

Documented Findings by the Lived Experience Consultees for the Inquiry into Telford Child Sexual Exploitation

“We (the Lived Experience Consultees of the Telford Inquiry) have committed to ensuring that our experience, expertise, and insight is embedded into policy decision making processes to ensure that future generations of children, especially young women and girls are protected from harm and have full access to support that is tailored to their needs. We, therefore, call upon those in a position of power to address our concerns and implement amended statutory guidance and strengthen legislation as a mean to protect and prevent victims of CSE”.

Authors: This document was written by Joanne Phillips (name changed for purpose of anonymity) on behalf of the three lived experience consultees of the Telford Inquiry into Child Sexual Exploitation; Holly Archer, Scarlett Jones, and Joanne Phillips.

This document is not intended to be an academic report but is a documentation of findings and concerns that have been identified and written by Lived Experience CSE Consultants.

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Disclaimer

This document has been produced by those with Lived Experience of Child Sexual Exploitation. It is a document of their insights and findings from consultation with partners and stakeholders of the Telford Inquiry into Child Sexual Exploitation (IITCSE). The findings in this document relate to national statutory guidance and policies. None of the findings in this document have any bearing on the performance or any reflection of practices by any of the partners or stakeholders of the IITCSE.

It is also important to point out that, although this document has been produced by those with lived experience, whom have extra professional knowledge gained from their working capacities, they are not legal experts. The findings in this document consist of desk-based research undertaken whilst navigating CSE support systems and statutory guidance. The responsibility for the production and content of this document lies solely with the lived experience consultants, it was not produced or created by request from any party. Its production was entirely voluntary, and no remuneration was involved.

Whilst finalising this document some of the guidance and reports that are referenced to were revised and updated, however those revisions were not significant enough to address any of the concerns that have been highlighted.

Foreword

In 2010, I was approached by officers from West Mercia police, regarding a child sexual exploitation operation – Operation Chalice. I worked with the police for twelve months, building an investigation of my own, since time frames and incidents were in different time frames to those of the initial investigation. I decided not to pursue within the criminal justice system for many reasons, my mental health, societal beliefs about CSE victims and the way law is applied in non-recent cases.

I began therapy in 2013 as I had noticed that I was struggling with paranoia and disassociation, I now understand that I had CPTSD. The therapy I was receiving was helping, but because of societal perception, I found processing lonely and as though no one would understand me and deem what had happened to be my responsibility.

I started writing all my processing outside of my therapy to understand myself, and what had happened, but most importantly why I had been a victim of CSE.

Those notes became a blog, which then became a book. Geraldine McKelvie, the ghost writer for my book “I never gave my consent”, contacted me after it’s publication to clarify some of the more intense situations that I had spoken about throughout the conversations that created the manuscript.

Girls involved in CSE had died, been murdered, and denied help from the authorities. These incidents then became the ammunition for perpetrators to use to gain control, ownership and coerce other girls into exploitative situations.

On publication, my book became a huge talking point for people locally in Telford, I was being contacted by victims, survivors, and their families. I was not alone in what had happened here, and so many girls and women had been failed by the local authority, education, West Mercia police and the local health service. I started to meet some of the people reaching out to me to understand what was happening and it quickly became apparent that this was not a problem that started with me, but this was serious organised crime, modern day slavery and human trafficking.

Geraldine and I decided that calling for an inquiry was the next move to not only understand what had happened, but also to try to change things for the future. I felt a sense of responsibility to every other victim survivor and family that had been affected by CSE.

On advice from another journalist, Nick Sommerlad, we approached our local MP, who took the request to parliament, a statutory inquiry was declined, and it was decided that Telford and Wrekin would have to support a non-statutory inquiry. There was so much resistance, not only from the local authority, but also from the police, PCC, NHS, and education. Individuals from each organisation wrote to the government stating that they did not believe an inquiry was necessary here, and a game of back and forth began between the local authority and the MP about statutory and non-statutory inquiries. Nick became involved in the pulling together and the processing of all the information we gathered.

The MP here is conservative, and the local authority is Labour controlled, so Councillors from the conservative party in local government approached me and Geraldine and fed information in; this is where CSE became a political tool for those in politics to try to one up on each other.

In that time, I had met some survivors (all female) who have never spoken out, some that will never speak out again, due to not fitting the stereotypical victim, being silenced by societal views or their own communities.

Eventually, in March 2018, Geraldine (now a journalist for the Sunday Mirror) and I had managed to get enough information to publicly publish the findings and the real people's voices to get a front page. We were in the national news for a week, we went on GMB and Victoria Derbyshire to try to bring attention and support for the inquiry. I had started a petition on 11th March 2018, and by the following day, we had 46,000 signatures.

The local authority responded to the unignorable push by announcing an extraordinary meeting where it was announced that they would fund and hold a non-statutory inquiry.

I set up a project to offer peer support and holistic recovery for survivors and their families. Since speaking out, I have been targeted by my perpetrator's family members, targeted by the far right for speaking out against their agendas, which led me to moving home. A close family member took their own life, I have lost friends and family through breaking the shame I was holding. My children access mental health support and I have CPTSD.

I acknowledge, that without me taking that leap of faith and publishing my book, there would be so many people still stuck in a place where they felt responsible or ashamed, but having to fight for my own sense of validation and justice has been both the most regretted and the most rewarding decision I've made.

