNMENT RESPONSE TO THE SCOTTISH PARLIAMENT PUBLIC PETITIONS COMMITTEE REPORT ON ITS INQUIRY INTO TACKLING CHILD SEXUAL EXPLOITATION

Strategy

1. The Committee recommends that the Scottish Government develops a National Strategy for tackling child sexual exploitation and that this would be a framework for a co-ordinated national approach to tackling and preventing CSE and supporting the victims. The Committee expects the Scottish Government to report regularly to the Parliament on its progress.

Response: I addressed the question of a strategy during the course of our 28 January 2014 debate. The covering letter to this Annex also confirms that response. I have asked the expert Short-life Ministerial Working Group, which has been considering child sexual exploitation on behalf of Scottish Ministers, to bring together our collective efforts into a National Action Plan. I intend to publish this National Action Plan at the end of summer and will write to the Committee with an update at that time.

Trafficking

2. The Committee recommends that the Scottish Government commission research into external trafficking in Scotland, that this takes account of evidence from TARA, Aberlour, Legal Services Agency, Izzy's Promise and other groups knowledgeable in this field; and that evidence given to this inquiry, relevant to external trafficking and issues relating to sexual exploitation of refugees and asylum seekers is made available to those commissioned to undertake this research.

Response: Human trafficking is a cross-border crime which can only be solved through working in partnership. The Cabinet Secretary for Justice announced in March that a dedicated Human Trafficking Bill for Scotland will be introduced by Scottish Ministers. The proposals will:

- consolidate and strengthen existing criminal law against human trafficking;
- enhance the status of and support for the victims of trafficking; and
- give statutory responsibility to relevant agencies to work with the Scottish Government to develop and implement a Scottish Anti-Trafficking Strategy.

In addition, there is a huge range of work currently underway including working with partners to both share information on the scale and extent of the crime and enhance support for its victims. For example, we are progressing a range of actions agreed at the Human Trafficking Summit held in October 2012. The Summit is expected to reconvene over the summer for an update on progress.

Data Collection

3. The Committee recommends that the Scottish Government gives high priority to ensuring that high-quality data collection tools, which will supply vital information on the prevalence and nature of CSE in Scotland, can be identified, standardised and rolled out across Scotland.

4. The Committee recommends that the Scottish Government should call together representatives from the NWG, CPC Chairs' Forum, Police Scotland, the Ministerial Working Group, Barnardo's, social work, health, Scotland's Commissioner for Children and Young People and COPFS and others who have been, or should be, significantly involved in data collection issues, expertise and initiatives, and in promoting good practice throughout the UK. This forum should decide collectively on a coherent data collection strategy for Scotland, and the tools and techniques which will be most effective in tackling CSE.

5. The Forth Valley Child Protection Committees' pilot of data collection tools should be carefully monitored and evaluated, and if successful should play an important part, of the strategy for greatly improved data collection. An evaluation report of this pilot should be made available to the Scottish Parliament.

Response: These recommendations are consistent with the pilot that the Scottish Government is supporting in the Forth Valley area – together with local partners – to test tools to better identify and assess the local prevalence of child sexual exploitation. These tools were developed originally by the University of Bedfordshire and once the outcome of this pilot in Scotland is known our intention is to disseminate for more general use across Scotland. We are presently considering how this pilot should be evaluated.

The recommendations by the Committee are also consistent with the recommendations of the expert Short-life Ministerial Working Group which makes clear that Child Protection Committees – as key local, strategic commissioning bodies – are best placed to map and review current arrangements and to identify best-practice (including around data collection) for child sexual exploitation. There should then be a sharing of the associated learning to help all Child Protection Committees identify good practice for implementation across Scotland. The expert Short-life Ministerial Working Group specifically calls for:

- Child Protection Committees to map and to review their current arrangements for CSE (including data collection, training etc.) and also the available supports for children and young people; and
- a better understanding of the nature and scale of child sexual exploitation across Scotland, through the Scottish Government working with Child Protection Committees to identify and endorse any best-practice approaches that might be identified to be included in guidance.

The Working Group will give particular consideration to how the data collected through the data monitoring tool, piloted in the Forth Valley, can be rolled out nationally and inform national data collection, and other partners with a key role in

data collection will be consulted as part of this work. This will be set out in the National Action Plan.

