

## Tool kit for multi-agency professionals supporting children being or at risk of exploitation

Whilst many of the criminal actions below would be led by Police, and later dealt with by the courts it is vital all professionals have an understanding of what action each of the agencies around children can do as part of keeping children in our community safe and free from exploitative harm.

Having understanding of different offences will assist in frank and open strategy and planning discussions where a child or children are at risk in our community. Provide for appropriate peer challenge and examine the full range of powers and options available to the agencies to reduce risks for children from those who are perpetrating harm towards them.

As part of children and their families seeing justice for those that harm them, all practitioners have a duty to report and or take appropriate action to share information where a crime is suspected to have taken place and or undertake safeguarding planning for children at risk such as hold a strategy meeting.

### Abduction and Trafficked Children Toolkit

What	When and how can it be used?	Impact for child
Child Abduction Warning Notices (CAWNs)	<p>Before enough evidence has been gathered to suggest an offence has been committed, police officers can consider issuing warning notices to potential offenders where grooming or exploitation <u>is suspected</u>.</p> <p>A CAWN states that the suspect has no permission to associate with the child. If they continue to do so they may be arrested for an abduction offence under the Child Abduction Act 1984 and Children Act 1989.</p> <p>Warning notices can be issued by police officers in accordance with individual force policies and do not require court orders.</p>	<p>CAWNs are a useful tool in terms of immediately breaking contact between the child and the individual grooming or exploiting them.</p> <p>They are also useful for ensuring that the suspected perpetrator cannot claim ignorance of the age of the child. This can be useful in subsequent charges or prosecutions.</p> <p>CAWNs should <b>not</b> be used as a substitute for prosecuting criminal behaviour.</p>

## Offence of abduction of child by other persons (under the age of 16)

What	When and how can it be used?	Impact for child
Offence of abduction of child by other persons (under the age of 16) Section 2 Child Abduction Act 1984.	An offence in relation to the taking or detaining of a child under 16 years: where the offender is <u>not</u> connected with the child so as to remove them from the lawful control of any person who holds PR.	Useful to immediately protect any child from a perpetrator of harm in short medium and longer term  The maximum penalty in the Crown Court is seven years' imprisonment reducing risk to child and other children in our community and wider.

## Controlling or coercive behaviour in an intimate or family relationship

What	When and how can it be used?	Impact for child
Controlling or coercive behaviour in an intimate or family relationship - Section 76 The Serious Crime Act 2015.	<p>Person aged 16 or over is the victim. Consent of the victim is not required to bring a case. Some cases of CE could be eligible under this act due to the element of 'intimate relationship' notwithstanding 'power imbalance' recognised in CE</p> <p>Controlling or coercive behaviour is a key component of CE and it is an offence where it is committed within an intimate or familial relationship. This offence is punishable by a fine or imprisonment of up to five years.</p>	Useful in separating a child from an exploitative situation or living arrangement.

### Scenario

*A 16-year-old girl alleges that she is in a relationship with an older adult male. She is estranged from her family and living with the male. Intelligence and information has been shared with police which suggests he has been grooming and sexually exploiting her since the age of 14 but the female is currently claiming that the relationship is consensual and there has been no sexual contact prior to her sixteenth birthday. There are concerns over her emotional wellbeing, self-harm, Class A drug use and physical health. She has presented with physical injuries previously that are believed to be a result of domestic abuse. Professionals from a range of agencies are attempting to intervene and offer essential medical, practical and emotional support. When she has presented at appointments, he has accompanied her. She has refused safe alternative accommodation as she is fearful of what he will do if she attempts to live independently. The police could consider an offence of coercive control, even if the victim refuses to co-operate.*

## Sexual risk orders (SRO)

What	When and how can it be used?	Impact for child
<p>Sexual risk orders (SRO) - Section 122A Sexual Offences Act 2003</p>	<p>SROs can be made by a court where a person has carried out an act deemed to be of a sexual nature and who, as a result, is believed to pose a risk of harm to the public in the UK or children or vulnerable adults abroad.</p> <p>The individual does not need to have committed a relevant (or any) offence.</p> <p>An SRO can be granted for a minimum of 2 years and has no maximum duration. The SRO may specify different time periods for different prohibitions.</p> <p>Interim SROs can be obtained to protect the public, or any particular individuals, during any period between the application for a full order and its determination.</p> <p>The SRO is available where the victim is of any age, and it may be applied for on free standing applications to a magistrates' court by the police</p> <p>Breach of an SRO is a criminal offence which has a power of arrest and is punishable by a maximum of five years' imprisonment.</p> <p>An application for an order should only be considered exceptionally where the defendant is under the age of 18. Recognising the need to SG them as a victim potentially too.</p>	<p>This is an extremely useful tool to safeguard children in our community</p> <p>The SRO can prohibit the defendant from doing anything described within it, so long as it is deemed by a court to be proportionate and necessary for the purposes of protecting the public.</p> <p>This could include, for example, limiting and managing Internet use or prohibiting contact with children.</p> <p>The order can also be used to place a foreign travel restriction on the individual, which can last for a maximum of five years.</p>

## Sexual harm prevention orders (SHPO)

What	When and how can it be used?	Impact for child
<p>Sexual harm prevention orders (SHPO)- Section 103A Sexual Offences Act 2003.</p>	<p>SHPOs can be applied for where an individual has a conviction or caution for a Schedule 3 or Schedule 5 Offence under the Sexual Offences Act 2003, and it can be argued that they pose a risk of sexual harm to the public in the UK or to children or vulnerable adults abroad.</p>	<p>The SHPO can prohibit the offender from doing anything described within it, this could include, for example, limiting and managing Internet use or prohibiting contact with children.</p> <p>Can last for a maximum of five years.</p>