I and other survivors staged a silent protest outside the extraordinary meeting in 2018. That was the first time I met with the two tenacious survivors, Scarlett Jones, and Joanne Phillips, that now work along -side me as consultees for implementing the recommendations from Tom Crowther's IITCSE report into failings within Telford and Wrekin.

Holly Archer

Introduction

It became clear, from investigations conducted by the Lived Experienced Consultees of the Telford Inquiry into Child Sexual Exploitation (CSE) (IITCSE, 2022), that the UK government is failing in its obligations to identify, protect and prevent the sexual exploitation and trafficking of children. Although many males are also victims of CSE, may often be unidentified or underreported, the data presented in this report indicates that the vast majority, of identified victims of CSE are female. It has also been identified that females, who may be at risk of Honour-based abuse, Female Genital Mutilation (FGM) and Forced Marriage, are also being failed.

These findings, potentially resulting in both gender and cultural discrimination, are in contravention to the provisions set out by Articles 2, 9 and 10 of the Palermo Protocol (United Nations Office on Drugs and Crime, 2004); Articles 2,3,5,6 and 10 of the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT) (Council of Europe, 2006), and also Sections 48, 49, 50, and 52 of the UK Modern Slavery Act (2015).

The concerns in this document, regarding gender and cultural discrimination of young females, is reflected in other studies and reports such as the Commission on Young Lives (2023), *'Keeping Girls and Young Women Safe: Protecting and supporting the girls and young women at risk of exploitation, violence, gangs and harm,'* and is also evident in data recorded from the National Referral Mechanism (NRM) (Home Office, 2023) and the Office of National Statistics (ONS) (Office for National Statistics, 2022).

Based on these findings we (the Lived Experience Consultees) would like to make the following recommendations:

Recommendations

- That all statutory guidance for CSE is updated and amended with the provisions, and entitlements set out within the Modern Slavery Act (2015) is re-written and co-produced by Lived Experience.
- That all CSE statutory guidance recommends NRM referral for all 'suspected' victims with indicators of CSE to ensure that the Single Competent Authority (SCA) and the Immigration Enforcement Competent Authority (IECA) can make the appropriate reasonable ground (RG) or conclusive ground (CG) decisions as to whether the victim has been sexually exploited and/or trafficked.
- Given that many victims of CE are not being adequately identified and supported, the recently applied threshold of 'credible evidence', for RG decisions making, should be removed for all.
- That all CSE statutory guidance includes recommendations and advice on 'Duty to Notify' (DtN) obligations to ensure that data is being adequately recorded for historical cases.
- That all victims receive satisfactory guidance on the NRM upon referral to ensure informed consent and that reasons for non-consent are recorded.
- That all CE statutory guidance highlights the gender and cultural vulnerabilities that can increase the risk of certain types of exploitation, with emphasis on the extra female specific factors that can lead to further and other forms of exploitation.
- That the College of Police (CoP) training and guidance is updated, re-written, is inclusive of gender and cultural barriers to disclosure and co-produced with Lived Experience.
- CSE focused Training is made compulsory for all first responders and anyone in a child supportive role such as teachers and children's services which should include NRM guidance and highlight the extra vulnerabilities that affect females.

- That all CSE and NRM training and statutory guidance is updated to reflect the changes that have occurred due to the implementation of the Nationality and Borders Act (2022) and the Illegal Migration Act (2023).
- That the recent amendments to the Modern Slavery Act (2015) because of provisions within the Nationality and Borders Act (2022) and the Illegal Migration Act (2023) are removed to ensure the safeguarding and protection of children that are suspected, or have indicators, of being exploited.
- Complex trauma focused mental health support for all suspected victims of CSE is set as a priority and immediately available with long term provisions in place so that the same support is available in adulthood when required.
- That CSE support is gender focused and encompasses support for extra vulnerabilities and multiple disadvantages.
- That CSE (and other exploitation types) is recognised as a chargeable offence. Currently CSE is not a chargeable offence and depending on when your offences took place will determine the criminal charges and length of sentence. The Sexual Offences Act (2003) does not cover the exploitation element of CSE.
- That the government extends the Independent Child Trafficking Guardian scheme nationally with immediate effect.
- That extra funding is made available for further research to specifically focus on CSE and associated gender, cultural and lifelong impacts.

Legislation

Palermo Protocol

In 2000, the Palermo Protocol was established by the United Nations (United Nations Office on Drugs and Crime, 2004). Whilst the focus of the Protocol was to address transnational organised crime, it determined that a comprehensive approach was required to ensure that women and children were especially protected from trafficking. At the time of its implementation, no other universal instrument was in place, which raised concerns by the UN, regarding protecting the extra vulnerabilities of women and children to being trafficked. And so, an intergovernmental committee was established to create such a convention to address the trafficking of human beings, whilst paying particular attention to the trafficking of women and children.

Within the convention, its statement of purpose, (Article 2) specifically states:

'...to prevent and combat trafficking in persons, paying particular attention to women and children...'

Then Article 9 states:

'To protect victims of trafficking in persons, especially women and children, from revictimization.... States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment, and lack of equal opportunity.States Parties shall adopt or strengthen legislative or other measures, such as educational, social, or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.'

Article 10 then states:

'States Parties shall provide or strengthen training for law enforcement, immigration, and other relevant officials in the prevention of trafficking in persons. The training should focus on methods used in preventing such trafficking, prosecuting the

traffickers, and protecting the rights of the victims, including protecting the victims from the traffickers. The training should also take into consideration human rights and child- and gender-sensitive issues and it should encourage cooperation with non-governmental organizations, other relevant organizations, and other elements of civil society.'

