

**AGENDA ITEM 7****RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL****CORPORATE PARENTING BOARD****11TH MAY 2015****CHILD SEXUAL EXPLOITATION REPORT****REPORT OF THE GROUP DIRECTOR, COMMUNITY AND CHILDREN'S SERVICES**

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**1. PURPOSE OF REPORT**

To advise Corporate Parenting Board (CPB) of the work completed by the Cwm Taf Safeguarding Children Board (CTSCB) in response to the recent national reports concerning the sexual exploitation of children and young people

**2. RECOMMENDATIONS**

It is recommended that Members note the contents of the report.

**3. BACKGROUND**

In August, 2014, the report of the Independent Inquiry into child sexual exploitation (CSE), 1997-2013 commissioned by Rotherham Metropolitan Borough Council and led by Professor Alexis Jay; was published

The report documents considerable learning, and provides distressing information about the circumstances of victims, and the abuse that they suffered. In particular the report identifies collective failures of 'political and officer leadership', noting that the seriousness of the problem was underplayed by senior managers. Weaknesses were identified in that the Local Safeguarding Children Board in the area did not go far enough to check that practice was compliant with policies and procedures. The report found that the challenge and scrutiny function of Safeguarding Board was lacking over several years, at a time when it was most required.

In March 2015 the Department for Communities and Local Government published the report of Louise Casey's inspection of the compliance of Rotherham Metropolitan Borough Council in relation to the Council's

exercise of its functions on governance, children and young people, and taxi and private hiring licensing.

The Casey Report is detailed, and builds upon many of the distressing accounts of abuse and shortfalls in leadership identified by Professor Alexis Jay. It is attached at appendix 1

Particularly concerning are the findings in relation to Rotherham Council's response to the independent inquiry report.

Casey writes that:

*I found a Council in denial. They denied that there had been a problem, or if there had been, that it was as big as was said. If there was a problem they certainly were not told – it was someone else's job. They were no worse than anyone else. They had won awards. The media were out to get them.*

Whilst the report deals with the themes that are raised initially such as:

- Equipping and supporting staff to listening to children and young people who are at risk of sexual exploitation, and acting on what they say
- Listening to staff who raised concerns
- Effectively coordinating information sharing across the services to ensure that perpetrators of sexual exploitation were challenged
- Avoiding responses that were affected by cultural misattributions and racist stereotypes;

The report equally considers the extent to which the following factors influenced the denial that Casey encountered:

- Organisational culture
- Leadership and governance
- Responses to Whistle Blowers
- Action taken against staff found to be guilty of gross misconduct
- Effective practice by the Licensing Authority
- Lack of challenge of a partner agency by the Safeguarding Board ( South Yorkshire Police)

#### **4. CURRENT POSITION**

In September 2014 CTSCB, accepted a proposal from the sub group considering the Independent Inquiry report that further work was required. The CTSCB Chair also brought to the Board's attention a letter from the RCT Cabinet Member for Children's Social Services and Equalities inviting the Board to consider the learning identified in the Independent Inquiry.

A task and finish group was identified with the objective of considering the learning highlighted in the Inquiry in the context of regional practice.

The group conducted a survey of organisations against the head line learning in a way that also offered an organisational 'health-check'.

Overwhelmingly, agencies response indicated an awareness of the Sexual Exploitation Risk Assessment Framework which is the tool within the All Wales Child Sexual Exploitation Protocol and which is incorporated within the CTSCB Risky Behaviour Protocol.

At it's December 2014 meeting, CTSCB received a report which summarised the work of the Rotherham Task and Finish Group. An action plan has consequently been developed. A key element is working with MTCBC and RCTCBC Licensing Services to ensure learning for the reports is incorporated into practice.

In addition the Police and Crime Commissioner and Children's Commissioner for South Wales has also been carrying out some work relating to CSE . The CTSCB responded to the PCC survey and has been involved in the working group.

CTSCB has also been represented at the CSE working group established by the Children's Commissioner for Wales which has led to the establishment of a task group by Welsh Government which will develop an all Wales action plan CTSCB and RCT are members of the group which is about to meet.