6. Given the identified gaps in knowledge, the Committee recommends that specific research into the prevalence of CSE in rural and remote areas and the current barriers to its identification is commissioned.

Response: As we responded above, Child Protection Committees (CPCs) will be asked to conduct a review of child sexual exploitation in their areas as part of the roll-out of the data monitoring tool over time. This will take into account prevalence and the challenges faced by each of the geographical areas served by CPCs. As a first step, the intention is to explore extension of the existing pilot to other potential pilot areas of Scotland, including a rural and remote area, over the course of the coming year. Working with CPCs, the Scottish Government will consider whether further research is needed as part of the delivery of the Action Plan and taking into account the findings from the data collection improvements initiated by the CPCs.

Schools

7. The Committee recommends that all schools should have safety programmes including interactive safety workshops and covering internet and social media dangers.

8. Education programmes need to show young people how to recognise and challenge sexual bullying and challenge girls being stereotyped as submissive and appearance-driven and boys as aggressive and active. A mapping exercise of current good practice in this area should be a first step.

9. The Committee recommends that work in schools and in youth settings, with young men in particular, is undertaken to make them aware of inappropriate, coercive sexual conduct, and to offer alternatives.

Response: The following response covers recommendations 7, 8 and 9.

Sexual health and parenthood education

Learning in health and wellbeing, as part of Curriculum for Excellence, ensures that children and young people develop the knowledge, understanding and skills which they need now and in the future. As part of relationships, sexual health and parenthood (RSHP) education, pupils develop an understanding of how to maintain positive relationships with a variety of people and are aware of how thoughts, feelings, attitudes, values and beliefs can influence decisions about relationships and sexual health. This will help children and young people make informed personal choices which will help them to lead safe, healthy lifestyles now and in the future. It is for schools to decide how they deliver RSHP education, based on the children or young people in their classroom.

Since 2002, the Sexual Health and Relationships Education programme (SHARE) has been delivered in many secondary schools and other educational settings across Scotland. It is underpinned by research and developed with teachers, health professionals, academics, trainers, parents and more importantly, young people

themselves. It supports the implementation of national policy guidance on the provision of RHSP education and health promoting schools, the outcomes of the Sexual Health and Bloodborne Virus Framework as well as building on the UN Convention on the Rights of the Child.

SHARE supports the Relationships, Sexual Health and Parenthood organiser of Curriculum for Excellence for those young people in S2-S4. It helps young people to explore and reflect on their values and attitudes around respectful relationships, regardless of whether these are sexual relationships, as well as improving the lifelong skills they require. The programme has recently been updated to reflect the Experiences and Outcomes of the RSHP organiser, makes links with other risk-taking behaviours (such as alcohol and drugs and internet safety) and equality and other legislative changes. The refreshed guidance will be available from Spring 2014.

Bullying and online safety education

Respectme and Childline are Government funded services working to tackle bullying behaviour in all forms and deal with its consequences. At the same time, schools are increasingly talking to children and young people about broader online risks: for example, advice has been given to schools on how to encourage safe and responsible use of personal mobile technology. This advice is also designed to protect children, young people and staff from harassment and abuse (including the dangers of uploading indecent images) which can arise from the misuse of such technology. We will work with educational services and local authorities to provide schools and staff with support for teachers to do this effectively.

The term 'sexual bullying' is increasingly being used to describe a broad range of very concerning behaviours, including gender-based bullying and sexually aggressive behaviour. Using the term may well dilute sexually-aggressive behaviour or harassment. We must ensure that our children and young people understand that sexually aggressive behaviour and bullying are completely unacceptable, and that the consequences of taking part in either can be serious – without confusing the two. We are addressing this through supporting a partnership led by Respectme and a range of partners from Rape Crisis Scotland, Zero Tolerance and CEOP.

