

Toolkit for Behaviour of Offenders Conduct

Unusual or harmful behaviour may not at first glance appear to be directly related to child exploitation. It is important to put behaviour of offenders into context when identifying the most appropriate disruption tool. Similarly, victims of child exploitation may display signs of isolation, appear distrustful of authorities, have limited freedom of movement and may commit crime themselves under the duress of exploitation.

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.

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-	<p>Person aged 16 or over is the victim. Consent of the victim is not required to bring a case.</p> <p>It is important to acknowledge that domestic abuse and CSE may both be present and overlapping, and may require different, yet connected safeguarding strategies.</p>	<p>the behaviour will have a serious effect on the victim, which is deemed as such if: it causes them to fear, on at least two occasions, that violence will be used against them it causes them serious alarm or distress which has a substantial adverse effect on their usual day-to-day activities.</p>

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.

Forced marriage protection order (FMPO)

What	When and how can it be used?	Impact for child
<p>Forced marriage protection order (FMPO) - Section 63A (Forced Marriage Protection Order) Family Law Act 1996.</p>	<p>An FMPO can be obtained by the person to be protected by the order, or by the local authority, or by any person with permission of the court, including the police.</p> <p>The order can contain prohibitions, restrictions and requirements as are considered necessary by the court and aims to protect any person from being forced into a marriage or to protect a person who has been forced into a marriage. The terms of the order may relate to conduct both in and outside of the UK and may relate to respondents who become involved as well as respondents who force or attempt to force a person to enter into a marriage.</p> <p>A power of arrest can be attached to a FMPO. A breach of this order an offence and could result in a fine or imprisonment. A person cannot be convicted of an offence of breaching an order where the conduct concerned has already been punished as a contempt of Court.</p>	<p>Prevent a child (male or female) forcibly marrying within hours of complaint. Urgent application and ex parte possible to reduce risk.</p> <p>Prevent sexual/ physical/ honour based harm occurring.</p> <p>Trigger emergency housing for child & any safe adult carers</p> <p>Prevent rape/ sexual assault</p> <p>Prevent younger siblings experiencing same harm.</p>

Scenario

Aneela aged 17 was found to have received threats from her parents for not complying with a marriage her family had arranged. Officers working with legal services put together an application for a FMPO. The court considered the case and a full FMPO was made which prohibited the parents from arranging a marriage for their daughter and had a power of arrest attached to it. The local authority was able to consider the needs of Aneela's younger siblings (male and female) in respects to forced marriage, one this order was made.

Restraining Orders and Non-Molestation Orders

What	When and how can it be used?	Impact for child
<p>Restraining orders & Non-molestation orders –</p> <p>Section 42 Family Law Act 1996.</p> <p>Section 5/5A Protection from Harassment Act 1997</p>	<p>Restraining orders should be considered by police in any CE related prosecution even where the victim has not requested the order to be made.</p> <p>Restraining orders are made by a court under Section 5/5A of the Protection from Harassment Act 1997 and allow a court to make an order either on the conviction or acquittal of a defendant for any offence where the court believes a restraining order is necessary to protect a person from harassment. The terms may be set by the court.</p>	<p>Children can apply for these orders too, with support.</p> <p>Places space between a person harming a child and the child.</p> <p>Exclusion zones i.e. near schools, family home can be set.</p>

	<p>Non-molestation orders under Section 42 Family Law Act means an order containing provision prohibiting the respondent from molesting a relevant child. The court may make a non-molestation order where an offender is deemed to be an 'associated person' and can restrict contact and harassment of a victim. 'Associated persons' are usually family members or spouses. However, there is eligibility for one member of a non-cohabiting couple where there has been an intimate personal relationship with each other which was of significant duration.</p>	<p>If the restraining order is breached, the defendant may be subject to imprisonment for a term not exceeding five years, or a fine, or both.</p> <p>It is an offence to fail to comply with a non-molestation order without reasonable excuse. The offence is punishable with a maximum of five years' imprisonment.</p> <p>Breach of a non-molestation order may be dealt with as a contempt of court.</p>
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Domestic Violence Protection Notices and Orders (DVPN / DVPO)

What	When and how can it be used?	Impact for child
<p>Domestic violence protection notices and orders (DVPN / DVPO)- Section 24-33 Crime and Security Act 2010</p>	<p>A DVPN can be used as an immediate measure to protect victims from domestic violence or threat of it.</p> <p>A DVPN is a notice served by the police against a person who is aged over 18, where the police reasonably believe that the person has been violent or has threatened violence against another person and that person needs to be protected from harm.</p> <p>Agreement from the victim is not needed to issue a DVPN although their opinion on the subject must be considered.</p> <p>A DVPN places certain conditions on the person which may include stopping them being within a certain distance of the victim's home and requiring them to leave the victim's home.</p> <p>The magistrates' court will hear an application for a DVPO within 48 hours of the DVPN being issued and a DVPO can be made by the court without the victim's agreement.</p> <p>Police and safeguarding agencies should provide support to victims during the period of the DVPO.</p>	<p>Useful tool in creating safe space for children and enable assessments and or planning activity.</p> <p>To remove a perpetrator of harm, from a property for a set period of time</p> <p>Enable report to be complied for MARAC</p> <p>A DVPN can be enforced for a maximum of 48 hours.</p> <p>A DVPO remains in place for 14 to 28 days with a power of arrest attached for breaching the order. Breach of a DVPO can be considered as a contempt of court and can result in up to two months' imprisonment or a fine.</p>