Department for  
Communities and  
Local Government

# Reflections on child sexual exploitation

A report by Louise Casey CB



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## Introduction

Rotherham MBC was exceptional in both its failure to accept what was happening in their town around child sexual exploitation (CSE), and its abdication of responsibility for vulnerable children. My role as a statutory Inspector was to examine the fitness for purpose of that Local Authority (LA) following the Jay report into the history of child sexual exploitation over a 16 year period. However, the inspection of Rotherham threw up many issues which I felt had wider significance in relation to child sexual exploitation that I thought worthy of consideration across other Local Authorities.

As recent trials and serious case reviews on CSE elsewhere confirm, Rotherham is not alone in having significant failings in how this complex issue is dealt with; children have also been being badly let down by services elsewhere. While poor practice in Rotherham has been the starting point for the reflections set out in this paper, it is clear to me that other areas who have also got it wrong in the past have, in their response, confronted the nature of CSE and sought to mobilise against it across all their agencies. This we can learn from.

Anyone concerned with the safeguarding of children will be aware of the growth of online grooming and the disturbing incidence of 'peer on peer' sexual exploitation, whereby minors are sexually exploited by their contemporaries. My reflections on LA responses to CSE do not attempt to be exhaustive and do not directly address these variations of abuse. Beginning with what the inspection team found in Rotherham, the focus has been on how a local authority and its partners can seek to combat perpetrators operating on the ground within its area – that is, adult men seeking to groom, opportunistically exploit or systematically control children for sex often committing rapes and other serious sexual violence.

My report makes four points in relation to this form of grooming and CSE:

That CSE is child abuse and is a crime. And our efforts need to be directed towards perpetrators in order to detect, prevent and disrupt that abuse at the earliest stages as well as the prosecution of individual perpetrators to ensure that they face the full force of the criminal justice system for their vile crimes. These are not mutually exclusive activities.

That the victims are children however they present themselves. They cannot consent to their abuse, all the more given that grooming itself removes any real sense of self-determination from these children. There should be no scenarios in which victims are viewed as young women or as making choices.

Thirdly that CSE is squarely a community safety issue and local government working with police and others need to make use of community safety tactics and action to keep children safe. The regulatory and enforcement functions of the local authority are vital in

preventing and disrupting CSE and in building intelligence which can help with prosecutions. Those in upper tier authorities and district authorities where responsibilities for children social care and community safety lie in different tiers , have additional partnership challenges, but these can't be insurmountable.

Finally, that local government and the police should not fear seeking out and shining a light on sexual exploitation for fear they may be held to account for what they find. The failure is not in the existence of CSE but in not recognising it and taking appropriate action.

I have worked with and around local government and partners including the police and the voluntary sector for many years. And local government has always found good and innovative ways to deal with new challenges, working with partners. CSE is one of those problems where silo working is actively harmful to the protection of children and stopping offenders.

So while these reflections are aimed at local government colleagues I am all too aware that it is neither fully responsible for tackling CSE nor is it able alone to be fully effective without their partners; particularly in the police, but also in health and in education. The historic failings of local government in this area have also been the failings of police and health and I urge those in local government to hold the police, health and education to account.

The most important job we do in public service is to look after and protect the most vulnerable in society, however thankless that task may seem at times. I hope this short report will go some way to assist local authorities in asking the right questions of themselves, their staff and their partners in the interests of those children who are in most need of our help.

Louise Casey CB  
March 2015



## WHAT IS CSE?

Each piece of guidance or review of CSE starts with a definition. It describes a process whereby there is an exchange – sex in exchange for something – a bed for the night, gifts, affection.

Although this is important and does indeed describe the 'transactional' nature of CSE, it also misses the very first and foremost issue – this is child abuse and it is a crime. It is the sexual and physical abuse, and habitual rape of children by (mainly) men who achieve this by manipulating and gaining total control over those who cannot consent to sex either by virtue of their age or their incapacity.