We are committed to making sure child internet safety is properly recognised in Scottish education and wider child protection policies. Online safety now features in PSE courses in secondary schools and will also be considered in primary provision. But internet safety cannot be delivered by schools alone. This needs to be enforced by parents, youth organisations and the media. Parents, carers and other adults need a proper understanding of what the digital landscape really looks like, where they can turn for advice and who will support them if they need to take action. For that reason, in December 2013 a Ministerial Summit on internet safety was held, which identified that better information sharing between professionals, parents and young people would be key to improving online safety. The Scottish Stakeholder Group on Child Internet Safety is developing an Action Plan to take forward the recommendations of the Summit.

Lastly, Education Scotland will continue to collate and share good practice through stakeholder networks and GLOW, the online community for Scottish schools. In the

Education Scotland report on GIRFEC published in October 2013 it was noted that staff in educational establishments know the importance of giving attention to children's care and welfare needs and that, at times, they will need to access support from other agencies to ensure that those needs are met.

Ministerial Working Group

The Committee's recommendations around education and schools are broadly consistent with those made by the Ministerial Working Group to further strengthen our work in this area, as follows.

- 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 result in a better understanding of the services and support which is needed, for example, when considering children who go missing or internet safety issues as well as informing 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 child sexual exploitation/abuse.
- 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 child sexual exploitation/abuse.

The National Action Plan will set out the specific actions and timescales for taking forward this work.

Response of Services

10. The Committee recommends that social work and other child protection services give higher priority to addressing childhood sexual abuse in general, and other vulnerabilities in younger children, such as neglect, which may put them at particular risk of CSE.

Response: Our 2010 National Child Protection Guidance clearly sets out our expectations for robust local procedures for all children at risk. Priority is placed on the full range of factors that can lead to children being put at risk. We are committing to keeping this under review and are currently working with stakeholders to refresh the guidance – including specifically around child sexual exploitation. That updated guidance will be published later in the Spring. Also, in its recent report on the second round of child protection inspections, the Care Inspectorate did not identify any widespread or systematic failure of services to give priority to sexual abuse.

Child Protection Statistics

11. Data collection for looked-after children should be reviewed including half-yearly reviews of information held on all child protection registers. Data from specialist services on children at risk should be collated by child protection committees. There should be a category on child protection registers for CSE, and there needs to be a policy investigation around why so few children over 12 are currently on child protection registers.

Response: As already noted, we are taking forward further improvements on our Child Protection Register data around child sexual exploitation and the next steps will be outlined in the National Action Plan. The aim will be to improve the value of child protection statistics in giving a picture of child sexual exploitation and abuse, using the local improvements that will arise from a widespread use of the data monitoring tool.

Young Runaways

12. The Committee recommends that refuges for young people experiencing or at risk of CSE need to be established. Consideration should be given to placing a relevant duty on all local authorities in the Children and Young People (Scotland) Bill. The reasons for Scotland's only refuge closing which closed should be investigated.

Response: I confirmed during the course of the debate on 28 January 2014 that we need to keep under review the services that directly support vulnerable children including those experiencing child sexual exploitation. We need to know what services can have the best impact and how these can be sustained within a service framework that must address a wide range of child protection issues. We also need to understand why some services, not least for runaways, have struggled to remain sustainable.

Committee Members are aware that local service provision and funding is a matter for those local services concerned. The Children (Scotland) Act 1995 clearly puts duties on local authorities to provide accommodation where necessary for vulnerable children. In light of the Committee's recommendations here I have asked the Ministerial Working Group to include a bespoke recommendation in the attached National Action Plan for Child Protection Committees to explore the most effective services to support these children and young people as part of the Action Plan.

Looked-after Children

13. The Committee recommends that the powers of residential staff to protect the young people in their care need to be clarified.

Response: We have mandatory registration of residential care workers with the Scottish Social Services Council and we are commissioning the development of a degree level qualification for all residential child care practitioners. With better qualified staff who have been recruited safely, there should be better, more trusting relationships with the young people in their care. Residential staff are trained to work in a supportive environment to help address the complex and underlying vulnerability

factors many children and young people, experience. Nevertheless, to build on the initial work that the Care Inspectorate has done with regards to the vulnerability of looked-after children, the Ministerial Working Group will consider with the Care Inspectorate what further work may be useful to support both staff and those in care with respect to child sexual exploitation as part of the Action Plan.

Scrutiny

14. The Committee recommends that the Care Inspectorate should make CSE a specific area for inspection for local authorities and all organisations accommodating children.