The Council of Europe Convention on Action Against Trafficking in Human Beings

The Palermo Protocol was soon responded to by the Committee of Ministers of the Council of Europe in 2005, by adopting the *Council of Europe Convention on Action Against Trafficking in Human Beings* (CETS NO. 197) (Council of Europe, 2006). The aim of this Convention was to supplement and go beyond the measures given within the Palermo Protocol and to strengthen the protection to victims. It ensured inclusion of all forms of exploitation such as sexual and labour exploitation, as well as other forms of slavery and servitude. It also, implemented a series of legal rights afforded to victims which included identification, protection, and assistance. Given that the UK is not only a member of the Council of Europe, but also paid an instrumental part in its establishment, the UK is therefore, a signatory to this treaty and is obligated to act upon the measures within the convention (GOV.UK, n.d.).

Within Chapter 1, Article 2 of the convention, it states that:

'The convention shall apply to all forms of trafficking in human beings whether national or transnational, whether or not connected with organised crime'.

Then Chapter 2, Article 3 states:

'That there should be no discrimination on any ground'.

And, Chapter 2, Article 5, then states:

'(3) Each Party shall promote a Human Rights-based approach and shall use gender mainstreaming and a child-sensitive approach in the development, implementation, and assessment of all the policies and programmes referred to in paragraph 2.... Each

Party shall take specific measures to reduce children's vulnerability to trafficking, notably by creating a protective environment for them.'

Article 6 states:

'To discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking, each Party shall adopt or strengthen legislative, administrative, educational, social, cultural or other measures...'

And then, Chapter 3 Article 10 (1), states that:

'(5) Each Party shall provide its competent authorities with persons who are trained and qualified in preventing and combating trafficking in human beings, in identifying and helping victims, including children, and shall ensure that the different authorities collaborate with each other as well as with relevant support organisations, so that victims can be identified in a procedure duly taking into account the special situation of women and child victims...'

The National Referral Mechanism

The National Referral Mechanism (NRM) was then introduced, in the UK, in 2009 (Home Office, 2023), in response to the provisions that the UK must adhere to as set out in the conventions by the Council of Europe (Council of Europe, 2006) and the Palermo Protocol (United Nations Office on Drugs and Crime, 2004).

The NRM became the UK's national framework to both identify and ensure assistance was provided to those victims. This remains the sole determination process through which survivors of modern slavery are recognised by the UK state.

The Modern Slavery Act 2015

The NRM was then followed, six years later, by the implementation of the Modern Slavery Act (2015). Along with providing law enforcement with the necessary tools to convict perpetrators, Sections 49 and 50 of the Modern slavery Act (2015), also made it legally binding for the Secretary of State to issue guidance to public authorities to ensure victims are identified and arrangements made to support suspected victims. It

is also a requirement that the Secretary of State ensures that this guidance is regularly revised.

The Modern Slavery Act (2015) was impacted by provisions set out in recently introduced legislation related to asylum and immigration. In 2022 the Nationality and Borders Act was introduced, of which, Part 5 was enacted to reduce the potential misuse of the NRM which undermines much of the Modern Slavery Act (2015) and, also violates both international and regional instruments. The threshold to accessing NRM support has been raised and Section 58 of the Nationality and Borders Act (2022) places the burden of proof onto the victim. It is now a requirement that they submit evidence within 30days regardless of any trauma or psychological distress they may be suffering.

In 2023, the Illegal Migration Act was introduced, this contains provisions that anyone who arrives at the UK in a manner that is in breach of immigration control, cannot claim their rights as a victim of modern slavery or human trafficking. This is of great concern as along with removal of rights it completely ignores the fact that victims of trafficking have no control over how, where, or by what means they are trafficked. Under Section 17, of the Illegal Migration Act (2023), the Secretary of State has the power to prevent Local Authorities from providing accommodation to an unaccompanied child.

Local Authorities

Statutory Guidance and Gender Inequality

It was through analysis of the statutory guidance that the Lived Experience Consultees from the Inquiry into Telford CSE began to identify discrepancies and disparities within the guidance which did not correspond with the legislative measures set out within the Palermo and Council of Europe conventions or the Modern Slavery Act (2015). These concerns specifically applied to the identification and, subsequently, support provided to victims of CSE. Through further investigations, these concerns extended to a distinct lack of understanding and awareness of the extra gender and socio-economic vulnerabilities which lead to women and girls being at risk of trafficking and exploitation. This lack of understanding and awareness could potentially result in discriminatory practices by statutory authorities. These findings have been mirrored in

the report '*Keeping Girls and Young Women Safe: Protecting and supporting the girls and young women at risk of exploitation, violence, gangs and harm*' by Young Lives Commission (2023), whereby it was identified that the systemic support structures were conceptualised by and created for boys and young men (Commission on Young Lives, 2023). Whilst it is well understood and often recommended that a gender inclusive approach should be applied to providing CSE support (OHCHR, 2021), this approach does not recognise the extra vulnerabilities (Scott and McManus, 2016) and the patriarchal power dynamics which, along with poverty, are often a key driver of all forms of violence against women.

Within the NRM statutory guidance there are child specific sections which focus on Child Criminal Exploitation (CCE), County lines and Child Sexual Exploitation (CSE) (Home Office, 2023b). The definition for CCE within the statutory guidance suggests that CCE only occurs within the context of county lines. For CCE, it recommends NRM referral and directs the reader to the Child Exploitation Disruption Toolkit (Home Office, 2022).