The perpetrators are responsible for the serious sexual offences which make up CSE and our starting point should be stopping them through disruption, arrest and prosecution. This must be underpinned by an absolute intolerance of this abuse by perpetrators, not an acceptance that this can happen to certain children and their 'risks need to be managed'. All children need to be kept safe from sexual predators and this should first and foremost be achieved by stopping the predators.

CSE encompasses a spectrum of activity and needs to be tackled at different levels. This does not only mean looking for victims – where there is a victim, a crime has already happened, a child has already been groomed, abused and manipulated. Prevention and disruption of activity also need to be aimed directly at the perpetrators.

Adult men prey on children for sex because they think they can do so unnoticed, undisrupted and with impunity. Local authorities and the police need to make their presence felt, to put the pressure on, to show they are looking and the public need to be educated to raise the alarm and report any anxieties about what they observe in the street.

Cases in which police or children's social care failed to respond properly to the systematic abuse of individual children, in some cases over a period of years, have received much attention and rightly so. Certainly, social care and police need to recognise entrenched abuse, to have systems in place to 'wrap around' these children.

But children do not become entrenched in CSE without first being subject to targeted grooming or opportunistic abuse. Systemic sexual abuse is the final stage in a process, so a dual approach is needed in which support for victims of systematic sexual exploitation runs alongside a vigilant, zero-tolerance approach across the area which the local authority governs. By engaging the enforcement officers, professionals and the public, children can be protected from the grooming, harassment and opportunistic abuse which left undisrupted will lead to full scale abuse.

## **THE VICTIMS ARE CHILDREN**

The victims of these crimes are children – however they may first appear or present themselves. This is worth repeating because in the places where there have been high profile failures in protecting victims, including in Rotherham, children were often treated as if they were to blame for putting themselves in risky situations.

When they did respond, services focused on containing the children rather than pursuing the men who were abusing them.

Children were placed in secure units, or away from their families. While this may on occasion be the most appropriate thing to do to protect children or to break the cycle of abuse, the pull of grooming means the mere act of creating distance is unlikely to have the desired effect. Unless managed carefully, moving children away can isolate them further from important relationships and the support they need. This must have felt like punishment to children, particularly where perpetrators continued to walk free.

Oxfordshire county council now insist that professionals refer to anyone under 16 as a child, so their status is never overlooked.

The age of consent is 16. A child under 13 does not, under any circumstances, have legal capacity to consent to any form of sexual activity. Sex between an adult and a child between 13 and 16 years of age is unlawful and is an offence. Believing that the child was over 16 or that the child consented to sexual activity is a defence that may be available. However, in the context of CSE 'consent' is a particularly toxic concept. Victims of entrenched and systematic abuse will have been 'groomed' by perpetrators, who will have ensured their total submission and so called 'consent' through early manipulation and later threats and intimidation.

## **GROOMING IS BRAINWASHING**

Grooming is the process whereby a child is wooed and courted by an older 'boyfriend,' initially through constant attention and affection, later developing into more coercive and often violent behaviour. A key part of the process is that the victim becomes isolated from friends and family and other important relationships.

The process can take days, weeks or months but throughout, any notion of consent within this relationship is removed. The Oxfordshire SCR which followed Operation Bullfinch describes how the Crown Prosecution Service outlined the grooming process to the court: 'It described the orchestrated 'incremental steps' by which any wish of the girls was squashed by the men through a progression of gifts and attention, getting physical for sex, pestering, threats, orders and *"doing by force despite protestation – despite physically being incapable through drink, drugs, or despite an unwilling body and fatigued beyond*

*endurance*". The Crown argued that the lack of true consent was clear, or why would the groups escalate their tactics to ever more controlling, threatening methods?'