Scenario

Police are called to a domestic incident. Officers find a 17-year-old girl and her 'boyfriend' at the property. The girl tells police officers that her boyfriend physically assaulted her after she refused to have sex with his friends. Among other measures, police officers also consider the issuing of DVPN to safeguard the young person from further violence, or the threat of it from the 'boyfriend'. A DVPN, which will lead to a DVPO may be considered to protect victims of sexual exploitation over the age of 16 from domestic violence.

Civil Injunctions (power to grant injunction)

What	When and how can it be used?	Impact for child
Civil injunctions (power to grant injunction)- Section 1 Anti-Social Behaviour, Crime and Policing Act 2014	<p>Obtained by various bodies including the police, local authorities and social landlords in the High court or in the county court where the individual against whom it is to be made is 18 or over.</p> <p>An injunction stops or prevents individuals engaging in anti-social behaviour. This can include conduct that has caused, or is likely to cause, harassment, alarm or distress may be useful to prevent persons of concern from attending locations such as schools or children's homes, restrict having multiple mobile phones, hiring vehicles or entering high-risk areas.</p>	<p>Child exploitation may fall under one or more of these definitions. The use of injunctive orders should be seen as an essential part of disruption.</p> <p>An injunction can include prohibitions including exclusions from areas or a home. There may also be positive requirements, such as requirements on an individual to attend certain meetings.</p> <ul style="list-style-type: none"> •Breach of an injunction does not automatically result in arrest as not all will have powers of arrest attached. An application can be made for a warrant of arrest where an injunction is breached without a power of arrest. Breach could result in imprisonment not exceeding 2 years and/or a fine.

Injunctions to prevent gang-related violence and drug-dealing activity

What	When and how can it be used?	Impact for child
Injunctions to prevent gang-related violence and drug-dealing activity- Section 34 Policing and Crime Act 2009	<p>The order is aimed at preventing gang-related violence and gang related drug dealing activity.</p> <p>Terms imposed can, for example: prevent or restrict association with other gang members prohibit travel to certain areas</p>	Prevents the respondent from engaging in, encouraging or assisting gang-related violence or gang-related drug-dealing activity.

	<p>prevent the congregation of people in groups of three or more restrict individuals from possessing more than one mobile telephone prevent the promotion of gang related activity on social networking sites.</p> <p>It can be considered at any time during an investigation.</p> <p>The injunction can remain in place for a maximum of 2 years</p>	<p>Protects the respondent from gang-related violence or gang-related drug-dealing activity.</p> <p>Breach of the injunction will be in contempt of court, and can be subject to a fine or imprisonment, depending on the age of the person who is in breach</p>
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Scenario

A group of 10 men often congregate in a city park where they engage in drug dealing and gang-related violence. The activities pose a risk to the local community. Police officers make an application for injunction to prevent the congregation of the group in the city park and protect the local community from the risk of violence. In addition, police officers recognise that three younger members of the group display signs of distress and appear to have been controlled by other gang members. Police officers make an application for injunction to prevent contact between the gang members and the three young people to protect them.

Criminal behaviour orders (CBO)

What	When and how can it be used?	Impact for child
<p>Criminal behaviour orders (CBO) - Section 22-33 Anti-Social Behaviour, Crime and Policing Act 2014.</p>	<p>The court may make a criminal behaviour order against an offender if: The court is satisfied beyond reasonable doubt that the offender has engaged in behaviour that caused or was likely to cause harassment, alarm or distress to any person and,</p> <p>The court considers that making the order will help in preventing the offender from engaging in this behaviour.</p> <p>The order would be requested through the prosecution upon conviction of an offender when they receive a sentence or a conditional discharge.</p>	<p>Useful when risks or threats to a family/ family home of an exploited child.</p> <p>A CBO prohibits the offender from doing anything described in the order and can also include positive requirements like mentoring, anger management, drug rehabilitation.</p> <p>A CBO made after the offender has reached the age of 18 must run for at least 2 years but can be for an indefinite period and each prohibition listed can run for specific periods of time (Where the offender is under 18 years when the CBO is made, the order must be for a fixed period of not less than a year and not more than three years).</p> <p>Breach of this order is punishable by up to 5</p>

		years' imprisonment on indictment.
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