The toolkit has been created for all forms of Child Exploitation (CE) and does not differentiate between gender. It also excludes many other forms of CE, such as domestic servitude and labour exploitation. Given that the majority of identified British CE victims fall into the CCE category, it is important that this does not result in an oversight of other forms of CE, or identification of exploited non-British children.

It is well evidenced, that the majority of CSE victims are female. In 2020, of the referrals into the NRM for sexual exploitation, 90% were adult females and 85% were child females (Home Office, 2021). This toolkit fails to acknowledge that fact, despite the well-documented role that socio-economic factors play in making females far more vulnerable to being controlled and abused than males (Antai, Antai and Anthony, 2014). It is also widely reported that females experience more sexual abuse and violence throughout their lives than males, with 1 in 20 females experiencing extreme levels of violence as well as extreme levels of sexual violence, compared to 1 in 100 for males (Scott and McManus, 2016a). By ignoring the extra vulnerabilities that females are subject to, we are failing to implement protective factors.

The need for more gender-aware guidance is evident in the NRM data. For the year ending 2022, the police referred in 2,826 males and 186 females for CCE. Meanwhile, CSE referrals remained skewed towards women and girls, with 556 females referred under this subtype compared to 116 males (GOV.UK, 2022). The trend is equally consistent amongst other first responders. In the same year, Local Authorities referred in 1,707 males and 110 females for CCE, and 331 females and 47 males for CSE (GOV.UK, 2022a). This clearly illustrates that there is a distinct gender bias for these types of exploitation; with girls being more vulnerable to CSE and boys to CCE.

Furthermore, when we compare the NRM data for victims of both CSE and CCE combined, the gender divide significantly changes. 150 females and 62 males were identified as victims of both these crimes by the police (GOV.UK, 2022b) and 116 females and 45 males being referred by Local Authorities (GOV.UK, 2022a). This suggests that females may be more vulnerable to being criminally exploited alongside sexual exploitation and males are less likely to be sexually exploited alongside criminal exploitation. How several types of exploitation are combined where there are multiple victimisations would warrant further scrutiny.

By combining CSE and CCE and treating them together as CE, as in the Child Exploitation Disruption Toolkit (Home Office, 2022), we are failing to recognise and address the gender specific drivers and vulnerabilities for these crimes. And the data given by the NRM suggests that victims of CSE (usually females) could then become more vulnerable to CCE than males. By supporting both males and females together, under the one umbrella that is 'CE', are we then exposing females to further risk of harm? Increasing the risk of contact with potential perpetrators when supporting males alongside females, whom have been exploited by organised crime groups (OCGs), could potentially increase the risk of re-exploitation as well as criminal exploitation.

The CSE section of the NRM statutory guidance (Home Office, 2023e), only supplies a link to the document by the Department for Education Guidance (2017) '*Child Sexual Exploitation: Definition and a guide for practitioners, local leaders and decision makers working to protect children from child sexual exploitation.*' There is no other information provided regarding identification, support, protective measures or NRM referral within the CSE section of the NRM statutory guidance (Home Office, 2023e), other than a link to the Department for Education guidance (2017), which is non-statutory. The

Home Office have clearly given more weight and focus to encouraging NRM referrals for CCE and county lines than it has for CSE.

It is advised in Chapter 9, page 76, of the NRM statutory guidance (Home Office, 2023d) that the document '*Working together to safeguard children*' (HM Government, 2023) should be followed if a child is a suspected victim of modern slavery. However, there is no section within this guidance that is specifically dedicated to modern slavery. Throughout the document whilst modern slavery, trafficking and exploitation are mentioned, it is not made clear that exploitation, is in fact, a form of modern slavery (Cooper et al., 2017). Exploitation is mentioned in silo of modern slavery and is excluded from the very small section on the NRM, where information is minimal. It would have been helpful to have had a section on modern slavery and to define the various types of modern slavery that children may be victim to. This would ensure adequate safeguarding measures were in place for not only identified victims of CE but could also provide a resource of guidance in supporting modern slavery, migrant and unaccompanied victims.

In 2022, the Office of National Statistics (ONS), collected data relating to 'episodes of need'. This data showed that the Department for Education had identified 16,830 'episodes of need' with CSE indicators for the year ending March 2021, from which 11,230 were identified as girls (Office of National Statistics, 2022). Further analysis of this data would be required to extract how many children have been identified with at least one 'episode of need' of CSE and as to whether CSE has been used synonymously with Child Sexual Abuse (CSA).

In contrast to the Department for Education data, the NRM data for the year ending December 2020, provides that 442 victims with indicators of CSE and other forms of exploitation were referred to the NRM by Local Authorities. Of the 442, 226 are identified as CSE only cases (GOV.UK, 2021). It is important to add that these figures are difficult to decipher and that there are 16 entries of 'other, not specified or unknown' within the sexual exploitation category. These entries may be referrals where gender has not been defined by either the referrer or the victim, or they may be entries relating to Section 51 of the Modern Slavery Act (2015) whereby if age is unknown and the first responder suspects that the victim is under 18 then it must be assumed that they are.