Grooming is like brainwashing. A senior police officer in Operation Bullfinch said that:  
*"The girls were 'the most difficult victims [that officer] had ever had to deal with... as a direct result of their grooming/conditioning. They were isolated so much by their abusers they trusted no one except them – so 'helping' agencies or any adult were not to be trusted or cooperated with."*

The SCR further illustrates the hold the perpetrators had over their victims:  
 'An officer describes how one girl was punished by being taken to a wood and humiliated and raped in different ways by seven men. Left alone, hurt, crying, naked and covered with semen, the person she called for help was not the parents, social worker, police or ambulance but one of the abusers who had just raped her.'

Police and social workers have described how victims of CSE will refuse to cooperate; they do not accept they are victims and they want to protect their boyfriends: *"At the end of the day, she knows you are going to arrest her boyfriend and she loves him"*. [police officer]

*"We arrested the perpetrator and put him in jail and her world fell apart – so it wasn't just a question of dealing with him, we needed to then provide an entire package of support for her"*. [police officer]

The important point about grooming is that it removes any self-determination from a child. There can be no concept of consent to sexual activity where a child is groomed. In fact a refusal to admit any problem, to protect the 'boyfriend', to climb out of windows, to run away from those protecting them to the abuser is in essence the sign of a groomed child.

## **THE CSE LANDSCAPE**

*"Clifton Park was half a mile from our office but if people didn't know what to look for they would walk straight past it. One mum said to me, 'this has been happening for 20 years'."* [police officer, Rotherham]

Local government and the police should not fear seeking out and shining a light on sexual exploitation. The failure lies not in its existence but in not recognising it and taking appropriate action.

Evidence of child sexual exploitation is unlikely to turn up fully formed at the door of the police station or the local authority and it needs to be searched out. As a spectrum of activity, there are a whole range of behaviours and scenarios which alone do not mean anything significant, but pieced together form a composite. The proactive gathering of information helps to form that picture, to identify perpetrators, hotspots, and those who

need protecting. There are a myriad of ways in which different parts of the local authority - whether through their regulatory, licensing and community safety functions or their leisure and community services, can seek out this information, share it with partners and act to tackle child sexual exploitation.

In Rotherham, the youth project Risky Business assiduously gathered information. They built a database of information about hotspots, where victims were going, who they were with, phone numbers, car registrations and nicknames of perpetrators, but neither the police nor the rest of the local authority recognised the value of gathering what they saw as 'incomplete' or 'incidental' information. Information thus stayed in a vacuum where it could not be used to disrupt perpetrator activity, build a case against individuals, target premises or track activity.

It is precisely information of this kind which forms the mosaic of CSE activity in an area – in Rotherham a successful prosecution for CSE occurred when individual police and professionals who understood the value of the information began turning it into intelligence to form a criminal case.

Through their governance and regulatory powers across a range of arenas and functions such as housing, licensing, environmental health, fire and fraud, councils already have a suite of powers and tools at their disposal which can be used to enter premises under a range of pretexts to investigate possible CSE. Information gained in this way can provide standalone intelligence and supplement information which comes directly from victims or their families.

Rochdale has sought to exert pressure on perpetrators using existing housing, environmental health and licensing enforcement powers to investigate residential properties of concern, takeaways, off-licences, convenience stores, car washes and garages. They have also made full use of the information contained in existing databases to assist a dedicated police analyst to build a complex mosaic of the activities of perpetrators in the borough – *“there is a lot of information there if you know where to look.”*

Through smart use of enforcement powers, aided by awareness sessions in schools and increased public vigilance, Rochdale has delivered the following disruption operations:

- Licensing enforcement passed information to police about a taxi driver handing out cards to kids looking for photographic 'models'. Licensing records showed the driver had previously been investigated for inappropriate comments; police then dug deeper, found CSE victims and built a criminal case against him.
- A neighbour alerted police that girls in school uniform were visiting a 29-year-old male in the house opposite. Police attended, found one of the girls hiding in a cupboard. Records showed he had previously been issued with a Child Abduction Notice issued in respect of one of the girls. He was arrested for child abduction.