	<p>SHPOs are available to the court at the time of sentencing for a relevant (sexual offence) offence,</p> <p>or on free-standing application to the magistrates' court by the police or National Crime Agency after the time of the conviction or caution.</p>	<p>Breach of an SHPO is a criminal offence which has a power of arrest and is punishable by a maximum of five years' imprisonment.</p>
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### Arranging or facilitating commission of a child sex offence

What	When and how can it be used?	Impact for child
<p>Arranging or facilitating commission of a child sex offence - Section 14 Sexual Offences Act 2003.</p>	<p>This makes it an offence for a person to intentionally arrange or facilitate any action which will involve an offence being committed against a child under sections 9 to 13 of the Sexual Offences Act 2003. The perpetrator may intend to do the action themselves, intend another person to do it or believe another person will do it.</p>	<p>This is useful when protecting children including those who transport children to harmful situations such as involved taxi drivers/ hotel staff or home owner where offences take place.</p> <p>The offence is punishable by up to 14 years' imprisonment, or a fine, or both.</p>

### Meeting a child following sexual grooming

What	When and how can it be used?	Impact for child
<p>Meeting a child following sexual grooming- Section 15 Sexual Offences Act 2003</p>	<p>A person aged 18 or over commits an offence if: they have communicated with another person who is under 16 and</p> <p>A- does not reasonably believe that the other person is over 16 they then travel with the intention of meeting that other person in any part of the world at that time, they intend on having sexual intercourse or engaging in some other form of sexual activity with the other person.</p> <p>B- the defendant does not reasonably believe that the other person is 16 or over and that person is under 16.</p>	<p>This can form part of plans to stop children being groomed online in our area and beyond.</p> <p>The offence is punishable by up to 10 years' imprisonment, or a fine, or both.</p>

## Sexual communication with a child

What	When and how can it be used?	Impact for child
Sexual communication with a child- Section 15A Sexual Offences Act 2003.	Where an adult (aged 18 and over), for the purposes of sexual gratification, intentionally communicates in a sexual way with a child under 16 or encourages that child to respond in a sexual way then an offence is committed.  An adult who reasonably believes the child is 16 or over does not commit an offence.	This can form part of plans to stop children being groomed online in our area and beyond.  The offence is punishable by up to two years' imprisonment, or a fine, or both.

## Paying for sexual services of a child

What	When and how can it be used?	Impact for child
Paying for sexual services of a child- Section 47 Sexual Offences Act 2003	Where a person, for the purposes of sexual gratification, makes or promises to make payment to a young person under the age of 18, or to a third party, or <u>knows</u> that another person has made or promised such payment.	Children can be immediately protected from sexual assaults.  Useful when group sexual exploitation incidents occur or are in planning.  Useful when CSE perpetrators are identified.  The offence is punishable by imprisonment (for life, up to 14 years or up to seven years, depending on the age of the child).

## Causing or inciting the sexual exploitation of a child

What	When and how can it be used?	Impact for child
Causing or inciting the sexual exploitation of a child- Section 48 Sexual Offences Act 2003.	Where a person intentionally incites another person, under the age of 18, to be sexually exploited in any part of the world.  A person commits an offence if he intentionally causes or incites another person under the age of 18 to be	Children can be immediately protected from sexual assaults.  Useful when single perpetrator group sexual exploitation incidents occur or are in planning.

	sexually exploited in any part of the world.	The offence is punishable by up to 14 years' imprisonment, or a fine, or both.
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### Controlling a child in relation to sexual exploitation

What	When and how can it be used?	Impact for child
Controlling a child in relation to sexual exploitation- Section 49 Sexual Offences Act 2003	Where a person intentionally controls the activities of another person under the age of 18 relating to their sexual exploitation in any part of the world.	<p>Children can be immediately protected from sexual assaults.</p> <p>Useful when single perpetrator group sexual exploitation incidents occur or are in planning.</p> <p>The offence is punishable by up to 14 years' imprisonment.</p>

### Arranging or facilitating the sexual exploitation of a child

What	When and how can it be used?	Impact for child
Arranging or facilitating the sexual exploitation of a child- Section 50 Sexual Offences Act 2003	Where a person intentionally arranges or facilitates the sexual exploitation of another person under the age of 18 in any part of the world.	<p>Children can be immediately protected from sexual assaults.</p> <p>Useful when single perpetrator group sexual exploitation incidents occur or are in planning</p> <p>The offence is punishable by up to 14 years' imprisonment.</p>

### Indecent images of children (IIOC)

What	When and how can it be used?	Impact for child
Indecent images of children (IIOC)- Section 1 Protection	Where a person is making, distributing or possessing with intent to distribute an indecent image of a child, or advertise or intends to advertise the	Supports CSE situations such as blackmailing a child via internet,

of Children Act 1978.	distribution or viewing of such image, or the intention to do so. To prosecute an offence under section 1, the consent of the Director of Public Prosecutions is needed.	trapping further children etc  The offence is punishable by up to 10 years' imprisonment.
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### Possession of indecent image of a child

What	When and how can it be used?	Impact for child
Possession of indecent image of a child - Section 160 Criminal Justice Act 1988	Section 160(1) creates an offence for a person to have any indecent images or pseudo-photographs of a child in their possession.  Where a person is possessing an indecent image of a child. It is a defence if a person has a legitimate reason for having the images in his possession or they had not reason to suspect it was an indecent image.	The offence is punishable by up to 5 years' imprisonment, or a fine, or both