The Department for Education data is 'events based', meaning that the number of Children in Need (CIN) assessments are counted rather than the number of children who received a CIN assessment in any given year. Which is consistent with the ways in which NRM referrals are reported nationally, according to referral rather than individual. The number of CINs with this flag has been consistently higher than NRM referrals for the same subtypes in previous years (Office for National Statistics, 2022b). This suggests that there is a significant shortfall of CSE victims being referred into the NRM. Whilst these potential victims, the majority being female, may have been identified by the Department for Education, they clearly have not been protected and supported by systems designed to address their needs through the UK's Modern Slavery and Human Trafficking legislative procedures. Even more concerning, is that the statutory guidance for CSE is written and published by the Department for Education which suggests that any First Responder, that is obligated to follow this guidance, is immediately set up to fail and quite possibly unaware of their responsibilities to conduct a NRM referral.

There are other documents published by the Department for Education that have been produced to support and provide guidance when it comes to safeguarding and protecting children from harm, such as The Department for Education (2023) '*Keeping children safe in education: Statutory guidance for schools and colleges*'. The information relating to CSE within this document is very much on par with the information provided in their 2017 guidance and, again, has absolutely no mention of the NRM. Instead, the guidance signposts First Responders looking for further information and advice back to the Department for Education guidance (2017).

Within the '*Keeping children safe in education: Statutory guidance for schools and colleges*' (2023) document there is a section on CCE, however, there is very little detail of what criminal exploitation entails. Instead, its focus remains on county lines, signposting to other documents for further advice and information. The first document to be signposted to is published by the Home Office (2023) '*Criminal exploitation of children, young people and vulnerable adults*'. This document is quite extensive and provides information on the NRM, responsibilities of first responders and even describes CCE as a form of modern slavery as opposed to being a form of child abuse (Home Office, 2023b). Whilst there is no real emphasis on victim gender, it does state

that girls may also be a victim and, exploited in many other ways alongside criminal exploitation, often resulting in under-identification. However, there is no other mention of any extra vulnerabilities or other ways that girls may be exploited. There is a section for sexual abuse and exploitation, which sadly does not provide any distinction between sexual abuse and sexual exploitation, instead it signposts to a range of documents and reports, that focus on sexual abuse instead of sexual exploitation.

The second document signposted to is by the Children's Society (2018), '*Children and young people trafficked for the purpose of criminal exploitation in relation to county lines; A toolkit for professionals*'. From the imagery used for the cover of this document, it is clear, that this is about young males. Although it does mention that girls can be victims too, it states '*boys aged 14 to 17 are the most often targeted*'. The report provides information on the NRM and the Modern Slavery Act (2015) but defines sexual exploitation as a form of criminal exploitation, whereby it includes the sale of sex within the definition of county lines (Children's Society, 2021).

The publications by the Department for Education fail to recognise CSE as a form of modern slavery, provide little explanation of trafficking and there is also no reference or mention of the NRM whatsoever. Anyone following this guidance would fail to refer victims into the NRM, and any first responder following this guidance would fail to recognise CSE as a form of modern slavery. With the vast majority of victims being female, this would then result in young female victims not being able to access the support to which they are legally entitled. There is no consent required for children to enter the NRM, child referrals are mandatory. This support, which is listed in Article 12 of ECAT (Council of Europe, 2006b) includes access to therapy, safe secure accommodation, legal support and so on.

The divide between CCE guidance and CSE guidance will only enhance any gender discrimination and disparities between identifying and supporting exploited children. This may also account for the increase in CCE referrals that has recently been reflected in the NRM data. It could also lead to gender, racial and cultural discrimination; a lack of identification and support for children subjected to other types of exploitation that have been omitted from the Child Exploitation Disruption Toolkit 2022 (Home Office, 2022).

Access to Section 45 and the Non-Punishment Principle

One lifelong affecting protection, that children services cannot provide outside of NRM support, is the use of Section 45 (Modern Slavery Act 2015) which is often referred to as the Non-Punishment Principle, as defined by OHCR (Giammarinaro, n.d.). Section 45 can be used by someone that faces conviction as a result of being forced to commit a crime as a victim of modern slavery. This was implemented to be used in trial by a victim that was too fearful to disclose their perpetrator to police (Kidd, 2022). However, as with other provisions within the Modern Slavery Act (2015) this has been impacted by the Nationality and Borders Act (2022) whereby, protections are excluded for those suspected of terrorism activity, any offence listed under Schedule 4 of the Modern Slavery Act (2015) and, for those of whom have had their British Citizenship removed. There has been an increase in drug and weapon offences against children, in recent years, which may be due to criminal exploitation of children such as county lines (ECPAT, 2021).

Whilst this defence is most used by victims of criminal exploitation it is well documented that victims of CSE can and are often also criminally exploited. So not only are girls not receiving support, chances are, they are also more vulnerable to being criminalised by police and via court procedures. There is no recorded data on the criminalisation of exploited children (ECPAT, 2021) therefore, it is unknown how effective Section 45 is, to what extent it is being applied, or by whom.

The Lived Experience Consultees have first-hand experience of the lifelong debilitating impact of wrongful criminalisation. Police are often more likely to encounter criminally exploited males than females. Girls being criminally exploited are often less obvious than males and CE stereotyping is a barrier affecting the identification of female victims of CCE and, also when identifying male victims of CSE. However, the nature of crimes committed by males and females differs. Males are more likely to be convicted for crimes of a serious nature, whereas females are more likely to commit crimes that are considered by the criminal justice system to be petty or less serious (HM Inspectorate of Probation, 2014). Regardless of this characterisation, what is frequently misunderstood and often overlooked is that females are more likely to suffer increased lifelong disadvantages because of their convictions due to the gendered

nature of the job market. The impact is markedly greater should there be multiple or repeat offences (GOV.UK, 2021b).