- Following a number of anonymous calls about schoolchildren gathering at a particular takeaway, environmental health officers gained access to a room upstairs which had a sofa and condoms, leading to a conviction for sexual offences.
- A takeaway owner who was providing free mobile charging and lollypops and displaying other worrying behaviour toward children was issued with a Risk of Sexual Harm Order after five girls who attended a schools awareness raising session recognised his behaviour as inappropriate and provided information.
- Similarly in Oxfordshire, a premises was serving alcohol and letting men take young girls to rooms upstairs. Agencies went in with a drugs warrant and health and safety officers, who found fire hazards and closed the premises down. They seized computers holding indecent images. This displaces the activity at least in the short term, costs the owners a lot of money and sends a signal there are no 'invisible places'.

Publicising enforcement action has educated the public that any piece of information, however small, is of use. Publicising action also gives a message to perpetrators about the consequences of their behaviour and makes it clear to victims that what is happening to them is wrong.

## **GETTING THE BASICS RIGHT – ACTING ON SIGNS**

The same vigilance, the same 'looking across the piece' which applies to the CSE landscape applies to identifying and protecting children at risk.

It is important to remember that many perpetrators get away with it because they can – when no one is looking, not only across the landscape, but also at an individual child. Perpetrators are likely to target those whose wellbeing may attract less attention and those they have the highest chance of isolating and then controlling, for example children who are looked after, or even children with Special Educational Needs.

And it was the clear that in many of the recent high profile CSE cases, there was no vigilance when it came to very clear warning signs – such as children missing from home or care, underage sexual activity, or drug and alcohol abuse at very young age. Each of these problems warrant serious concern and are worthy of investigation in their own right, but it seems that in too many cases, no action was taken. This points to a wider issue. If a child in care is not cared for well enough, listened to, supervised or when the 'corporate parent' does not treat a child as a parent would their own child, where different standards are applied to them – sexual exploitation becomes a much greater risk. Similarly, a 13-year-old with a sexually transmitted disease should be seen as a priority for investigation

as well as protection. Getting the basics right in relation to children with particular vulnerabilities will itself diminish the risk of CSE.

Victims in many of the high profile cases frequently went missing – disappearing overnight, sometimes for days on end. While a frequently missing 13-year-old should be a source of serious and mounting concern, police became less worried the more children went missing because ‘they always come back’.

Similarly, as the Serious Case Review in Oxfordshire states: “*One does not need training in CSE to know that a 12-year-old sleeping with a 25-year-old is not right, or that you don’t come back from a party bruised, half naked and bleeding from seeing your ‘friends’ etc.*”

In the most high profile cases, professionals and police appeared not to treat these incidents as seriously as they would a single occurrence, precisely because the children had so many problems and caused concern so often. The children were talked about as ‘streetwise’. This in itself indicated an abrogation of responsibility – as if the children were capable of choosing a lifestyle on the margins of society, among adults who prey upon them, and should be left by professionals to ‘get on with it’.

There was a distinct lack of professional curiosity about what was happening to victims. Why, victims and their parents wanted to know, did professionals not enquire about why there was blood pouring down a child’s legs, or the cause of lacerations on the neck or concern about bite marks on a child’s body?

Health services will frequently come into contact with vulnerable children: GPs will get a copy of a report of every visit to Accident and Emergency by a child; GU clinics are treating children being checked for sexually transmitted diseases. They therefore see and hold significant information which should be viewed as warning signs.

A child who is frequently absent from school is potentially a child at risk, a child who is potentially being groomed or exploited. Children who are on reduced timetables due to previous problems with education, or due to exclusion, will not always attract attention. This is because they may technically maintain full attendance for the few hours a week they are required, leaving them with more hours in the day when they may not attract the attention of authorities by their absence.

In Rochdale there is now much closer monitoring of children in care including those placed in Rochdale by other authorities. A recent police operation (Operation Infrared) was launched when Missing reports highlighted that two looked after children who had been placed in private residential homes by other authorities were regularly missing from the care home.

The subsequent investigation resulted in seven men across Greater Manchester being charged with sexual exploitation offences that had allegedly taken place in the previous

eight weeks. They are currently remanded in custody awaiting trial. A related business was closed down as part of the investigation.