Response: The Care Inspectorate has set out child sexual exploitation as a key theme of its 2014-15 inspections of children's services.

Disability Issues

15. The Committee recommends that whenever it emerges that a young person has impairment, not originally identified; practitioners must update records at the very earliest opportunity.

Response: A Ministerial Working Group on Child Protection and Disabilities was set up in 2012 to look specifically at training, guidance and research in this area. Updated materials are due to be published in May of this year and will emphasise the risks of child sexual exploitation as well as the importance of good data recording. In addition, as part of work to improve the collection of national data on child protection, we will work with Child Protection Committees on how best to ensure that there is greater rigour and consistency in the appropriate recording of young persons with an impairment.

Communities

16. The Committee calls for closer partnership working between mainstream services and third sector organisations rooted in BME communities, to raise capacity and build confidence amongst the mainstream workforce.

Response: Our national change programme *Getting it right for every child* (GIRFEC) is working generally to help ensure that children and all of their needs are placed at the centre of planning by all local services working with children and families. The key principles of GIRFEC have been further strengthened and given a statutory basis following the recent passage of the Children and Young People Bill through the Scottish Parliament on 19 February 2014, not least through the provisions on the Named Person and Child's Plan. These arrangements should cover vulnerable children, regardless of their origin, but in addition, the Ministerial Working Group will consider how protocols on child sexual exploitation can ensure partnership working with relevant organisations links into communities.

Specialist Services

17. The view of this Committee is that in order to help young people recognise and escape from sexually exploitative situations, specialist and general services must be made available in every region of Scotland.

Response: It is the responsibility of local partnerships to assess what support services are appropriate to best match local need. The range and location of specialist services are key considerations for local partnerships to consider. As already noted, the Ministerial Working Group will consider the issue of service provision, while the Care Inspectorate will be focusing on child sexual exploitation as one of its key inspection themes for 2014-15.

Third Sector

18. Third sector agencies make an important contribution to the support of traumatised young people. Greater recognition of the value and contribution of the third sector is needed. It should be funded to enable it to provide support services. The Committee recommends that the Scottish Government take the lead on this.

Response: We welcome the expertise and work of the third sector in this area. It is a matter for local authorities to determine what support services they need for individual areas. The Ministerial Working Group will consider how partnership working between local authorities and service providers, not least those in the third sector, can be improved as part of the Action Plan.

Education

19. The Committee calls for a national education programme on CSE, with support materials to be delivered in all schools and for higher and further education courses in social work and social care to cover all aspects of disability and child protection.

Response: Curriculum For Excellence includes awareness raising of child sexual exploitation in schools where children and young people will receive education on topics relating to developing appropriate relationships, protection from abuse, keeping themselves safe from harm and sexual rights in relation to the law from early on in their education right up to leaving school. All of this learning is appropriate to the age and stage of the learners. Moreover, as part of their ongoing support for Curriculum for Excellence, Education Scotland will continue to collate and share good practice through stakeholder networks and GLOW. On the foundation training for social work and social care, the Ministerial Working Group will consider what further actions may be useful in the Action Plan in light of the wider national review of social work and social care.

Training

20. The Committee recommends that a programme of training be co-ordinated across Scotland as part of the national strategy to tackle child sexual exploitation. Child Protection Committees should play a key role at local level.

Response: This recommendation is consistent with the findings of the Ministerial Working Group, which recommended that:

- every Child Protection Committee should map and review its current arrangements (including data collection, training etc.) for child sexual exploitation and the available supports for children and young people;
- there should then be a sharing of learning which helps all Child Protection Committees identify good practice for implementation across Scotland, and;
- as part of any such review, consideration should be given to the existing child sexual exploitation skills and knowledge levels of all practitioners (and also others involved with children) and whether these might be enhanced, as appropriate, from a wider range of professionals who engage regularly with young people, as well as from young people themselves; and
- to support a better understanding of the nature and scale of child sexual exploitation across Scotland, the Scottish Government should work with Child Protection Committees to identify and endorse any best-practice approaches that might be identified to be included in guidance.