This is because of the roles that women have in our society. Women often have careers within the health and care sector, children's services, and education. These roles require extensive checks into criminal convictions and records. Women are also often the primary or sole carer of their child, and these convictions act as barrier to be able to partake in child focused activities such as volunteering with school activities and parent groups.

A report by the Justice Inspectorates (2014) recognised that gender differences are important and that '*Girls had distinct needs that needed a tailored response*' to be able prevent young women and girls from entering the criminal system and to prevent re-offending. It also highlighted that girls in care are often more likely to re-offend and that '*For some girls their ethnicity, religion and expectations from the community brought about very different pressures*' (HM Inspectorate of Probation, 2014b).

Gender inequalities within funding procedures

The increase in male referrals into the NRM because of CCE, or more specifically, 'County Lines' has been described as an '*epidemic*' (Yu, 2022), and so in 2021, the government published a 10-year strategy and has '*invested over £145 million over 3 years to tackle what is described as the most violent and exploitative distribution model yet seen*' (GOV.UK, 2021a). In the same year the government set up the '*Tackling violence against women and girls*' (GOV.UK, 2021c) strategy and invested a meagre £2 million to help safeguarding partnerships develop **their own** strategic response to '**both**' CSE and CCE.

In the tackling sexual exploitation progress report (GOV.UK, 2017), it states that large amounts of charitable funding were distributed, almost all of which went to supporting sexual abuse. The only exploitation focused organisations granted funding were CEOP and NWG. NWG created an exploitation response unit, this is concerning given that NWG are neither first responders or contracted to the Modern Slavery Victim Care Contract and after exploring their website, seem to have misunderstood modern slavery legislation and the definition of trafficking (NWG, n.d.).

In 2017, the UK government, announced it would be providing £40 million to protect children from sexual abuse, trafficking, and exploitation. Of the £40 million, £20 million went to the National Crime Agency (NCA) to tackle online sexual exploitation; £2.2 million went towards the launch of Independent Child Trafficking Advocates (ICTAs) now known as Independent Child Trafficking Guardians (ITCGs); £7.5 million went to The Centre of Expertise; and, £2.2million was shared between 7 charities to provide tailored support to both UK and overseas children from various cultures that are at risk of trafficking (GOV. UK, 2017).

It should be noted that six years on, ITCG's are only available in two thirds of Local Authorities (Skeels, 2024, *forthcoming*) and so access to ITCGs has become a postcode lottery. It should also be noted that the Centre of Expertise is a child sexual abuse specialist agency and not a sexual exploitation specialist. In 2018, the Centre of Expertise, funded by the Home Office and led by Barnardo's, published a report '*The use of tools and checklists to assess risk of child sexual exploitation: An exploratory study*' (Franklin, Brown and Brady, 2018) which fails to include any mention of modern slavery or the NRM and First Responder obligations even though the study itself focuses on tools and checklists used to assess young people at risk of CSE. Barnardo's hold the ITCG contract.

In 2018, only £2.6 million was invested to tackle CSE, £2 million of which was divided between commonwealth countries to teach children '*how to **protect themselves***'. The remaining £600,000 was shared between voluntary organisations in the UK that support victims of child sexual abuse (Home Office, 2018), not sexual exploitation as Amber Rudd (the former Secretary of State for the Home Department) had claimed in the headline announcement. Therefore, none of this funding went directly to addressing child sexual exploitation within the UK.

This highlights that there is a distinct difference in the amount of funding allocated towards criminal exploitation compared to sexual exploitation. Significant sums of money, publicly announced as being allocated to sexual exploitation, is instead tackling the related but separate issue of sexual abuse. Whilst sexual exploitation encompasses many and multiple forms, of sexual abuse, these support services are not adequately equipped to provide support, often fail to understand exploitation, or prevent further risk for victims of exploitation, trafficking, and modern slavery. The

servitude and trafficking elements make CSE an incredibly complex crime, which, often results in complex and long-lasting trauma. This complexity was originally addressed and highlighted by the United Nations which resulted in the implication Palermo protocol, to which the UK agreed, over 20 years ago. Therefore, the Secretary of State is failing in their obligations to both conventions as well the UK Modern Slavery Act (2015).

Policing

Recently in December 2023, His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), produced a report in response to their investigation into national police responses into group based CSE (HMICFRS, 2023). The aim of the inspection was to establish how police forces both understand and respond to CSE, it is important to point out that the inspection was only for 'Group Based CSE'.

The Telford Lived Experience Consultants felt that the term 'group based' minimises the fact that many victims are subjected to horrific levels of violence and exploited by extremely violent and highly organised criminal gangs. The term 'group based' could be easily misinterpreted as peer on peer, or child on child sexual abuse.

It came as no surprise that throughout the entire report there is continued confusion and conflation of CSE and CSA by HMICFRS, however they did recognise that the police, law enforcement, and Government do not fully understand the nature or scale of CSE, and it points out the lack of consistent and agreed definition of CSE and organised networks. There is no mention whatsoever within the report of the NRM or of exploitation of any kind being a form of modern slavery.