## **SUPPORTING AND PROTECTING CHILDREN AND FAMILIES**

The focus of child protection in children's social care tends to be on inter-familial abuse, domestic violence and neglect of younger children, which make up the majority of a social care caseload. The assessments and thresholds applied within child protection processes for these purposes do not necessarily lend themselves to the sexual exploitation of children by people outside the home. Children are also older; they may not think of themselves as victims, indeed they may believe they are in love.

This does not make CSE any less a child abuse issue but it does require a different approach from services. In Rotherham, the attachment to these assessments and thresholds by professionals in children's social care became straitjackets which prevented the protection of children who were being sexually exploited being as effective as it should have been.

Across the country there are different models of support for victims of sexual exploitation, but the critical element of any model is that there are people who can build a relationship of trust with a victim. This relationship is vital for counteracting the isolation experienced by children (who are groomed to trust no one but their abuser), to support disclosure, and to understand what is happening in their lives. By definition, building a relationship of trust takes time, needs to happen on the child's terms, at their pace and requires assertiveness, persistence, curiosity and a great deal of care.

Because groomers isolate children and drive a wedge in the child's relationships with others, it will not always be possible to keep a child from his/her abuser. Similarly their behaviour may make it really difficult for a child not to be isolated and workers will be faced with anger, aggression, 'out of control' behaviour, not listening, doing the opposite, blaming others and protecting their abuser.

It is important to be open to the kind of methods and casework that will best protect children.

Where a child has become isolated from everyone – from family, friends, school staff or social workers, services need to focus on countering that isolation at every step. Helping parents to maintain (or at least not lose) the relationship with their child can help 'pull' the child back. Parents will often need help to do this as the exploitation can turn the whole family upside down. As we were told by PACE (a leading charity working with parents and carers whose children are sexually exploited): *"If your family was not chaotic before the grooming it will be afterwards."* And that: *"There is nothing harder than being the parent to an adolescent being groomed to hate you."*

As well as being a way to counter the effects of grooming, parents will also be a principal source of intelligence about what their child is doing, who they are seeing, who is calling them and who their friends may be.

In Rotherham and in some other recent cases, parents were desperate for help for their children and for themselves, but all too often they felt let down by services which they thought were there to help them. They found themselves either disregarded by professionals, or viewed as part of the problem rather than in desperate need of help.

In considering services for victims of child sexual exploitation, the need for care and support for parents and the child's family is an important part of the picture. These are children - their families matter.

## **GOING AFTER PERPETRATORS**

A perpetrator's power over their victim extends beyond the sexual exploitation. A perpetrator knows that a groomed child will be very unlikely to testify against her 'boyfriend', or will not dare to because of the threats he may make against the child or their family.

Where prosecutions have gone ahead, the reliance on the child's testimony places an extreme and at times intolerable burden on traumatised children. Add to this that where children have testified, they have not always been regarded as a 'credible witness', and have been accused in cross examination of having 'consented' to their abuse.

Above all, a kind of credulity gap has enabled perpetrators to operate with impunity, often in plain sight. CSE is so abhorrent that it is often unthinkable, and CSE becomes invisible to onlookers, particularly the earlier stages of grooming or 'low level' abuse.

Anxiety around the ethnicity of perpetrators in Rotherham and other high profile cases may have further discouraged a focus on perpetrators. In Rotherham, the tackling of perpetrators simply did not seem to feature in meetings or in reports about what needed to be done.

To counter the power of the perpetrators, local authorities, police forces and health services need to mobilise across their powers and responsibilities to show perpetrators and those that harbour them, or turn a blind eye to their activities, that sexual exploitation of children is a crime and that children will be protected.

## **THE ROLE OF COMMUNITY SAFETY AND LICENSING IN DISRUPTION**

CSE is played out in a variety of arenas governed and regulated by the local authority. The community safety, regulatory and taxi licensing functions of the local authority, alongside



the use of civil remedies and tools and powers to tackle nuisance, can all make very significant contributions to disrupting CSE and building evidence for criminal prosecutions.