Detailed actions to take forward these recommendations will be set out as part of the Action Plan. In addition, the Scottish Government, the Scottish Child Protection Committee Chairs Forum and Barnardo's Scotland are working together on a training programme for Scottish Child Protection Committee Chairs on child sexual exploitation.

21. The Committee recommends that the WithScotland network explore how it might best co-ordinate with the NWG to publicise training opportunities in Scotland.

Response: This would be a matter for WithScotland to consider.

22. The Committee expects that every effort should be made to involve young people in the content of training for adults. It is extremely hard for exploited young people to come forward and talk about what happened to them. Initiatives in England using photography and DVD projects with young people allow them to have their voices and thinking heard by the professionals. These should be studied for possible adaptation in Scotland.

Response: See response to **Recommendation 20** above.

Police Scotland

23. The Committee recommends that the Scottish Government, Police Scotland and all key agencies adopt a high commitment to disrupting perpetrator activity and identifying those at risk.

Response: This recommendation is consistent with the findings of the Ministerial Working Group which recommended exploration of whether better use could be made of the Civil Preventative Orders and all relevant legislation to best intervene, as well taking forward of wider work to disrupt perpetrators and protect victims of child sexual exploitation. It also recommended that Police Scotland should develop profiling of perpetrators of child sexual exploitation to inform the prevention agenda. Specific actions under these headings will be set out as part of the National Action Plan.

Named Person

24. The Committee recommends that consideration is given to having a named person support CSE victims throughout the justice process.

Response: The Scottish Government is committed to ensuring that appropriate support is in place for victims and witnesses to allow them to participate effectively in the justice system and is always open to considering options for improving support to victims of, and witnesses to, crime. Support for victims of crime – including child sexual exploitation – will receive wider support as a result of the Victim and Witnesses (Scotland) 2014, including:

- creating a duty on organisations within the justice system to set clear standards of service for victims and witnesses, and to have regard to certain general principles;
- giving victims and witnesses new rights to certain information about their case;
- improving support for vulnerable witnesses in court – for example, changing the definition of "child witness" to include all those under 18 (instead of under 16), and creating a presumption that certain categories of victim are vulnerable, and giving such victims the right to utilise certain special measures when giving evidence; and
- introducing a victim surcharge so that offenders contribute to the cost of supporting victims.

Post-legislative Scrutiny

25. The Committee recommends that post-legislative scrutiny of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 be undertaken to ensure that the intention of this legislation is delivered and that all possible perpetrators of CSE crimes are being prosecuted.

Response: The Scottish Government monitors the effectiveness of all legislation, including the 2005 Act, in conjunction with COPFS, the Police and other stakeholders. The Ministerial Working Group broadly endorsed the work programme

underway across Government to tackle child sexual exploitation including how the Criminal Justice system already supports these vulnerable children and young people.

Risk of Sexual Harm Orders

26. The Committee recommends that Risk of Sexual Harm Orders (RSHOs) are used in a much more comprehensive way for the protection of young people in Scotland.

Response: This recommendation is consistent with the findings of the Ministerial Working Group which found that consideration should also be given to whether there is scope to extend the protection offered by Risk of Sexual Harm Orders. I am confident that Police Scotland shares our commitment to protecting our most vulnerable citizens. Indeed, the Scottish Government is currently working with Police Scotland to consider whether there is scope to extend the protection offered by these Orders.

Disruption of Perpetrators

27. The Committee recommends mandatory training for frontline and specialist police officers on legislative options to disrupt perpetrators. The Committee also recommends better police analysis and collation of information about and the tracking of abusive networks.

Response: See response above at **Recommendation 23**. This recommendation is also broadly consistent with the Report of the Ministerial Working Group which found that Police Scotland should 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 protect victims of child sexual exploitation. Further actions to support the collation and analysis of information around perpetrators will be set out in the Action Plan.

Intelligence-gathering and -sharing

28. The Committee recommends that third sector agencies be fully involved and consulted in multi-agency arrangements for intelligence-gathering and intelligence-sharing in relation to CSE.

Response: As noted above, the Ministerial Working Group will consider how local protocols around child sexual exploitation can promote the most effective, appropriate multi-agency working, not least with respect to intelligence-gathering and –sharing, as part of the work in developing the Action Plan.