The definition of CSE that is most frequently used is that of the Department for Education:

'Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually

exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.' (Department for Education, 2017a)

The Telford Lived Experience consultants expressed concerns that this definition may be contributing to the confusion between CSE and CSA. They have consistently and unanimously agreed that the definition of CSE should not state that CSE is a form of sexual abuse but instead make it clear that it is '**Exploitation** by sexual abuse'. They, therefore, created their own definition which Telford and Wrekin council adopted and embedded within their own policies, the definition is:

'Child sexual exploitation is a type of modern slavery when a male or female under 18 is sexually exploited for the benefit or gain of someone else. The benefit or gain can come in many forms such as increased social status or financial gain. Some victims are also trafficked for the purpose of exploitation.

Multiple tactics are used to exploit the child such as 'grooming' which is when the victim is given something, such as food, accommodation, drugs, alcohol, cigarettes, affection, gifts, or money in return for performing sexual activities or having sexual activities performed on them. Other methods may include violence, bullying and intimidation, with threats of physical harm or humiliation.

Abusers are increasingly using the internet to target vulnerable children. It can happen across any device that's connected to the web, like computers, consoles, tablets, mobile phones, and smart speakers.

Children can be at risk of online abuse from people they know or from strangers. It might be part of other abuse which is taking place offline, like bullying or grooming.'

HMICFRS recommends that the definition, in the IICSA report '*Child exploitation by Organised Networks – Investigation Report*' (2022), of an organised network be used:

“An organised network is characterised by two or more individuals (whether identified or not) who are known to (or associated with) one another and are known to be involved in or to facilitate the sexual exploitation of children.

Being involved in the sexual exploitation of children includes introducing them to other individuals for the purpose of exploitation, trafficking a child for the purpose of sexual exploitation, taking payment for sexual activities with a child or allowing their property to be used for sexual activities with a child.” (IICSA, 2022)

The Lived Experience Consultants have expressed concerns with this definition, on the basis that:

- There is too much emphasis on the network being characterised by individuals that are 'known' to each other, as this is not always the case.
- This definition excludes situations where a child is solicited to strangers. This has become increasingly prevalent where children have been advertised via the internet.
- It also excludes many transnational situations where children are brought into the UK and then exploited within a UK established network.
- As many OCGs are extremely sophisticated, there are situations where the victim may assume that a perpetrator is a boyfriend and not be aware of any gang association. It can be commonplace for a victim to be distanced from fellow gang members or associates for a number of years, as trust has to be established to ensure protection of identity. Not being aware of this gang dynamic could result in misidentification.
- It fails to recognise that, in many cases, there is no exchange of payment. It is possible to be sexually exploited for the purpose of increased social status.
- It fails to recognise that sexual exploitation could be used to have control and ownership over the victim.

- It may also lead to a wrongful assumption that when perpetrators appear to be operating alone, they are of an organised network.

The HMICFRS report then identified that several frontline police staff considered intelligence collection and data on other forms of criminal exploitation, to be a greater priority than that of CSE. The investigation highlighted that CSE is still under-reported and that it is the responsibility of the police to be able to identify this type of crime and to prioritise victims feeling heard.

The report also states that upon its publication the Government plans to establish a ‘*child sexual exploitation task force*’. However, there is already ‘*The Tackling Organised Exploitation*’ (TOEX) Programme which, as well as other crimes, focuses on both adult and child sexual exploitation, modern slavery and human trafficking. The HMICFRS included TOEX as part of the investigation and points out that the programme itself was still in development and wasn’t actively supporting any group-based child sexual exploitation investigations (HMICFRS, 2023b).

It is clear from the TOEX website that the programme has been involved in many CSE investigations and it is stated within Operation Headdress that:

‘More than 70% of investigations that TOEX are supporting relate to VAWG offences and 83.9% of these have a primary threat of child sexual abuse or modern slavery and human trafficking.’ (TOEX, n.d.)

College of Policing Training and Guidance

To exacerbate these findings of misunderstood CSE and gender inequality even further, the College of Policing (CoP) provides continuous professional development (CPD) training, guidance, resources, and toolkits on their website (College of Policing, 2021). The website states that they use an evidence-based approach and that the resources are for police officers and staff, academics, international policing, and the public.

A keyword search of '*Child Sexual Exploitation*' creates 250 results. In order of relevance the first result is the '*Responding to child sexual exploitation: Authorised Professional Practice - Major investigation and public protection*' guidance, which was written by the college of policing, published in 2013 and updated in 2021 (College of Policing, 2013).

Within the first paragraph of this guidance, it states that it was created in response to the Independent Inquiry into Child Sexual Exploitation in Rotherham (2013), (Jay, 2014), often referred to as the Jay Report (Brayford, 2022). The Jay report was published 2 years prior to the implementation of the Modern Slavery Act (2015).

In the CoP CSE guidance, it states that, '*an offence is not committed if the defendant reasonably believed that the victim was 16 years or over*' (College of Policing, 2021b). It is difficult to ascertain the exact source of this statement, it can only be assumed to have derived from Section 9 of the Sexual Offences Act (2003). However, this statement is not applicable to anyone that has been sexually exploited or deemed a victim of modern slavery. Sections 1, 2 and 3 of the Modern Slavery Act (2015) clearly defines that consent for either adult or child bears no determination as to whether they are a victim of slavery, servitude, trafficking, and any child or vulnerable adult exploited. Sections 47 to 51 of the Sexual Offences Act (2003), which focuses on sexual exploitation, makes no mention of consent should the child be over 16, in fact, it is in line with the Modern Slavery Act (2015) and determines that a child is anyone under the age of 18. There is no guidance or mention whatsoever on how to conduct a NRM referral for victims of CSE within the CSE CoP guidance.