As seen in a series of examples earlier, Rochdale has already made smart and innovative use of its existing suite of regulatory tools and powers to interrogate and disrupt a range of behaviours related to CSE. The Partnership Enforcement Team which operates out of the police station includes officers from environmental health, licensing, planning and housing alongside benefit services, fraud teams and HMRC.

One officer explained:

*"[In 6 months], we'd done 55 joint operations, 120 enforcement activities notices. We'd done 44 CSE disruption visits. [These visits] are very high profile. It's a warning to people: "You need to up your game. You are responsible for what goes on in your premises. Whether it's your tenants or workers, it's your responsibility." Landlords get enforcement notices that cost them money. It's a deterrent, it's disruption. When [the CSE team] talk to me with intelligence about a particular property, often I know more information about the property, and I can enrich [their] intelligence. When we're in the premises we take details of everyone in there – name, date of birth, benefits, and we can map out where people are working and operating. We keep track of where these people are operating. We keep that information. But we can link it when we talk to [the CSE team]. In one 10 minute visit, we found illicit alcohol and tobacco, somebody sleeping in a basement, immigration offences – it's all linked."*

Their powers provide for legal entry to premises: properties can be inspected, instructions can be issued, and conditions placed on properties, often with immediate effect.

By 'getting a foot in the door' of a premises, local authorities can gather intelligence which either prompts immediate police action or will form part of mapping and profiling of perpetrator hotspots and behaviours by police analysts.

Enforcement activity takes place both in response to intelligence and tip offs and also as part of a proactive programme of seeking out CSE. The team have also come across sham marriages, benefit fraud and other crimes which would not previously have come to their attention.

This kind of intelligence/evidence allows fuller criminal cases to be built against perpetrators - critical if prosecution cases are not to rely solely on the testimony of victims. Third party intelligence can be used by police to build cases against perpetrators where the victim has not given testimony or even disclosed – for example tracking the use of mobile phones or the use of DNA evidence.

## **TAXI LICENSING**

Professor Alexis Jay noted the role of taxi drivers in CSE as a 'common thread' across England. Local authorities do not need to take a judgement on their own taxi trade to acknowledge that taxi driving is a 'notifiable occupation' precisely because of the automatic vulnerability of an individual entering a vehicle with a stranger. As such, the taxi trade can be engaged in wider mobilisation against CSE: for example, in Rochdale, 'Sunrise' stickers are placed in Rochdale taxis who have been through awareness training which includes an exhortation to share information.

Public safety is of paramount importance in the licensing of taxis. Where a licensing authority identifies unsuitable practices by taxis such as the collection of minors from residential homes, conditions may be placed on operator licences to prohibit such practices under the terms of the licence. Local authorities have wide discretion in the 'Fit and Proper' test for prospective drivers; authorities which set the 'Fit and Proper' bar lower than their neighbours can become magnets for applicants who have been refused a taxi licence elsewhere. A local council's attempts to protect the public are diminished if those who they do not consider 'Fit and Proper' are then able to use a badge obtained in a neighbouring borough to operate in the area.

Local authorities can apply a 'balance of probabilities' standard of proof when deciding whether to revoke licences where a driver's conduct may contravene fit and proper behaviour. So while suspected criminal behaviour will be passed on to police, licensing authorities may conduct investigations based on their own specified standards and are not required to prove their case 'beyond reasonable doubt' should they wish to suspend or revoke a licence for CSE-related activities.

## **CIVIL REMEDIES**

Securing prosecution and conviction must be the absolute priority against adults committing serious sexual offences upon children. However where there is grooming, low level harassment or other behaviour which suggests a risk of CSE, civil remedies are available to the police and local authorities. These include remedies which specifically relate to sexual offences or grooming and other wider nuisance and anti-social behaviour injunctive and closure powers.

These powers are important not only as methods of disruption or prevention. They also function as a trail of concern to be used in subsequent prosecutions, providing third party evidence.

**A Child Abduction Warning Notice**<sup>1</sup> authorised by a child's parent and issued by the police (or the local authority in the case of a looked after child aged 16-18) warns a suspected perpetrator to stop associating with a named child. As such, the adult is made aware that a concern has been raised about the relationship and that authorities are watching.

Abduction Notices can be used as evidence in criminal proceedings that the adult knew the age of the child, which is clearly stated on the warning notice. Moreover, breach of an Abduction Notice can become grounds for the issuing of the new Sexual Risk Order. There are new powers introduced by the Anti-Social Behaviour and Crime and Policing Act 2014<sup>2</sup>:

**The new Sexual Risk Order**<sup>3</sup> (SRO) can be issued against an individual who has 'done an act of a sexual nature which suggests that they pose a risk of harm to the public in the UK or children and vulnerable adults abroad'. An 'act of a sexual nature' has not been defined in the legislation and the guidance states this 'will depend to a significant degree on the individual circumstances of the behaviour and its context', which means this order may be used by police and the NCA to disrupt grooming activity. An SRO lasts a minimum of two years and has no maximum duration. Breach of an SRO is a criminal offence, which can attract a term of imprisonment of up to five years.

**The new Sexual Harm Prevention Order**<sup>4</sup> (SHPO) can be made against a person who has been convicted or cautioned in relation to a sexual offence to protect any members of the public in the UK, or vulnerable adults and children abroad, from sexual harm, including protecting children from grooming activity. The SHPO must be made for a minimum of 5 years and can be made for an indefinite period if necessary. The order can contain any prohibitions aimed at protecting children and others. Breach of a SHPO is a criminal offence, which can attract a term of imprisonment of up to five years.

**Closure notice:** The police can issue a closure notice in respect of premises which they have reasonable grounds for believing have been, or are likely to be, used for activities related to specified child sex offences. The changes mean that closure powers will now capture a wider range of offences relating to child sexual exploitation and the police will be able to take proactive action if they believe the premise is going to be used for child sex offences.

**Child sexual exploitation at a hotel – requirement to disclose information or comply with notice served by police:** A police officer can serve a notice on a hotel requiring

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<sup>1</sup> Section 2 Child Abduction Act 1984; Section 49 Children's Act 1989.

<sup>2</sup> The Anti-social Behaviour and Crime Policing Act 2014 came into effect on 8 March 2015.

<sup>3</sup> Sexual Risk Orders replace Risk of Sexual Harm Orders.

<sup>4</sup> Anti-social Behaviour and Crime Policing Act 2014.

them to disclose the names and addresses of guests where there is reason to believe there is child sexual exploitation. Failure to comply is a criminal offence.

## TOOLS AND POWERS TO TACKLE NUISANCE

The following gives an overview of some of the tools currently available to councils and police in relation to nuisance and anti-social behaviour:

- **Civil injunctions** under the Anti-Social Behaviour, Crime and Policing Act 2014 (previously Anti-Social Behaviour Orders, ASBOs). These are civil orders which replace the powers previously available to councils through ASBOS and Housing Act injunctions.
- **Closure Orders** associated with Nuisance and Disorder. Closure orders are civil orders available in the Magistrates Court which stop anyone entering or residing at a named property. There are three types of closure order - drug closure orders, brothel closure and anti-social behaviour closure orders.
- **Section 222 Local Government Act 1972.** A local authority can bring criminal or civil proceedings in its own name, including applying for injunctions, where it considers it expedient for the promotion or protection of the interests of the inhabitants of their area. Local authorities may use this provision to enforce their Children Act duties – as such wide-ranging injunctions could be obtained against known perpetrators.
- **Injunction under the High Court's inherent Jurisdiction.** The recent case of Birmingham City Council v Riaz demonstrates that the High Court is willing to exercise its inherent jurisdiction to grant Injunction Orders against perpetrators of CSE. It is important to note that the High Court does not have jurisdiction to attach powers of arrest to any term of the injunctions, which makes the policing of these orders very difficult.

These and other powers and approaches described above will enable local authorities, the police and other partners to mobilise across the spectrum of CSE.