The CSE guidance then advises on an '*ACPO CSE Action Plan*' (College of Policing, 2015). This action plan makes many references to Rotherham, It is difficult to ascertain when this document was last revised as it states 2014 but also states that it was updated in 2015, again possibly predating the Modern Slavery Act (2015) and has no mention of trafficking, modern slavery or the NRM within the document.

Modern Slavery Guidance

The College of Policing guidance for Modern Slavery (College of Policing, n.d.), whilst extensive and informative has been under review since Brexit.¹ Despite leaving the EU, the UK remains bound to the Council of Europe, from which our modern slavery legislation stems. Upon leaving the EU, modern slavery, human trafficking, and exploitation legislation was impacted via immigration and asylum changes due to the implementation of the Nationality and Borders Act (2022). The legislation section (College of Policing, 2015a) of the guidance has not been updated since 2015 and therefore excludes all the legislation changes that have occurred over the past 8 years. Amongst changes made under the Nationality and Borders Act (2022) is the expectation of survivors to disclose more evidence earlier in their recovery, as some 'objective' evidence is now expected at the initial, Reasonable Grounds stage of the NRM rather than at the final Conclusive Grounds stage. This change makes the quality and timeliness of an NRM referral even more crucial than it was previously, as evidence included as part of the referral is now weighted against much tougher standards. The lack of update to the guidance since leaving the EU, and as significant immigration legislation has passed, means that this training and guidance is out of date and inadequate.

Honour Based Abuse; Female Genital Mutilation (FGM) and Forced Marriage Guidance (College of Policing, 2023)

As with the CSE guidance, Honour-Based Abuse/Violence HBA/V, Forced Marriage, and Female Genital Mutilation (FGM) have also become siloed from the Home Office's Modern Slavery guidance. The three exploitation types (CSE, FGM and Forced Marriage) fall under the Modern Slavery category (International Labour Organization, 2022; Modern Slavery Act 2015) and all three predominantly affect women and girls. They also fall under gender-based violence, HBV and Violence Against Women and Girls (VAWG) (National Police Chiefs Counsel, n.d.). Exclusion of these

¹ Last dates of revision and impending review text has since been removed from this guidance (date of access: 17.12.23)

exploitation types from modern slavery support systems can only result in a lack of identification, lack of support, low conviction rates and inadequate data recording.

Whilst HBA/V is not formally recognised as form of modern slavery it was felt that it should be included within this document given that it is a crime that is often committed as an act of power, control and ownership over the victim and often conducted as a way of maintaining social status and/or family pride, or as Meeto and Mirza, (2007) state:

‘Women who stray from their ‘owners’, whether being their husband, partner, wider family or in-laws often suffer the consequences through experiencing regulation through violence’.

There are arguments that it is a form of domestic abuse, and that ‘domestic abuse’ is often applied to White communities and HBA/V is applied to BAME communities (Bates, 2020). Research on HBA/V has resulted in conflicting views and framing outcomes. This has resulted in amplifying risk of harm as victims become invisible to protective agencies, and ethnicised women become trapped in discourse (Meeto and Mirza, 2007). Some studies argue that race and culture are important whereas other studies argue that this approach results in the ‘othering’ of ethnic communities which feeds into racism (Bates, 2020). However, one thing that cannot be argued against are the extra barriers and challenges that deter BAME women from reporting violent crime (Plan International, 2022). It is, therefore, very saddening that these groups have been siloed from the modern slavery category by both the Home Office and police as this is likely to result in increased discrimination and limit the ability for BAME women to access support and protection. County lines and CCE are not listed as stand-alone topics, they are only included within the modern slavery section.

Effects

Lifelong challenges

When victims are failed to be supported, this not only raises the risk of being further exploited or trafficked, (United Nations Office on Drugs and Crime, 2013) but, as has already been highlighted for women and girls, also increases the risk of multiple

disadvantages such as poor mental health, poverty, homelessness, addiction, further abuse, and criminalisation (Scott and McManus, 2016a). Experiencing multiple disadvantages then increases, even further, their risk of further exploitation and being trafficked. It has been reported that 90% of under 18 females in the criminal justice system have suffered abuse (Youth Justice Legal Centre, 2022). In a report published by Agenda Alliance (2016) '*Joining the dots: The combined burden of violence, abuse and poverty in the lives of women*' it was identified that the more extensive the violence that a woman had experienced in her life, then the more likely it is for her to face other adversities throughout her life. The Youth Justice legal centre recommends that a gender sensitive approach should be undertaken to support girls who have been subjected to abuse and that in policy making there should be a separate category specifically for women and girls and that the systems currently in place do not support the specific need of women and girls which often leaves them overlooked (OSCE/ODIHR, 2023).

Based on these findings, highlighted throughout this document, the Lived Experience consultees are in complete agreement with the OSCE in recommending that all services, policies, strategies and procedures need to be gender, race, ethnic and culturally sensitive to '*address the gender dynamics of human trafficking*' (OSCE/ODIHR, 2023) of which, domestic servitude, FGM, CSE, sex trafficking and sexual exploitation, forced marriage and honour-based abuse particularly affect women and girls.

As has been demonstrated, by the Inquiry into Telford Child Sexual Exploitation, there have been a number of high-profile investigations into non recent CSE cases which has cost millions of pounds. Whilst the findings that have been highlighted throughout this document are allowed to continue and persist then future generations of young females will remain, not only at risk of exploitation, but unprotected through missed opportunities, lack of adequate guidance and will continue to be swallowed by an abyss of lifelong systemic failures.

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